

House Bill 913

By: Representatives Barnes of the 86th, Beverly of the 143rd, Oliver of the 82nd, Kennard of the 101st, Au of the 50th, 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 the establishment of a grant program for the purpose of creating emergency
3 psychiatric assessment, treatment, and healing (EmPATH) units in hospitals; to provide for
4 definitions; to provide for a short title; to provide for administration of such grant program;
5 to provide for rules and regulations; to provide for certification of EmPATH units; to provide
6 for an appropriations contingency; to provide for funding or gifts in kind; to provide for
7 exclusions; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

H. B. 913

13 "ARTICLE 814 37-1-130.15 This article shall be known and may be cited as the 'EmPATH Georgia Act.'16 37-1-131.17 As used in this article, the term:18 (1) 'Behavioral health crisis' has the same meaning as in Code Section 37-12-1.19 (2) 'Behavioral health disorder' has the same meaning as in Code Section 37-12-1.20 (3) 'Behavioral health services' has the same meaning as 'disability services' as defined
21 in Code Section 37-1-1.22 (4) '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 37-1-132.

36 (a) Subject to the availability of funding, the department, in coordination with the
37 Department of Community Health, shall establish a grant program to provide funding for
38 the creation, development, and operation of emergency psychiatric assessment, treatment,
39 and healing (EmPATH) units.

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

45 (c) The department, in coordination with the Department of Community Health, shall
46 establish grant criteria and make award decisions, with the goal of creating a state-wide set
47 of resources to assist residents of Georgia experiencing a behavioral health crisis. Grants
48 shall not be used for funding existing programs.

49 37-1-133.

50 (a) An emergency psychiatric assessment, treatment, and healing (EmPATH) unit shall be
51 designated as an emergency receiving facility under Code Sections 37-3-40 and 37-7-40
52 and an evaluation facility under Code Sections 37-3-60 and 37-7-60, but shall not be
53 designated as a treatment facility under Code Section 37-3-80 or 37-7-80.

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

55 37-1-134.

56 (a) Any program certified as a crisis stabilization unit pursuant to this Code section shall
57 be exempt from the requirements to obtain a certificate of need pursuant to Article 3 of
58 Chapter 6 of Title 31.

59 (b) This Code section is not intended to and should not be construed to affect the services
60 offered by crisis stabilization units, as defined in Code Section 37-1-29.

61 37-1-135.

62 This article shall be subject to appropriation from the General Assembly. The department
63 and the Department of Community Health may accept and solicit private funding, public
64 grants, in-kind gifts, or any other funding or donations that may be available to facilitate
65 the purpose of the grant program."

66 **SECTION 2.**

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

70 "(1) 'Adult residential mental health program' means a subacute residential alternative
71 service of four or more residential beds authorized to provide psychiatric services for
72 mentally ill persons 18 years of age or older that operates 24 hours per day, 7 days per
73 week to provide intensive short-term noninstitutional treatment to individuals who are
74 temporarily in need of a 24-hour-per-day supportive therapeutic setting for prevention of
75 or transition from or after acute psychiatric hospitalization. Such term shall not include
76 crisis stabilization units, as defined in Code Section 37-1-29; community living
77 arrangements, as defined by the Department of Behavioral Health and Developmental
78 Disabilities; emergency psychiatric assessment, treatment, and healing (EmPATH) units,
79 as defined in Code Section 37-1-130; mental health programs conducted by
80 accountability courts; or residential beds operated by a state or local public entity."

81 **SECTION 3.**

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