

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

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "37-3-40.

13 (a) Any state owned and state operated facility may be designated by the department as an
14 emergency receiving facility. The department shall maintain an emergency receiving
15 facility at each Georgia regional hospital which shall accept, under Code Sections 37-3-41
16 through 37-3-44, patients found in any county in the service region of the hospital. Any

17 other facility within the State of Georgia may be so designated by the department at the
18 request of or with the consent of the governing officers of the facility.

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

22 (1) Certificates received at the emergency receiving facility by county issued under
23 subsection (a) of Code Section 37-3-41;

24 (2) Such certificates received at the emergency receiving facility by each type of licensed
25 professional authorized under Code Section 37-3-41;

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

28 (4) Individuals admitted to each emergency receiving facility designated or utilized by
29 the department following an examination in accordance with subsection (a) of Code
30 Section 37-3-41.

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

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

36 **SECTION 2.**

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

40 "(d) Any psychologist, clinical social worker, licensed professional counselor, marriage
41 and family therapist, or clinical nurse specialist in psychiatric/mental health may perform
42 any act specified by this Code section to be performed by a physician. Any reference in

43 any part of this chapter to a physician acting under this Code section shall be deemed to
44 refer equally to a psychologist, a clinical social worker, a licensed professional counselor,
45 a marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health
46 acting under this Code section. For purposes of this Code section, the term 'psychologist'
47 means any person authorized under the laws of this state to practice as a licensed
48 psychologist; the term 'clinical social worker' means any person authorized under the laws
49 of this state to practice as a licensed clinical social worker; the term 'licensed professional
50 counselor' means any person authorized under the laws of this state to practice as a licensed
51 professional counselor; the term 'marriage and family therapist' means any person
52 authorized under the laws of this state to practice as a licensed marriage and family
53 therapist; and the term 'clinical nurse specialist in psychiatric/mental health' means any
54 person authorized under the laws of this state to practice as a registered professional nurse
55 and who is recognized by the Georgia Board of Nursing to be engaged in advanced nursing
56 practice as a clinical nurse specialist in psychiatric/mental health.

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

63 (1) The total number of certificates received at the emergency receiving facility by
64 county from which the certificate was issued;

65 (2) The total number of certificates received at the emergency receiving facility by each
66 type of licensed professional authorized by this Code section;

67 (3) The total number of individuals examined in each emergency receiving facility
68 designated or utilized by the department in accordance with subsection (a) of this Code
69 section; and

70 (4) The total number of individuals admitted to each emergency receiving facility
71 designated or utilized by the department following an examination in accordance with
72 subsection (a) of this Code section."

73 **SECTION 3.**

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

76 37-7-40.

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

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

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

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

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

92 (4) Individuals admitted to each emergency receiving facility designated or utilized by
93 the department following an examination in accordance with subsection (a) of Code
94 Section 37-7-41.

95 (c) The frequency of the reporting requirement required by subsection (b) of this Code
96 section shall be determined by the department no later than December 31, 2021.
97 (d) Failure to submit the information required by subsection (b) of this Code section as
98 directed by the department shall result in the suspension of a facility's designation as an
99 emergency receiving facility until the required reports are submitted to the department."

100 **SECTION 4.**

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

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

121 (e) No later than February 15, 2023, and annually thereafter, the department shall prepare
122 a report with de-identified, aggregated data from the written reports required by subsection
123 (b) of Code Section 37-7-40 to the General Assembly, the Governor, the Lieutenant
124 Governor, and the Speaker of the House of Representatives during each regular legislative
125 session. The annual report shall include the following data from the previous calendar
126 year:

127 (1) The total number of certificates received at the emergency receiving facility by
128 county from which the certificate was issued;

129 (2) The total number of certificates received at the emergency receiving facility by each
130 type of licensed professional authorized by this Code section;

131 (3) The total number of individuals examined in each emergency receiving facility
132 designated or utilized by the department in accordance with subsection (a) of this Code
133 section; and

134 (4) The total number of individuals admitted to each emergency receiving facility
135 designated or utilized by the department following an examination in accordance with
136 subsection (a) of this Code section."

137 **SECTION 5.**

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