

**LAW OF GEORGIA**  
**ON PSYCHIATRIC CARE**

Georgia, as a democratic state, recognises that mental health is a fundamental aspect of human health and is an indispensable condition for the well-being of society, and that the protection of the rights of people with mental disorders is an obligation of the State, and by this Law determines the legal and organisational basis for psychiatric support.

**Chapter 1 - General provisions**

**Article 1 - Objectives of the Law**

The objectives of this Law are the following:

- a) to ensure access to and the continuity of psychiatric care for people with mental disorders, and the protection of their rights, freedoms and dignity;
- b) to determine the rights and obligations of persons working in the field of psychiatry.

**Article 2 - Scope of the Law**

1. This law determines the forms for providing psychiatric care for people with mental disorders, and the rights of such people, as well as the rules and conditions relating to the activities of persons working in the field of psychiatry.
2. This Law shall apply to citizens of Georgia, stateless persons and citizens of foreign countries who are in the territory of Georgia, who need psychiatric care.

**Article 3 - Legal basis for psychiatric care**

The legal bases for psychiatric care shall be the Constitution of Georgia, the treaties and international agreements of Georgia, this Law, and other legislative and subordinate statutory acts.

**Article 4 - Terms used in the Law**

For the purposes of this Law, the terms used herein shall have the following meanings:

- a) mental disorder - a basic functional disorder of a person or a group of symptoms, manifesting as a behavioural disorder, which cause personal dysfunction and disturbance in the process of adaptation to the environment. A mental disorder shall be diagnosed in accordance with international medical standards;
- b) patient - a person with a mental disorder who is provided with psychiatric care;
- b<sup>1</sup>) beneficiary of care - a person recognised by a court as a beneficiary of care in accordance with the rules provided for by the civil legislation of Georgia;
- c) psychiatric care - a set of measures aiming at the examination and treatment of a person with a mental disorder and the prevention of exacerbation, and the facilitation of social adaptation and community reintegration of a person with mental disorder;
- d) psychiatric institution - a medical institution or a unit of a medical institution having an appropriate licence, which carries out activities aiming at providing psychiatric care to people;
- e) persons working in the field of psychiatry - physicians, psychologists, nurses, caretakers, social workers or other persons who are entitled to provide psychiatric care to people with mental disorders, on the basis of qualifications granted in accordance with the rules established by the legislation of Georgia;
- f) capacity to make a conscious decision - ability of a person to evaluate his/her own mental health, the goal of medical intervention and the expected result of medical treatment;
- g) legal representative of a patient - a parent if the patient is under 16, or a patient's guardian or caretaker;
- h) relative of a patient - a parent, child, spouse, sibling, grandparent, grandchild and/or other lineal ascendant and descendant, or a person permanently living with the patient;
- i) person under examination - a person who is examined for the purposes of evaluating his/her mental condition;



- j) informed consent – the consent of a person or his/her legal representative on receiving psychiatric care after the delivery of complete, objective, timely and comprehensible information about his/her disorder and medical intervention;
- k) committee of psychiatrists - a committee composed of at least two specialists, which is making a decision in accordance with the rules provided for by this Law;
- l) clinical head of a psychiatric institution - a member of the administration of a psychiatric institution who is leading the process of psychiatric support;
- m) risk assessment - a preliminary assessment of the behaviour of a person with a mental disorder in relation to the risks of injury, threat and/or violence against to himself/herself and/or other persons;
- n) compulsory psychiatric treatment - a special type of inpatient psychiatric support consisting of a system of measures ensuring the resocialisation and improvement of the psychiatric health of a person with a mental disorder and the mitigation of behaviour of a person with a mental disorder who risks injury, threat and/or violence to himself/herself and/or other persons;
- o) system of measures ensuring risk mitigation, resocialisation and improvement of psychiatric health - a system comprising medical and psychosocial interventions;
- p) special committee of a psychiatric institution - a committee operating in a psychiatric institution for the purposes of the evaluation of the psychiatric health of a patient subject to compulsory psychiatric treatment, whose composition and rules of operation are determined by an ordinance approved by the Minister of Labour, Health and Social Affairs of Georgia.

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*

*Law of Georgia No 3341 of 20 March 2015 - website, 31.3.2015*

## **Chapter II – Patient’s Rights and protection Guarantees**

### **Article 5 - Patient's basic rights**

1. Patients shall be entitled to:

- a) receive humane treatment which shall exclude any degrading measures;
- b) receive appropriate treatment deemed necessary by medical indication with minimal restriction of conditions, as near to his/her place of residence as possible, and using methods approved by the Minister of Labour, Health and Social Affairs of Georgia;
- c) receive complete, objective, timely and comprehensible information about his/her disease and any proposed medical intervention; if a patient is incapable or is unable to make a conscious decision, the information shall be delivered to a legal representative of the patient, and in the absence of such, to a relative of the patient;
- d) become familiar with his/her medical records; a physician shall determine the amount and form of the information included in medical records to be delivered to a third party;
- e) reject medical treatment; this right is limited in the cases provided for in Articles 16, 18 and 22<sup>1</sup> of this Law. If a patient is under 16, a legal representative of the patient, or in the absence of such, a relative of the patient (the participation of the patient in the decision-making process shall be necessary taking into account the age and mental health condition of the patient) shall be entitled to make a decision about the provision of treatment;
- f) enjoy the services of lawyer. A psychiatric institution shall arrange a meeting of a patient with a defence lawyer without the presence of a third party, except when this is not permitted because of the mental condition of the patient;
- g) complain and appeal to a court and submit an application to other government agencies;
- h) participate in elections;
- h<sup>1</sup>) participate in private legal relations, except those private legal relations, in relation to which a beneficiary is receiving care that has been granted by the court;
- i) receive appropriate medical assistance in a non-psychiatric medical institution;
- j) enjoy social protection in accordance with the legislation of Georgia;
- k) enjoy recreational and leisure services;
- l) receive education, vocational training and retraining;
- m) enjoy other rights and freedoms provided for by the legislation of Georgia.

2. A lawyer and/or a legal representative of a patient shall be entitled to examine any kind of medical records about the patient and ask for copies. Requests for the examination of medical records and for the receipt of copies shall be submitted in writing to the administration of the psychiatric institution.

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*



#### **Article 6 - Partial restriction of patients' rights**

1. The restriction of a patient's professional activities shall be determined in accordance with rules established by the legislation of Georgia. The list of these professions shall be approved by an order of the Minister of Labour, Health and Social Affairs of Georgia.
2. A patient's rights shall not be restricted only on the basis of a mental disorder. Any kind of restriction determined by the legislation of Georgia shall be based not only on the diagnosis of a mental disorder of a person but also on his/her mental condition and degree of social adaptation.
3. Restriction of a patients' rights as determined in Article 5(1)(k) and (l) of this Law shall be permitted in the cases provided for in Articles 18 and 22<sup>1</sup> of this Law if the implementation of the said rights is impossible either due to the nature of the involuntary inpatient psychiatric care or the compulsory psychiatric treatment.

#### **Article 7 - Recognition of patients as beneficiaries of psychiatric care**

1. Only a court is entitled to recognise patients as beneficiaries of psychiatric care.
2. The administration of a psychiatric institution shall apply to the court with a request to recognise a patient as a beneficiary of psychiatric care and to impose psychiatric care for the patient if a committee of psychiatrists considers that the patient has well founded psychiatric, mental/intellectual impairments which, in interaction with various barriers, may impede his/her full and efficient participation in social life on an equal basis with others.
3. A court shall make a decision on the recognition of a patient as beneficiary of psychiatric care in accordance with the rules provided for by the legislation of Georgia.
4. In the case provided for by paragraph 2 of this article, a legal representative of the patient, or in the absence of such, a relative of the patient shall immediately be informed by the administration of a psychiatric institution of the fact that the institution had applied to the court.

### **Chapter III - Psychiatric Care**

#### **Article 8 - Psychiatric care**

1. A person with a mental disorder shall be provided with psychiatric care on the basis of a necessary medical indication, based on their own request and/or their informed consent, except in the cases provided for in Articles 16, 18 and 22<sup>1</sup> of this Law.
2. Patients under the age of 16 shall receive psychiatric care on the basis of the request and/or informed consent of their legal representatives (the participation of the patient in the decision-making process shall be necessary taking into account the age and mental health condition of the patient).
3. Within the scope of their competence, psychiatrists shall make decisions independently and shall be guided only by necessary medical indications and professional ethics when providing psychiatric care, and shall act in accordance with the legislation of Georgia.
4. Only methods determined by an order of the Minister of Labour, Health and Social Affairs of Georgia shall be used during the examination, treatment and psychosocial rehabilitation of patients.

#### **Article 9 - Examination and diagnosis**

1. A mental disorder shall be diagnosed in accordance with standards approved by the Ministry of Labour, Health and Social Affairs of Georgia. A person may be diagnosed with a mental disorder by a physician holding an appropriate certificate.
2. Merely professional or family conflicts, or discrepancies with moral, religious, cultural or political values prevalent in society, shall not form the basis of a diagnosis of mental disorder.
3. The fact of having treatment in a psychiatric institution in the past shall not be considered as a decisive factor when evaluating the current mental condition of a person.



4. When examining a patient, a psychiatrist shall introduce himself/herself to the patient and explain the purpose of the examination, except where such action might exacerbate the condition of the patient. A decision on the restriction and/or non-delivery of information, as well as the basis of such a decision, shall be indicated in the medical records.

#### **Article 10 - Treatment**

1. Treatment shall be provided on the basis of the consent of a patient, or if the patient is under 16, on the basis of the informed consent of the patient's legal representative, which shall be confirmed in the medical records by the signature of the patient or the patient's legal representative.
2. If a patient waives treatment, it shall be indicated in the medical records.
3. Treatment by active biological methods (shock therapy, convulsive therapy, etc.) shall be permitted only in the case of an appropriate medical indication, with the informed consent of the patient or his/her legal representative, and only on the basis of a decision of a commission of psychiatrists.

*Decision №2/4/532,533 of the Constitutional Court of Georgia of 8 October 2014 - website, 28.10.2014.*

*Law of Georgia No 3341 of 20 March 2015 - website, 31.3.2015*

#### **Article 11 - Financing psychiatric care**

1. The sources of funding psychiatric care are the following:
  - a) state financing;
  - b) fees paid by the patient;
  - c) grants and other donations;
  - d) other income permitted by the legislation of Georgia.
2. The State shall provide psychiatric care of persons with mental disorders through financing programmes and financing targeted programmes.

### **Chapter IV - Primary psychiatric examination**

#### **Article 12 - Objectives and grounds of primary psychiatric examination**

1. Primary psychiatric examination is the examination of a person by a physician when the physician has no information on the mental condition of the person. Primary psychiatric examination shall be performed by a physician holding an appropriate certificate.
2. The purpose of primary psychiatric examination is to determine whether a person:
  - a) has a mental disorder;
  - b) needs psychiatric care.
3. The basis of primary psychiatric examination is:
  - a) the request of the person to be examined;
  - b) the request of a legal representative of a person under 16 (the participation of the person to be examined shall be necessary taking into account his/her age and mental condition);
  - c) the written request of a legal representative, a relative or a physician of a psychiatric institution with or without the consent of the person to be examined if the behaviour of the said person gives rise to a reasonable belief that his/her mental disorder threatens his/her life and health and/or those of other persons.

#### **Article 13 - Conditions of primary psychiatric examination**

Primary psychiatric examination shall be performed in a psychiatric institution or, in exceptional cases, at home; the examination shall be performed in such an environment as to protect the life and health of the physician.

### **Chapter V - Organisational forms of psychiatric care**



#### **Article 14 - Outpatient psychiatric care**

1. Appropriately licensed inpatient psychiatric institutions shall perform the primary psychiatric examination, and provide treatment for, and if necessary observation of, a patient.
2. Except for cases provided for by Article 22<sup>1</sup>(8) of this Law, when applying to an outpatient psychiatric institution, a patient, or if the patient is unable to make a conscious decision or is under 16, his/her legal representative, shall be entitled to:
  - a) choose a psychiatric institution and a physician;
  - b) terminate the examination and/or treatment at any stage.
3. If involuntary inpatient psychiatric support is needed, an inpatient psychiatric facility shall take appropriate measures to place the patient in the psychiatric facility in order to provide inpatient treatment. The physician in charge shall inform the patient, his/her legal representative or, in the absence of such, the patient's relative, about the decision; the administration of the outpatient psychiatric institution, if necessary, shall apply to appropriate law enforcement bodies for help.
4. The rules of registration and deregistration of patients in outpatient psychiatric institutions, as well as the rules of observation of patients, shall be determined by an order of the Minister of Labour, Health and Social Affairs of Georgia.

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*

*Law of Georgia No 3341 of 20 March 2015 - website, 31.3.2015*

#### **Article 15 - Inpatient psychiatric support**

1. Inpatient psychiatric support shall be voluntary except in the cases provided for in Articles 16, 18 and 22<sup>1</sup> of this Law, and shall be provided to patients when necessary by medical indication in an inpatient psychiatric institution with an appropriate permit (hospital).
2. A patient placed in a hospital shall have the right to:
  - a) receive and send letters and parcels without checking;
  - b) use telephone and other means of communication in accordance with the internal regulations of the hospital;
  - c) receive visitors at a specified time and place without the presence of a third party;
  - d) leave hospital for a short period of time without deregistering from the hospital, taking into account his/her mental condition;
  - e) buy and keep articles of daily necessity;
  - f) perform religious rituals unless it violates the rights of others;
  - g) receive audio-visual information;
  - h) participate in sports and cultural events organised in the hospital;
  - i) enjoy other rights determined by Article 5 of this Law.
3. When extremely necessary, physicians shall be authorised to restrict the said rights of patients for security purposes, except the rights provided for by Article 5(1)(a), (f), (g), (i) and (j). A decision made by a physician shall be indicated in the medical records.
4. The labour activity of a hospitalised patient shall be voluntary and shall have only therapeutic and rehabilitative purposes and shall be carried out on the recommendation and with the observation of a physician.
- 4<sup>1</sup>. A hospitalised beneficiary of support shall be restricted from exercising the right provided for in Article 5(1)(h) of this Law.
5. Keeping patients in hospital longer than necessary for examination and treatment shall be prohibited.
6. Upon discharging a patient from hospital, an extract of the medical records shall be sent to an outpatient psychiatric institution according to the place of residence of the patient, and the patient and his/her legal representative shall be informed about it.
7. A psychiatric institution shall send information on hospitalised beneficiaries of support to the legal entity under public law called the Social Service Agency.

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*

*Decision №2/4/532,533 of the Constitutional Court of Georgia of 8 October 2014 - website, 28.10.2014.*

*Law of Georgia No 3341 of 20 March 2015 - website, 31.3.2015*

#### **Article 16 - Methods of physical restriction of patients**



1. A psychiatrist shall be authorised to use restriction methods against a hospitalised patient if there is a real danger that the patient will harm himself/herself or others and it cannot be otherwise avoided.
2. Methods of physical restriction are isolation in a specialised ward and/or the physical binding of a patient.
3. The use of methods of physical restriction shall be terminated immediately upon the elimination of the danger as determined in paragraph 1 of this article.
4. Using methods of physical restriction or giving medicines for the purposes of punishment or intimidation of patients shall be prohibited.
5. A decision on using physical restriction against a patient shall be made by the physician in charge or the physician on duty of a hospital, and their justifications shall be included in the medical records.
6. A patient against whom methods of physical restriction has been used, or his/her legal representative or, in the absence of such, the patient's relative, shall be entitled to appeal to court the expediency of using the method of physical restriction.
7. The rules and procedures for using methods of physical restriction shall be established by an instruction approved by an appropriate order of the Minister of Labour, Health and Social Affairs of Georgia.

#### **Article 17 - Voluntary inpatient psychiatric care**

1. A patient shall be hospitalised for voluntary treatment on the basis of:
  - a) a request and/or the informed consent of the patient;
  - b) a request and the informed consent of a legal representative of a patient under 16 (the participation of the patient in the decision-making shall be necessary taking into account his/her age and mental condition);
  - c) (deleted - 20.3.2015, No3341).
2. Informed consent to hospitalisation and treatment shall be confirmed by the signature of a patient or his/her legal representative, evidence of which shall be included in the medical records.
3. A patient hospitalised for voluntary treatment shall be discharged:
  - a) by the decision of a commission of psychiatrists if the treatment is no longer needed;
  - b) upon the request of the patient at any stage of treatment;
  - c) upon the request of a legal representative of a patient under 16 (the participation of the patient in the decision-making shall be necessary taking into account his/her age and mental state);
4. If a hospitalised patient receiving voluntary treatment refuses to continue the treatment but his/her mental condition has changed and meets the criteria for involuntary inpatient psychiatric care, the treatment of the patient may be continued without the consent of the patient or his/her representative, in accordance with Article 18 of this Law.

*Decision №2/4/532,533 of the Constitutional Court of Georgia of 8 October 2014 - website, 28.10.2014.*

*Law of Georgia No 3341 of 20 March 2015 - website, 31.3.2015*

#### **Article 18 - Involuntary inpatient psychiatric care**

1. Involuntary inpatient psychiatric care shall be provided when a person is unable to make a conscious decision due to a mental disorder and he/she cannot be provided with psychiatric care without hospitalisation, and where:
  - a) a delay in psychiatric care poses a danger to the life and/or health of the patient or other persons;
  - b) by his/her actions, the patient may cause significant material damage to himself/herself or to others.
2. When involuntary inpatient psychiatric care is indicated, the consent of a patient or his/her legal representative, or in the absence of such, the patient's relative, shall not be necessary.
3. The need for involuntary inpatient psychiatric care shall be defined by a physician of urgent medical aid or a physician holding an appropriate certificate. Appropriate law enforcement bodies are obliged to carry out the hospitalisation of a patient upon request.
4. The involuntary preliminary hospitalisation of a patient shall be carried out on the basis of a decision of the physician on duty. The hospitalisation of a patient shall be deemed the commencement of involuntary treatment.
5. Within 48 hours from hospitalisation, a commission of psychiatrists shall study the mental condition of the patient and make a decision on the advisability of involuntary inpatient psychiatric care. The commission of psychiatrists shall make the decision by a majority of votes. Where votes are equally divided, the decision shall be made by a clinical head of a psychiatric facility, or in his/her absence, by a duly authorised person who has been granted such powers in writing. The dissenting opinion of any psychiatrist shall be attached to the decision of the committee in written form.



6. If a committee of psychiatrists concludes that involuntary inpatient psychiatric care is unreasonable, the patient shall immediately be discharged from the hospital.

7. If a commission of psychiatrists concludes that the criteria defined in paragraph 1 of this article are present and involuntary inpatient psychiatric care is necessary, within 48 hours from the hospitalisation of a person, the administration of a psychiatric institution shall apply to court with a request to issue an appropriate order on the hospitalisation of the person for the purposes of involuntary inpatient psychiatric care. Information on the decision of the commission shall be immediately delivered to the person, his/her representative or, in the absence of such, the person's relative; in the case of a foreign citizen, the information shall be delivered to an appropriate diplomatic mission.

8. A court is obliged to consider an appropriate request of the administration of a psychiatric institution within 24 hours from its receipt and to make a decision on involuntary inpatient psychiatric care, in accordance with the rules established by the Administrative Procedure Code of Georgia. The participation of a patient in the consideration of the case shall be necessary. The interests of the person in court shall be represented by his/her legal representative or, in the absence of such, by the person's relative and a lawyer. If the person does not have a lawyer, the court shall appoint a lawyer for him/her.

9. According to the court decision, a patient shall receive involuntary inpatient psychiatric care as long as the criteria for involuntary inpatient psychiatric care exist, but this term shall not exceed six months.

10. A committee of psychiatrists shall review the continuation of involuntary inpatient psychiatric care of a patient on a monthly basis.

11. If the court does not make a decision on the hospitalisation of a person for the purposes of providing involuntary inpatient psychiatric care (or on extending the period of involuntary inpatient psychiatric care of an already hospitalised patient), the patient shall be immediately discharged from hospital.

12. If a committee of psychiatrists considers it necessary to extend the period of involuntary inpatient psychiatric care of a patient for more than six months, the administration of a psychiatric institution shall apply to court, 72 hours prior to the expiry of the 6-month period of involuntary inpatient psychiatric care, with a request to extend this period. The court shall make a decision, in accordance with the rules provided for by the Administrative Procedure Code of Georgia, within 72 hours of receipt of the request. The administration of the psychiatric institution shall be entitled to apply to court without limits with a request to extend the period of involuntary inpatient psychiatric care, on the basis of an opinion of a committee of psychiatrists, until the criteria for involuntary inpatient psychiatric care are no longer presented.

13. When the criteria for involuntary inpatient psychiatric care are no longer presented, a patient shall be discharged from hospital on the basis of a decision of a committee of psychiatrists and the court shall be immediately notified; thereafter, treatment shall be continued voluntarily and with the consent of the patient, which shall be indicated in the medical records and confirmed by the signature of the patient.

14. A patient, his/her legal representative or, in the absence of such, his/her relative, as well as the administration of a psychiatric institution, shall be entitled to appeal an order of a judge on the hospitalisation of a person for the purposes of involuntary inpatient psychiatric care or an ordinance on the refusal to hospitalise a person for the purposes of involuntary inpatient psychiatric care, or an order on the extension of the period of hospitalisation for the purposes of involuntary inpatient psychiatric care, or an ordinance on the refusal to extend the period of hospitalisation of a patient for the purposes of involuntary inpatient psychiatric care, in accordance with the rules established by the Administrative Procedure Code of Georgia.

*Law of Georgia No 2269 of 21 July 2010 - LGH I, No45, 21.12.2009, Art. 330*

#### **Article 19 - Provision of involuntary inpatient psychiatric care to unidentified persons**

1. In the cases provided for in Article 18 of this Law, when a person whose identity (name, surname, age, citizenship, address of place of residence) is unknown (an unidentified patient) and needs involuntary inpatient psychiatric care, a psychiatric institution may provide him/her with appropriate care.

2. An unidentified patient shall be involuntarily hospitalised on the basis of a decision of a physician on duty. The hospitalisation of the person shall be deemed the commencement of involuntary treatment.

3. The administration of a psychiatric institution shall immediately notify a city (district) police department in the area of the discovery of the patient after his/her hospitalisation, and the police shall take appropriate measures to identify the patient after the receipt of this notification. Forthwith, a police officer shall draw up a protocol describing the physical appearance of the patient (estimated age, gender, height, colour of hair and eyes, and other details of appearance and expression), which might enable identification (a photo shall be attached to the protocol).

4. If, based on the grounds provided for in Article 18 of this Law, a court issues an order in accordance with the rules established by the Administrative Procedure Code of Georgia on the hospitalisation of an unidentified person for the purposes of providing involuntary psychiatric care, the person shall be assigned an identification number according to the number of the discussed administrative case and shall be referred to as 'unidentified patient No' which shall be indicated in the order of the judge, and thereafter, the patient shall be identified with this name in all documents. Moreover, the administration of a psychiatric institution shall be authorised to give the patient a conventional name which shall not be degrading to his/her honour and dignity, in order to simplify contact during the process of treatment; the conventional name shall be used for personal contact and shall not be kept in medical records.

5. If, after hospitalisation, at any stage of court hearings and/or treatment, the police identifies the patient, the name 'unidentified patient No' given in accordance with paragraph 4 of this article shall be replaced by the identified name of the patient in all documents relating to him/her.

#### **Article 20 - Specialised psychiatric care**

1. Specialised psychiatric care shall be provided in a licensed psychiatric institution.

2. Specialised psychiatric care shall be provided to patients with chronic mental disorders who need care and who have to undergo maintenance therapy



and a rehabilitation course.

3. A patient shall be placed in a specialised psychiatric institution on the basis of an opinion of a committee of psychiatrists upon the request of the patient or his/her legal representative.

4. A patient may be discharged from a specialised psychiatric institution:

a) upon the request of the patient if he/she is capable to live independently;

b) upon the request of his/her legal representative.

#### **Article 21 - Psychosocial rehabilitation**

1. The purpose of rehabilitation measures is to maintain the social and labour contacts of patients and to enable them to develop skills which facilitate his/her ability to live independently in society.

2. Only diagnostic, treatment and rehabilitation methods permitted by the Ministry of Labour, Health and Social Affairs of Georgia shall be used for the purposes of psychosocial rehabilitation.

3. Psychosocial rehabilitation shall be voluntary and shall be provided by a licensed institution.

4. Patients shall be entitled to voluntarily terminate participation in psychosocial rehabilitation at any time.

5. In the psychosocial rehabilitation process, a psychiatrist shall act in accordance with Article 18 of this Law if a patient needs involuntary inpatient psychiatric care.

#### **Article 22 - Providing psychiatric support to accused and convicted persons**

1. In the case provided for in Article 191 (part 2) of the Criminal Procedure Code of Georgia, the involuntary psychiatric treatment of a person shall be provided in accordance with the rules established by Article 22<sup>1</sup> of this Law.

2. The administration of a psychiatric institution shall apply to an authorised expert institution for forensic psychiatric expertise if a convicted person placed in a penitentiary institution shows signs of mental disorder and legal proceedings against him/her have already ended. If the opinion of the authorised expert institution confirms that involuntary psychiatric care is necessary, the administration of the penitentiary institution shall apply to a court for the provision of involuntary psychiatric care on the basis of the opinion of the authorised expert institution. The court shall make a decision in accordance with the rules provided for by the legislation of Georgia on the provision of involuntary psychiatric care before the recovery of a convicted person, after which the convicted person shall continue serving the sentence in accordance with general penal rules.

3. If a patient is provided with involuntary inpatient psychiatric care in the cases provided for by Article 191(3) and (4) of the Criminal Procedure Code of Georgia and he/she recovers within the term of the sentence to be served, which recovery is confirmed by an opinion of a committee of psychiatrists, the administration of the psychiatric institution shall notify the Ministry of Corrections and Legal Assistance of Georgia and the Ministry shall ensure the immediate escort of the convicted person to an appropriate penitentiary institution to serve out his/her sentence. The period of hospitalisation shall be included in the total term of the sentence.

4. If a patient is provided with involuntary inpatient psychiatric care in the cases provided for in Article 191(3) and (4) of the Criminal Procedure Code of Georgia and he/she does not recover within the term of the sentence to be served, such that the criteria for involuntary psychiatric care are still present, the issue of providing involuntary psychiatric care to the person after the completion of the term of the sentence shall be dealt with in accordance with the rules provided for by this Law.

*Law of Georgia No 5208 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 293*

*Law of Georgia No 2269 of 21 July 2010 - LGH I, No45, 21.12.2009, Art. 330*

*Law of Georgia No 3551 of 21 July 2010 - LGH I, No46, 4.8.2010, Art. 283*

*Law of Georgia No 3619 of 24 September 2010 - LGH I, No 51, 29.9.2010, Art. 332*

*Law of Georgia No 1783 of 13 December 2013 - website, 28.12.2013*

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*

*Law of Georgia No 3543 of 1 May 2015 - website, 18.5.2015*

#### **Article 22<sup>1</sup> - Compulsory psychiatric treatment**

1. In the case provided for in Article 191(2) of the Criminal Procedure Code of Georgia, the court hearing criminal cases shall be authorised to use compulsory psychiatric treatment on the two following grounds:

a) a person is unable to make a conscious decision due to a mental disorder and the provision of psychiatric support is impossible unless he/she is hospitalised;





b) there is a risk that due to a mental disorder a person will behave in such a manner that may damage, threaten and/or harm himself/herself and/or other persons.

2. For the purposes of providing compulsory psychiatric treatment, a person shall be hospitalised by the court hearing criminal cases on the basis of a ruling made in accordance with Article 191(2) of the Criminal Procedure Code of Georgia. A person shall be placed only in a hospital where special security is provided and a system of measures ensuring risk mitigation, resocialisation and improvement of psychiatric health is implemented. A system of measures ensuring risk mitigation, resocialisation and improvement of psychiatric health shall be determined by an order of the Minister of Labour, Health and Social Affairs of Georgia.

3. A person shall be hospitalised for the purposes of providing compulsory psychiatric treatment for the period specified in the ruling indicated in paragraph 2 of this article. This period shall start from the moment of the hospitalisation of the person. The patient may be discharged from an inpatient facility before the end of this period in accordance with paragraph 5 of this article if the grounds provided for in the first paragraph of the same article no longer exist.

4. Once a year, a special committee of a psychiatric institution shall evaluate whether the grounds provided for in paragraph 1 of this article still exist in the case of a patient subject to compulsory psychiatric treatment. The physician in charge of the patient shall be authorised to apply to a special committee of a psychiatric institution to provide a premature evaluation and opinion if it is reasonable according to the mental health condition of the patient.

5. If, as a result of a regular or premature evaluation, a special committee of a psychiatric institution concludes that the grounds provided for in paragraph 1 of this article no longer exist, the administration of the psychiatric institution shall immediately discharge the patient from hospital.

6. If the grounds provided for by paragraph 1 of this article no longer exist at the moment of the expiry of the term specified in the ruling provided for by paragraph 2 of this article and the criteria defined in Article 18(1) of this Law are not presented, the patient shall be discharged from hospital.

7. If the criteria indicated in Article 18 of this Law exist at the moment of the expiry of the term specified in the ruling indicated in paragraph 2 of this article, the administration of a psychiatric institution shall apply to a court to request the provision for a patient of involuntary inpatient psychiatric care as defined by Article 18 of this Law, after which the patient shall be provided with psychiatric care in accordance with the rules established by Article 18 of this Law.

8. After discharge from hospital in accordance with paragraphs 3 and 4 of this article, a person shall be registered in the nearest outpatient psychiatric institution to his/her place of residence.

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*

#### **Article 23 - Rights of patients convicted of crimes who receive treatment on the basis of a court decision**

Patients convicted of crimes who receive treatment on the basis of a court decision shall enjoy the basic rights and guarantees of patients except the rights to choose the type of psychiatric support and to waive treatment.

*Law of Georgia No 5208 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 293*

### **Chapter VI - Forensic psychiatric expertise**

#### **Article 24 - Forensic psychiatric expertise**

1. The following shall be authorised to conduct activities which require forensic psychiatric expertise:

- a) appropriate institutions licensed by the Ministry of Labour, Health and Social Affairs of Georgia;
- b) state expert forensic institutions.

2. Investigation bodies or their subordinate agencies shall be prohibited from conducting activities which require forensic psychiatric expertise.

3. Forensic psychiatric expertise shall be provided and financed by a body (person) appointing an expert or the State through state financed programmes or other sources. Detained persons to be examined shall be escorted to and guarded in an expert institution by an appropriate agency of the Ministry of Corrections and Legal Assistance of Georgia.

*Law of Georgia No 480 of 1 November 2008 - LGH I, No30, 7.11.2008, Art. 196*

*Law of Georgia No 965 of 30 December 2008 - LHG I, No 41, 30.12.2008, Art. 337*

*Law of Georgia No 3619 of 24 September 2010 - LGH I, No 51, 29.9.2010, Art. 332*

*Law of Georgia No 1783 of 13 December 2013 - website, 28.12.2013*

*Law of Georgia No 3543 of 1 May 2015 - website, 18.5.2015*

#### **Article 25 - Right to guard a person to be examined during the provision forensic psychiatric expertise**



A hospitalised person may enjoy the services of a lawyer during the provision of forensic psychiatric expertise in accordance with the rules provided for by the legislation of Georgia.

## **Chapter VII - Maintenance of medical confidentiality**

### **Article 26 - Maintenance of medical confidentiality**

1. A person who has learned about the mental disorder of another person during the performance of his/her official duties and who uses this information deliberately or by negligence against the said person or a third party, shall be liable in accordance with the legislation of Georgia.
2. Confidential information on the mental condition of a person shall be available for persons directly involved in the process of his/her treatment and scientific research.
3. The information may be disclosed to a third party with the consent of the patient or his/her legal representative, and/or by a court decision.
4. Except for the case provided for in paragraph 3 of this article, confidential information may also be disclosed if the life and/or health of a patient or a third party are threatened. In this case, a decision on the disclosure of information about the psychiatric health condition of a patient shall be made by the administration of a psychiatric institution; such information shall be delivered only to a legal representative of the patient, or, in the absence of such, to his/her relative.

## **Chapter VII - Rights and social guarantees of persons working in the field of psychiatry**

### **Article 27 - Rights and social guarantees of persons working in the field of psychiatry**

1. Taking into account the specific conditions of their working environment, the personnel working in the field of psychiatry shall enjoy the following benefits:
  - a) reduced working week - 30 hours;
  - b) increased leave - 42 working days.
2. If the life and/or health of a physician are threatened by a patient, he/she shall have the right to refuse to examine and/or treat the patient.

## **Chapter IX - Transitional and Final Provisions**

### **Article 28 - Transitional provisions**

Before 1 January 2007, the Minister of Labour, Health and Social Affairs of Georgia shall draw up and publish the following normative acts:

- a) on the Approval of the Rule of Hospitalisation;
- b) on the Instruction of Establishing and Operating the Commission of Psychiatrists;
- c) on the Conduct of Primary Psychiatric Examination and the Issuance of Opinion;
- d) on the Approval of the Application Form of the Administration of Psychiatric Institutions about the Placement of Persons in Inpatient Facilities for the Purposes of Providing Involuntary Psychiatric Care;
- e) on the Approval of the Form for Applying to Court about the Placement of Persons in Inpatient Facilities for the Purposes of Providing Involuntary Psychiatric Care;
- f) (Deleted - 12.10.2007, No5390);
- g) on the Rule for Registering and Deregistering Patients in Outpatient Psychiatric Institutions, and Observing Patients;
- h) on the Special Form of Exchanging Information Among Psychiatric Institutions and the Establishment of a Unified Information Bank;
- i) on the Instruction on the Rules and Procedures for Using Methods of Physical Restriction Against Patients with Mental Disorders;
- l) on the Approval of Psychosocial Rehabilitation Standards.

*Law of Georgia No 5390 of 12 October - LHG I, No 41, 24.10.2007, Art. 359*



## **Article 28<sup>1</sup> - Measures to be implemented regarding compulsory psychiatric treatment**

Before 1 October 2014, the Minister of Labour, Health and Social Affairs of Georgia shall ensure that:

- a) the list of measures ensuring risk mitigation, resocialisation and improvement of psychiatric health of patients receiving compulsory psychiatric treatment necessary for providing compulsory psychiatric treatment in a psychiatric institution is compiled;
- b) the composition and the rules for the operation of a special commission of a psychiatric institution for the purposes of evaluating the mental health condition of patients subject to compulsory psychiatric treatment are approved;
- c) risk assessment standards are defined.

*Law of Georgia No 2530 of 26 July 2014 - website, 6.8.2014*

## **Article 29 - Invalid normative act**

Upon the entry into force of this Law, the Law of Georgia on Psychiatric Support of 21 March 1995 (Parliamentary Gazette of Georgia, 1994-1995, No23-26, Art.559) shall be declared void. 559.

## **Article 30 - Entry into force**

1. This Law, except Article 28, shall enter into force from 1 January 2007.
2. Article 28 of this Law shall enter into force upon its promulgation.

**President of Georgia**

**M. Saakashvili**

**Tbilisi**

**14 July 2006**

**No 3451\_რს**

