

2020 First Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 27

BY REPRESENTATIVES HILFERTY AND GREGORY MILLER

A CONCURRENT RESOLUTION

To urge and request 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 of persons with serious mental illness, to make recommendations regarding 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, and to report their findings to the Legislature of Louisiana.

WHEREAS, Part IX of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes, known and cited as the Louisiana Family Caregiver Act, provides for the designation of a family caregiver when a patient is discharged from a hospital's care; and

WHEREAS, the Louisiana Family Caregiver Act provides that a hospital shall provide notice and instruction to a designated caregiver upon the discharging of the patient from the hospital's care and sets forth how the hospital shall educate and instruct the caregiver prior to discharging the patient; and

WHEREAS, the Louisiana Family Caregiver Act is silent in respect to those family members, legal guardians, or other persons who provide care for persons with serious mental illness and who consistently care for those persons on a daily basis; and

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

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

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

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

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

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

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

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

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

WHEREAS, it is essential for the treatment team of a person with serious mental illness to make every effort to establish a complete medical history that includes information received from family members, caregivers, and legal guardians and to actively include family members, caregivers, or legal guardians in treatment planning for the person; and

WHEREAS, family members, caregivers, or legal guardians of a person with serious mental illness should receive information that will enable them to effectively evaluate the safety of their homes prior to discharging the patient into their care; and

WHEREAS, family members, caregivers, or legal guardians of a person with serious mental illness should be afforded the legal right to receive information relating to support services available in the community at all levels of service, including family support, education, mental health counseling, and grief counseling.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request 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.

BE IT FURTHER RESOLVED that the committees designated in this Resolution shall report findings and any recommendations for legislative changes to the Legislature of Louisiana no later than February 1, 2021.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE