

SENATE BILL NO. 216

BY SENATORS TARVER AND LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 28:53(B)(1), (2)(a) and (b), and (F), relative to healthcare professionals who may issue an emergency certificate for mental health or substance abuse treatment; to provide for authority to issue an emergency certificate; to provide with respect to certificate documentation; to provide authority to require transportation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(B)(1), (2)(a) and (b), and (F) are hereby amended and reenacted to read as follows:

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

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B.(1) Any 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 may execute an emergency certificate only after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the examining 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 may be

1 conducted by telemedicine utilizing video conferencing technology provided that a
 2 licensed health care professional who can adequately and accurately assist with
 3 obtaining any necessary information including but not limited to the information
 4 listed in Paragraph (4) of this Subsection shall be in the examination room with the
 5 patient at the time of the video conference. A patient examined in such a manner
 6 shall be medically cleared prior to admission to a mental health treatment facility.
 7 Failure to conduct an examination prior to the execution of the certificate will be
 8 evidence of gross negligence.

9 (2) The certificate shall state:

10 (a) The date of the physician's, **physician assistant's**, psychiatric mental
 11 health nurse practitioner's, **other nurse practitioner's** or psychologist's examination
 12 of the person, which shall not be more than seventy-two hours prior to the date of the
 13 signature of the certificate.

14 (b) The objective findings of the physician, **physician assistant when acting**
 15 **in accordance with their respective clinical practice guidelines**, psychiatric
 16 mental health nurse practitioner, **other nurse practitioner who acts in accordance**
 17 **with a collaborative practice agreement and receives verbal approval for**
 18 **executing the certificate from his collaborating physician**, or psychologist relative
 19 to the physical or mental condition of the person, leading to the conclusion that the
 20 person is dangerous to self or others or is gravely disabled as a result of substance
 21 abuse or mental illness.

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23 F. An emergency certificate shall constitute legal authority to transport a
 24 patient to a treatment facility and shall permit the director of such treatment facility
 25 to detain the patient for diagnosis and treatment for a period not to exceed fifteen
 26 days, and to return the patient to the facility if he is absent with or without
 27 permission during authorized periods of detention. If necessary, peace officers shall
 28 apprehend and transport, or ambulance services, under appropriate circumstances,
 29 may locate and transport, a patient on whom an emergency certificate has been
 30 completed to a treatment facility at the request of either the director of the facility,

1 the certifying physician, **physician assistant when acting in accordance with their**
2 **respective clinical practice guidelines,** psychiatric mental health nurse practitioner,
3 **other nurse practitioner who acts in accordance with a collaborative practice**
4 **agreement and receives verbal approval for executing the certificate from his**
5 **collaborating physician,** or psychologist, the patient's next of kin, the patient's
6 curator, or the agency legally responsible for his welfare. In the case of an
7 emergency certificate issued pursuant to an examination conducted by telemedicine
8 pursuant to Paragraph (B)(1) of this Section, or where the valid original is not
9 provided to the transporter, a copy transmitted by facsimile or other electronic device
10 shall be sufficient authority for the peace officer or ambulance worker to transport
11 the patient to a treatment facility and for the director to accept such patient. The
12 psychiatrist shall cause the original certificate to be deposited in the United States
13 mail properly addressed to the director of the treatment facility by the next business
14 day following the date of examination. The director of the treatment facility shall
15 notify the patient's nearest relative, if known, or designated responsible party, if any,
16 in writing, of the patient's admission by emergency certificate as soon as reasonably
17 possible.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____