

Senate Bill 131

By: Senators Dugan of the 30th, Jackson of the 24th, Kirk of the 13th, Jones of the 25th, Albers of the 56th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated,
2 relating to powers and duties of the Department of Behavioral Health and Developmental
3 Disabilities, so as to provide for the certification, rather than licensing, of crisis stabilization
4 units; to provide for policies and procedures; to remove certain provisions relating to the
5 promulgation of rules and regulations; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to
9 powers and duties of the Department of Behavioral Health and Developmental Disabilities,
10 is amended by revising Code Section 37-1-29, relating to crisis stabilization unit defined,
11 licensure of units, minimum standards and requirements, designation as an emergency
12 receiving facility, legislative intent, and rules and regulations as follows:

13 "37-1-29.

14 (a) As used in this Code section, the term 'crisis stabilization unit' means a short-term
15 residential program operated for the purpose of providing psychiatric stabilization and
16 detoxification services that complies with applicable department standards and that
17 provides brief, intensive crisis services 24 hours a day, seven days a week.

18 (b) The department shall be authorized to ~~license~~ certify crisis stabilization units pursuant
19 to this Code section for the purpose of providing psychiatric stabilization and detoxification
20 services in a community based setting rather than inpatient hospitalization and other higher
21 levels of care.

22 (c) The department shall establish minimum standards and requirements for the ~~licensure~~
23 certification of crisis stabilization units in its policies and procedures. Such ~~standards and~~
24 ~~requirements~~ policies and procedures shall include, but not be limited to, the following:

- 25 (1) The capacity to carry out emergency receiving and evaluating functions;
26 (2) Voluntary and involuntary admission criteria;

- 27 (3) The prohibition to hold itself out as a hospital or bill for hospital or inpatient services;
 28 (4) The unit is operated by an accredited and licensed, if applicable, health care
 29 authority;
 30 (5) The unit has operating agreements with private and public inpatient hospitals and
 31 treatment facilities;
 32 (6) The unit operates within the guidelines of the federal Emergency Medical Treatment
 33 and Active Labor Act with respect to stabilization and transfer of clients;
 34 (7) Length of stay;
 35 (8) Designation of transitional beds;
 36 (9) Billing;
 37 (10) Physician and registered professional nurse oversight;
 38 (11) Staff to client ratios;
 39 (12) Patient restraint or seclusion;
 40 (13) Safety and emergency protocols;
 41 (14) Pharmacy services;
 42 (15) Medication administration; and
 43 (16) Reporting requirements.
- 44 (d) A crisis stabilization unit shall be designated as an emergency receiving facility under
 45 Code Sections 37-3-40 and 37-7-40 and an evaluation facility under Code Sections 37-3-60
 46 and 37-7-60, but shall not be designated as a treatment facility under Code Section 37-3-80
 47 or 37-7-80. Crisis stabilization units may admit individuals on a voluntary basis.
 48 Individuals may be provided 24 hour observation, detoxification and stabilization services,
 49 medication prescribed by a physician, and other appropriate treatment or services.
- 50 (e) No entity shall operate as a crisis stabilization unit without having a valid ~~license~~
 51 certificate issued pursuant to this Code section.
- 52 (f) Application for a ~~license~~ certificate to operate a crisis stabilization unit shall be
 53 submitted to the department in the manner prescribed by the department's ~~rules and~~
 54 regulations policies and procedures.
- 55 (g) The department shall issue a ~~license~~ certificate to an applicant who meets all the ~~rules~~
 56 ~~and regulations~~ standards and requirements as set forth in the department's policies and
 57 procedures for the ~~license~~ certification of crisis stabilization units. The ~~license~~ certificate
 58 shall be nontransferable for a change of location or governing body.
- 59 (h) Each ~~licensee~~ certified crisis stabilization unit shall permit authorized department
 60 representatives to enter upon and inspect any and all premises for which a ~~license~~
 61 certificate has been granted or applied for ~~so that verification of compliance with all~~
 62 ~~relevant laws or regulations can be made~~.

63 (i) The department may deny any ~~license~~ application for certification which does not meet
64 all the ~~rules and regulations~~ standards and requirements set forth in the department's
65 policies and procedures for the ~~license~~ certification of crisis stabilization units and may
66 suspend or revoke a ~~license~~ certification which has been issued if an applicant or a ~~licensee~~
67 certified crisis stabilization unit violates any such ~~rules and regulations~~ policies and
68 procedures; provided, however, that before any order is entered denying a ~~license~~
69 certification application or suspending or revoking a ~~license~~ certification previously
70 granted, the applicant or ~~license~~ certificate holder, as the case may be, shall be afforded an
71 opportunity for a hearing as provided for in Chapter 13 of Title 50, the 'Georgia
72 Administrative Procedure Act.'

73 (j) Any program ~~licensed~~ certified as a crisis stabilization unit pursuant to this Code
74 section shall be exempt from the requirements to obtain a certificate of need pursuant to
75 Article 3 of Chapter 6 of Title 31.

76 (k) It is the intent of the General Assembly that this Code section provide a public benefit
77 and comply with all safety net obligations in this title and that patients without private
78 health care coverage receive priority consideration for crisis stabilization unit placement.

79 ~~(l) The department shall promulgate rules and regulations in accordance with the General~~
80 ~~Assembly's intent as set out in subsection (k) of this Code section to implement the~~
81 ~~provisions of this Code section."~~

82

SECTION 2.

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