House Bill 591 (AS PASSED HOUSE AND SENATE)
By: Representatives Hogan of the 179th, Williams of the 148th, Meeks of the 178th, Buckner of the 137th, Collins of the 68th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 37 of the Official Code of Georgia Annotated, relating to mental health, so as to authorize marriage and family therapists to perform certain acts which physicians, psychologists, and others are authorized to perform regarding emergency examinations of persons for involuntary evaluation and treatment for mental illness or alcohol or drug abuse; to define certain terms; to provide for reporting requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by revising Code Section 37-3-40, relating to designation by department of emergency receiving facilities, as follows:

"37-3-40.
(a) Any state owned and state operated facility may be designated by the department as an emergency receiving facility. The department shall maintain an emergency receiving facility at each Georgia regional hospital which shall accept, under Code Sections 37-3-41 through 37-3-44, patients found in any county in the service region of the hospital. Any
other facility within the State of Georgia may be so designated by the department at the request of or with the consent of the governing officers of the facility.

(b) No later than January 15, 2023, any emergency receiving facility designated under this Code section shall report to the department de-identified, aggregated data with the total number of:

1. Certificates received at the emergency receiving facility by county issued under subsection (a) of Code Section 37-3-41;
2. Such certificates received at the emergency receiving facility by each type of licensed professional authorized under Code Section 37-3-41;
3. Individuals examined in each emergency receiving facility designated or utilized by the department in accordance with subsection (a) of Code Section 37-3-41; and
4. Individuals admitted to each emergency receiving facility designated or utilized by the department following an examination in accordance with subsection (a) of Code Section 37-3-41.

(c) The frequency of the reporting requirement required by subsection (b) of this Code section shall be determined by the department no later than December 31, 2021.

(d) Failure to submit the information required by subsection (b) of this Code section as directed by the department shall result in the suspension of a facility's designation as an emergency receiving facility until the required reports are submitted to the department."

SECTION 2.

Said title is further amended by revising subsection (d) of, and adding a new subsection to, Code Section 37-3-41, relating to emergency admission of a person for involuntary evaluation of mental illness, as follows:

"(d) Any psychologist, clinical social worker, licensed professional counselor, marriage and family therapist, or clinical nurse specialist in psychiatric/mental health may perform any act specified by this Code section to be performed by a physician. Any reference in
any part of this chapter to a physician acting under this Code section shall be deemed to refer equally to a psychologist, a clinical social worker, a licensed professional counselor, a marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health acting under this Code section. For purposes of this Code section, the term 'psychologist' means any person authorized under the laws of this state to practice as a licensed psychologist; the term 'clinical social worker' means any person authorized under the laws of this state to practice as a licensed clinical social worker; the term 'licensed professional counselor' means any person authorized under the laws of this state to practice as a licensed professional counselor; the term 'marriage and family therapist' means any person authorized under the laws of this state to practice as a licensed marriage and family therapist; and the term 'clinical nurse specialist in psychiatric/mental health' means any person authorized under the laws of this state to practice as a registered professional nurse and who is recognized by the Georgia Board of Nursing to be engaged in advanced nursing practice as a clinical nurse specialist in psychiatric/mental health.

(e) No later than February 15, 2023, and annually thereafter, the department shall prepare a report with de-identified, aggregated data from the written reports required by subsection (b) of Code Section 37-3-40 to the General Assembly, the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives during each regular legislative session. The annual report shall include the following data from the previous calendar year:

1. The total number of certificates received at the emergency receiving facility by county from which the certificate was issued;
2. The total number of certificates received at the emergency receiving facility by each type of licensed professional authorized by this Code section;
3. The total number of individuals examined in each emergency receiving facility designated or utilized by the department in accordance with subsection (a) of this Code section; and
(4) The total number of individuals admitted to each emergency receiving facility designated or utilized by the department following an examination in accordance with subsection (a) of this Code section.

SECTION 3.

Said title is further amended by revising Code Section 37-7-40, relating to designation by department of emergency receiving facilities, as follows:

37-7-40.

(a) Any state owned or state operated facility may be designated by the department as an emergency receiving facility. The department shall maintain an emergency receiving facility at each Georgia regional hospital which shall accept, under Code Sections 37-7-41 through 37-7-44, patients found in any county in the service region of the hospital. Any other facility within the State of Georgia may be so designated by the department at the request of or with the consent of the governing officers of the facility.

(b) No later than January 15, 2023, any emergency receiving facility designated under this Code section shall report to the department de-identified, aggregated data with the total number of:

(1) Certificates received at the emergency receiving facility by county issued under subsection (a) of Code Section 37-7-41;

(2) Such certificates received at the emergency receiving facility by each type of licensed professional authorized under Code Section 37-7-41;

(3) Individuals examined in each emergency receiving facility designated or utilized by the department in accordance with subsection (a) of Code Section 37-7-41; and

(4) Individuals admitted to each emergency receiving facility designated or utilized by the department following an examination in accordance with subsection (a) of Code Section 37-7-41.
(c) The frequency of the reporting requirement required by subsection (b) of this Code section shall be determined by the department no later than December 31, 2021.

(d) Failure to submit the information required by subsection (b) of this Code section as directed by the department shall result in the suspension of a facility's designation as an emergency receiving facility until the required reports are submitted to the department.”

SECTION 4.

Said title is further amended by revising subsection (d) of, and adding a new subsection to, Code Section 37-7-41, relating to emergency involuntary treatment of an alcoholic, a drug abuser, or a drug dependent individual, as follows:

"(d) Any psychologist, clinical social worker, licensed professional counselor, marriage and family therapist, or clinical nurse specialist in psychiatric/mental health may perform any act specified by this Code section to be performed by a physician. Any reference in any part of this chapter to a physician acting under this Code section shall be deemed to refer equally to a psychologist, a clinical social worker, a licensed professional counselor, a marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health acting under this Code section. For purposes of this Code section, the term 'psychologist' means any person authorized under the laws of this state to practice as a licensed psychologist; the term 'clinical social worker' means any person authorized under the laws of this state to practice as a licensed clinical social worker; the term 'licensed professional counselor' means any person authorized under the laws of this state to practice as a licensed professional counselor; the term 'marriage and family therapist' means any person authorized under the laws of this state to practice as a licensed marriage and family therapist; and the term 'clinical nurse specialist in psychiatric/mental health' means any person authorized under the laws of this state to practice as a registered professional nurse and who is recognized by the Georgia Board of Nursing to be engaged in advanced nursing practice as a clinical nurse specialist in psychiatric/mental health.
(e) No later than February 15, 2023, and annually thereafter, the department shall prepare a report with de-identified, aggregated data from the written reports required by subsection (b) of Code Section 37-7-40 to the General Assembly, the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives during each regular legislative session. The annual report shall include the following data from the previous calendar year:

1. The total number of certificates received at the emergency receiving facility by county from which the certificate was issued;
2. The total number of certificates received at the emergency receiving facility by each type of licensed professional authorized by this Code section;
3. The total number of individuals examined in each emergency receiving facility designated or utilized by the department in accordance with subsection (a) of this Code section; and
4. The total number of individuals admitted to each emergency receiving facility designated or utilized by the department following an examination in accordance with subsection (a) of this Code section."

SECTION 5.

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