

House Bill 1684

By: Representative Lim of the 99th

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 revise procedures regarding emergency involuntary treatment for mental health and
3 alcohol and drug dependency; to require a facility to execute a certificate stating why the
4 patient should not be admitted for involuntary treatment; to provide for certain notice
5 regarding such patient and his or her outcome; to provide for related matters; to repeal
6 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 37-3-43, relating to procedure upon admission and notice of proposed
11 discharge, as follows:

12 "37-3-43.

13 (a) A patient who is admitted to an emergency receiving facility shall be examined by a
14 physician as soon thereafter as possible but in any event within 48 hours and may be given
15 such emergency treatment as is indicated by good medical practice. The patient must be
16 discharged within 48 hours of his or her admission unless:

17 (1) An examining physician or psychologist concludes that there is reason to believe that
18 the patient may be a mentally ill person requiring involuntary treatment and executes a
19 certificate to that effect within such time; or

20 (2) The patient is under criminal charges, notice of which has been given in writing to
21 the facility, in which case the provisions of Code Section 37-3-95 shall apply.

22 Nothing in this chapter shall be construed to prohibit a physician or psychologist who
23 previously executed a certificate authorized by the provisions of this chapter from
24 executing any other certificate provided for in this chapter for the same or any other
25 patient.

26 (a.1) A facility that discharges a patient under subsection (a) of this Code section shall
27 execute a certificate signed by the examining physician or psychologist stating why such
28 examining physician or psychologist does not believe that the patient is a mentally ill
29 person requiring involuntary treatment and that the facility has not been given notice in
30 writing that the patient is under criminal charges. Such certificate shall also include
31 recommendations for a voluntary treatment plan for such patient, as applicable. If a facility
32 discharges a patient within eight hours of the patient's admission, the certificate shall also
33 state why the examining physician or psychologist does not believe that further evaluation
34 of the patient is needed to conclude that the patient is not a mentally ill person requiring
35 involuntary treatment.

36 (b) Within 24 hours of the execution of the certificate under paragraph (1) of subsection
37 (a) of this Code section, the patient shall be transported, as provided in Code Section
38 37-3-101, to an evaluating facility where he or she shall be received pursuant to Code
39 Section 37-3-63 unless the patient has been determined and certified to meet all of the
40 outpatient treatment requirements of paragraphs (1) and (2) of subsection (c) of Code
41 Section 37-3-90, in which event the patient shall be discharged under the conditions
42 provided in Code Section 37-3-91, except that if the patient is under criminal charges,

43 notice of which has been given in writing to the facility, the provisions of Code Section
44 37-3-95 shall apply.

45 (c) Notice of any proposed discharge shall be given to the patient and his or her
46 representatives; if the patient was admitted to the facility under subsection (a) of Code
47 Section 37-3-41, to the physician or psychologist who executed the certificate; if the patient
48 was admitted to the facility under subsection (b) of Code Section 37-3-41, to the court
49 which issued the order; and, if the patient was under criminal charges, written notice of
50 which had been given to the facility, by certified mail or statutory overnight delivery to the
51 law enforcement agency originally having custody of the patient.

52 (d) A facility shall notify the peace officer who delivered a patient to the facility pursuant
53 to subsection (a) of Code Section 37-3-41 and, if applicable, the court that issued an order
54 pursuant to subsection (b) of Code Section 37-3-41 to take such individual into custody and
55 deliver him or her to a facility of issuance of a certificate executed under paragraph (1) of
56 subsection (a) of this Code section, retention of a patient under criminal charges under
57 paragraph (2) of subsection (a) of this Code section, or discharge of such patient pursuant
58 to subsection (a) of this Code section or under the conditions provided in Code Section
59 37-3-91. The facility shall also provide information to such peace officer and, if
60 applicable, such court regarding whether the patient has been transported to an evaluating
61 facility and any voluntary treatment plan issued, if applicable. If the court issued an order
62 to take such individual into custody and deliver him or her to a facility based on the
63 affidavits of at least two persons pursuant to subsection (b) of Code Section 37-3-41, such
64 court shall notify each such person who provided an affidavit of any such outcome relating
65 to the patient of which such court is informed."

66 **SECTION 2.**

67 Said title is further amended by revising Code Section 37-7-43, relating to procedure upon
68 admission and notice of proposed discharge, as follows:

69 "37-7-43.

70 (a) A patient who is admitted to an emergency receiving facility shall be examined by a
71 physician as soon thereafter as possible but in any event within 48 hours and may be given
72 such emergency treatment as is indicated by good medical practice. The patient must be
73 discharged within 48 hours of his or her admission unless:

74 (1) An examining physician or psychologist concludes that there is reason to believe that
75 the patient may be an alcoholic, a drug dependent individual, or a drug abuser requiring
76 involuntary treatment and executes a certificate to that effect within such time; or

77 (2) The patient is under criminal charges, notice of which has been given in writing to
78 the facility, in which case the provisions of Code Section 37-7-95 shall apply.

79 Nothing in this chapter shall be construed to prohibit a physician or psychologist who
80 previously executed a certificate authorized by the provisions of this chapter from
81 executing any other certificate provided for in this chapter for the same or any other
82 patient.

83 (a.1) A facility that discharges a patient under subsection (a) of this Code section shall
84 execute a certificate signed by the examining physician or psychologist stating why the
85 examining physician or psychologist does not believe that the patient is an alcoholic, a drug
86 dependent individual, or a drug abuser requiring involuntary treatment and that the facility
87 has not been given notice in writing that the patient is under criminal charges. Such
88 certificate shall also include recommendations for a voluntary treatment plan for such
89 patient, as applicable. If a facility discharges a patient within eight hours of the patient's
90 admission, the certificate shall also state why the examining physician or psychologist does
91 not believe that further evaluation of the patient is needed to conclude that the patient is not
92 an alcoholic, a drug dependent individual, or a drug abuser requiring involuntary treatment.

93 (b) Within 24 hours of the execution of the certificate under paragraph (1) of subsection
94 (a) of this Code section, the patient shall be transported, as provided in Code Section
95 37-7-101, to an evaluating facility where he or she shall be received pursuant to Code

96 Section 37-7-63 unless the patient has been determined and certified to meet all of the
97 outpatient treatment requirements of paragraphs (1), (2), and (3) of subsection (c) of Code
98 Section 37-7-90, in which event the patient shall be discharged under the conditions
99 provided in Code Section 37-7-91, except that if the patient is under criminal charges,
100 notice of which has been given in writing to the facility, the provisions of Code Section
101 37-7-95 shall apply.

102 (c) Notice of any proposed discharge shall be given to the patient and his or her
103 representatives; if the patient was admitted to the facility under subsection (a) of Code
104 Section 37-7-41, to the physician or psychologist who executed the certificate; if the patient
105 was admitted to the facility under subsection (b) of Code Section 37-7-41, to the court
106 which issued the order; and if the patient was under criminal charges, written notice of
107 which had been given to the facility, by certified mail or statutory overnight delivery to the
108 law enforcement agency originally having custody of the patient."

109

SECTION 3.

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