

House Bill 173

By: Representatives Chandler of the 105<sup>th</sup>, Rakestraw of the 19<sup>th</sup>, Carter of the 175<sup>th</sup>, Maxwell of the 17<sup>th</sup>, and Beverly of the 143<sup>rd</sup>

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 related matters; to provide for multiple effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I  
SECTION 1-1.

Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by revising subsection (d) of 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, 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."

## **SECTION 1-2.**

Said title is further amended by revising subsection (d) of 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, 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."

## **PART II**

## **SECTION 2-1.**

Said title is further amended by revising subsection (d) of Code Section 37-3-41, relating to emergency admission of a person for involuntary evaluation of mental illness, as it becomes effective on July 1, 2018, as follows:

"(d) Any psychologist, clinical social worker, 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, marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health acting under this Code section. For purposes of this subsection, 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 '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."

## **SECTION 2-2.**

Said title is further amended by revising subsection (d) of Code Section 37-7-41, relating to emergency involuntary treatment of an alcoholic, a drug abuser, or a drug dependent individual, as it becomes effective on July 1, 2018, as follows:

"(d) Any psychologist, clinical social worker, 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, marriage and family therapist, or a clinical nurse specialist in psychiatric/mental health acting under this Code section. For purposes of this subsection, 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 '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."

## **PART III**

### **SECTION 3-1.**

Parts I and III of this Act shall become effective on July 1, 2017. Part II of this Act shall become effective on July 1, 2018.

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**SECTION 3-2.**

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All laws and parts of laws in conflict with this Act are repealed.