

House Bill 109

By: Representatives Barnes of the 86th, Oliver of the 84th, Au of the 50th, Hutchinson of the 106th, Park of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so
2 as to provide for a five-year pilot program for the purpose of creating emergency psychiatric
3 assessment, treatment, and healing units or EmPATH units in hospitals; to provide for
4 definitions; to provide for a short title; to provide for the administration of such program; to
5 provide for rules and regulations; to provide for the certification of EmPATH units; to
6 provide for an appropriations contingency; to provide for funding or gifts in-kind; to provide
7 for exclusions; to provide for termination of such program and automatic repeal of the article;
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended in
12 Chapter 1, relating to the governing and regulation of mental health, by adding a new article
13 to read as follows:

14 "ARTICLE 815 37-1-130.16 This article shall be known and may be cited as the 'EmPATH Georgia Act.'17 37-1-131.18 As used in this article, the term:19 (1) 'Behavioral health crisis' has the same meaning as in Code Section 37-12-1.20 (2) 'Behavioral health services' means services which are designed to prevent or
21 ameliorate the effects of mental or emotional illness or addictive disease.22 (3) 'Emergency psychiatric assessment, treatment, and healing unit' or 'EmPATH unit'
23 means a hospital based outpatient program that:24 (A) Operates for the purpose of providing behavioral health services for individuals
25 experiencing a behavioral health crisis;26 (B) Provides brief, intensive crisis treatment that shall include an evaluation by a
27 psychiatrist within 24 hours of an individual's admission;28 (C) Provides other appropriate treatment or services as necessary, including, but not
29 limited to, observation, detoxification, and stabilization services, and medication
30 prescribed by a physician;31 (D) Provides services 24 hours a day, seven days a week to individuals on a voluntary
32 and involuntary basis in a community based setting as an alternative to emergency
33 department admission, inpatient hospitalization, and other higher levels of care; and34 (E) Is certified by the department and complies with applicable standards.35 (4) 'Rural county' means a county having a population of less than 50,000 according to
36 the United States decennial census of 2020 or any future such census.37 (5) 'Urban county' means a county having a population equal to or greater than 50,000
38 according to the United States decennial census of 2020 or any future such census.

39 37-1-132.

40 (a) The department, in coordination with the Department of Community Health, shall
41 establish a pilot program to provide grants and funding for the creation, development, and
42 operation of EmPATH units.

43 (b) The department, in coordination with the Department of Community Health, shall
44 promulgate rules and regulations for EmPATH units, which shall include, but not be
45 limited to, minimum care, facility operational, and reporting requirements. Such rules and
46 regulations shall endeavor to adhere to the most recently established, medically recognized
47 EmPATH model.

48 (c) The department, in coordination with the Department of Community Health, shall
49 establish grant criteria and make award decisions; provided, however, that at least one
50 EmPATH unit shall be established in a rural county and at least one EmPATH unit shall
51 be established in an urban county. Grants shall not be used to fund existing programs.

52 37-1-133.

53 (a) An EmPATH unit shall be designated as an emergency receiving facility under Code
54 Sections 37-3-40 and 37-7-40 and an evaluating facility under Code Sections 37-3-60
55 and 37-7-60, but shall not be designated as a treatment facility under Code Section 37-3-80
56 or 37-7-80.

57 (b) The department shall be authorized to certify EmPATH units pursuant to this article.

58 37-1-134.

59 (a) Any program certified as a crisis stabilization unit pursuant to this article shall be
60 exempt from the requirements to obtain a certificate of need pursuant to Article 3 of
61 Chapter 6 of Title 31.

62 (b) This Code section is not intended to and should not be construed to affect the services
63 offered by a crisis stabilization unit as defined in Code Section 37-1-29.

64 37-1-135.

65 (a) This article shall be subject to appropriation to the department from the General
66 Assembly specifically for such pilot program. The department and the Department of
67 Community Health may accept and solicit private funding, public grants, in-kind gifts, or
68 any other funding or donations that may be available to facilitate the purpose of the grant
69 program.

70 (b) No later than December 31, 2029, the department shall submit a detailed written report
71 on the implementation and effectiveness of such pilot program to the Governor, the
72 Speaker of the House of Representatives, the President of the Senate, and the chairpersons
73 of the House Committee on Health and the Senate Health and Human Services Committee.
74 Such report shall also include recommendations as to expansion of such pilot program state
75 wide.

76 (c) The pilot program created by this article shall terminate five years after such program's
77 start date, and this article shall be repealed by operation of law on July 1 of the year
78 following the conclusion of such pilot program."

79 **SECTION 2.**

80 Said title is further amended in Article 7 of Chapter 3, relating to adult residential mental
81 health services licensing, by revising paragraph (1) of Code Section 37-3-202, relating to
82 definitions, as follows:

83 "(1) 'Adult residential mental health program' means a subacute residential alternative
84 service of four or more residential beds authorized to provide psychiatric services for
85 mentally ill persons 18 years of age or older that operates 24 hours per day, ~~(7)~~ seven
86 days per week to provide intensive short-term noninstitutional treatment to individuals
87 who are temporarily in need of a 24-hour-per-day supportive therapeutic setting for
88 prevention of or transition from or after acute psychiatric hospitalization. Such term shall
89 not include crisis stabilization units, as defined in Code Section 37-1-29; community

90 living arrangements, as defined by the Department of Behavioral Health and
91 Developmental Disabilities; EmPATH units as defined in Code Section 37-1-131; mental
92 health programs conducted by accountability courts; or residential beds operated by a
93 state or local public entity."

94 **SECTION 3.**

95 All laws and parts of laws in conflict with this Act are repealed.