AN ACT

To amend and reenact R.S. 28:53(B)(1) and R.S. 40:1223.3(6) and 2153(1) and to enact R.S. 40:2153(16) and 2156(B)(16), relative to behavioral health services; to provide relative to delivery of such services through telehealth; to provide for psychiatric mental health nurse practitioners; to provide for definitions; to provide for regulation of behavioral health services providers by the Louisiana Department of Health; to provide for administrative rulemaking by the department relative to behavioral health services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(B)(1) is hereby amended and reenacted to read as follows:

§53. Admission by emergency certificate; extension; payment for services rendered

B.(1) Any physician licensed or permitted by the Louisiana State Board of Medical Examiners, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to have a mental illness or be suffering from a substance-related or addictive disorder who is determined to be in need of immediate care and treatment in a treatment facility because the examining...
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physician, physician assistant when acting in accordance with their respective
clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse
practitioner who acts in accordance with a collaborative practice agreement and
receives verbal approval for executing the certificate from his collaborating
physician, or psychologist determines the person to be dangerous to self or others or
to be gravely disabled. The actual examination of the person by a psychiatrist or
psychiatric mental health nurse practitioner may be conducted by telemedicine
utilizing video conferencing technology provided that a licensed healthcare
professional who can adequately and accurately assist with obtaining any necessary
information including but not limited to the information listed in Paragraph (4) of
this Subsection shall be in the examination room with the patient at the time of the
video conference. A patient examined in such a manner shall be medically cleared
prior to admission to a mental health treatment facility. Failure to conduct an
examination prior to the execution of the certificate will be evidence of gross
negligence.

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Section 2. R.S. 40:1223.3(6) and 2153(1) are hereby amended and reenacted and
R.S. 40:2153(16) and 2156(B)(16) are hereby enacted to read as follows:

§1223.3. Definitions

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(6)(a) "Telehealth" means a mode of delivering healthcare services, including behavioral health services, that utilizes information and communication
technologies to enable the diagnosis, consultation, treatment, education, care
management, and self-management of patients at a distance from healthcare
providers. Telehealth allows services to be accessed when providers are in a distant
site and patients are in the originating site. Telehealth facilitates patient
self-management and caregiver support for patients and includes synchronous
interactions and asynchronous store and forward transfers.
(b) For purposes of this Paragraph, "behavioral health services" means those services as defined in R.S. 40:2153 that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by Louisiana Department of Health, to treat mental illness or substance use.

§2153. Definitions

For the purposes of this Part, and subject to the provisions of R.S. 40:2154, unless the context otherwise clearly indicates, the following terms shall have the following meanings:

(1) "Behavioral health services" means mental health services, substance abuse/addiction treatment services, or a combination of such services, for adults and children. Behavioral health services may be provided, subject to rules and regulations of the Louisiana Department of Health, in a residential setting, in a clinic setting on an outpatient basis, or in a home or community setting, or through telehealth.

(16) "Telehealth" has the meaning ascribed in R.S. 40:1223.3.

§2156. Rules and regulations; licensing standards; fees

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards for behavioral health services providers. The rules, regulations, and licensing standards shall include but are not limited to the following:
(16) Delivery of behavioral health services through telehealth.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________

CODING: Words in struck through type are deletions from existing law; words underscored are additions.