2020 First Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 27

BY REPRESENTATIVES HILFERTY AND GREGORY MILLER

MENTAL HEALTH: Requests a study by the respective legislative committees to study the rights of caregivers and the establishment of a "caregivers' bill of rights" for family members, legal guardians, and other persons who provide care for persons with serious mental illness

1	A CONCURRENT RESOLUTION
2	To authorize and direct the House Committee on Health and Welfare, the Senate Committee
3	on Health and Welfare, the House Committee on Civil Law and Procedure, and the
4	Senate Committee on Judiciary A, or a subcommittee thereof, to meet and to study
5	the adequacy of rights afforded to caregivers of persons with serious mental illness,
6	to make recommendations regarding the establishment of a "caregivers' bill of rights"
7	for family members, legal guardians, and other persons who provide care for persons
8	with serious mental illness, and to report their findings to the Legislature of
9	Louisiana.
10	WHEREAS, Part IX of Subchapter D of Chapter 5-D of Title 40 of the Louisiana
11	Revised Statutes, known and cited as the Louisiana Family Caregiver Act, provides for the
12	designation of a family caregiver when a patient is discharged from a hospital's care; and
13	WHEREAS, the Louisiana Family Caregiver Act provides that a hospital shall
14	provide notice and instruction to a designated caregiver upon the discharging of the patient
15	from the hospital's care and sets forth how the hospital shall educate and instruct the
16	caregiver prior to discharging the patient; and
17	WHEREAS, the Louisiana Family Caregiver Act is silent in respect to those family
18	members, legal guardians, or other persons who provide care for persons with serious mental
19	illness and who consistently care for those persons on a daily basis; and

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WHEREAS, recognizing and supporting family members, legal guardians, and other 2 persons who provide care to a person with serious mental illness is a critical component of 3 a comprehensive long-term care system; and

4 WHEREAS, family members, caregivers, and legal guardians of a person with 5 serious mental illness are an integral part of the person's treatment team; and

6 WHEREAS, federal and state laws allow many routine and often critical 7 communications between behavioral healthcare providers and a patient's family members, 8 caregivers, and legal guardians; and

9 WHEREAS, current law, policies, and practices among behavioral healthcare 10 providers fail to consider the critical role played by actively involved family members, 11 caregivers, and legal guardians in the effective treatment, care, and supervision of a person 12 with serious mental illness; and

13 WHEREAS, family members, caregivers, and legal guardians are often excluded 14 from decision-making due to HIPAA privacy laws, which result in a lack of family 15 engagement in patient intake and treatment decisions and discharge planning; and

16 WHEREAS, it is in the best interest of persons with serious mental illness for their 17 behavioral healthcare providers to have access to any critical medical information and 18 history known to family members, caregivers, and legal guardians as this knowledge will 19 enhance treatment; and

20 WHEREAS, it is not in the best interest of a person with serious mental illness to be 21 discharged from a healthcare provider to a family member, caregiver, or legal guardian 22 without first equipping that family member, caregiver, or legal guardian with sufficient 23 information and resources to provide adequate, supportive, and ongoing care; and

24 WHEREAS, the Legislature of Louisiana recognizes that family members, 25 caregivers, and legal guardians of a person with serious mental illness have the right to 26 communicate with all providers of behavioral healthcare services for that person; and

27 WHEREAS, the Legislature of Louisiana also recognizes that family members, 28 caregivers, and legal guardians of a person with serious mental illness have the right to be 29 treated with respect and compassion when seeking the appropriate treatment and care for that 30 person; and

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1	WHEREAS, it is essential for the treatment team of a person with serious mental
2	illness to make every effort to establish a complete medical history that includes information
3	received from family members, caregivers, and legal guardians and to actively include
4	family members, caregivers, or legal guardians in treatment planning for the person; and
5	WHEREAS, family members, caregivers, or legal guardians of a person with serious
6	mental illness should receive information that will enable them to effectively evaluate the
7	safety of their homes prior to discharging the patient into their care; and
8	WHEREAS, family members, caregivers, or legal guardians of a person with serious
9	mental illness should be afforded the legal right to receive information relating to support
10	services available in the community at all levels of service, including family support,
11	education, mental health counseling, and grief counseling.
12	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
13	authorize and direct the House Committee on Health and Welfare, the Senate Committee on
14	Health and Welfare, the House Committee on Civil Law and Procedure, and the Senate
15	Committee on Judiciary A, or a subcommittee thereof, to meet and to study the adequacy of
16	rights afforded to caregivers and the effects of establishing a "caregivers' bill of rights" for
17	family members, legal guardians, and other persons who provide care for persons with
18	serious mental illness.
19	BE IT FURTHER RESOLVED that the committees designated in this Resolution
20	shall report findings and any recommendations for legislative changes to the Legislature of
21	Louisiana no later than February 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Directs the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Civil Law and Procedure, and the Senate Committee on Judiciary A, or a subcommittee thereof, to meet and to study the adequacy of rights afforded to caregivers and the effects of establishing a "caregivers' bill of rights" for family members, legal guardians, and other persons who provide care for persons with serious mental illness and to report their findings no later than February 1, 2021.