

2025 Regular Session

HOUSE BILL NO. 359

BY REPRESENTATIVE MILLER

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

MENTAL HEALTH: Provides relative to the mental health treatment of victims of human sex trafficking

## 1 AN ACT

2 To amend and reenact R.S. 28:53(A) and (B)(1), relative to admission by emergency  
3 certificate; to provide for a mental illness or condition experienced by victims of sex  
4 trafficking; to provide for duties of a healthcare professional; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:53(A) and (B)(1) are hereby amended and reenacted to read as  
8 follows:

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

10 A.(1) A person who has a mental illness, a person who is a victim of sex  
11 trafficking, or a person who is suffering from a substance-related or addictive  
12 disorder may be admitted and detained at a treatment facility for observation,  
13 diagnosis, and treatment for a period not to exceed fifteen days under an emergency  
14 certificate.

15 (2) A person suffering from a substance-related or addictive disorder or who  
16 is a victim of sex trafficking may be detained at a treatment facility for one  
17 additional period, not to exceed fifteen days, provided that a second emergency  
18 certificate is executed. A second certificate may be executed only if and when a  
19 physician at the treatment facility and any other physician have examined the  
20 detained person within seventy-two hours prior to the termination of the initial

1       fifteen-day period and certified in writing on the second certificate that the person  
2       remains dangerous to himself or others or gravely disabled, and that his condition is  
3       likely to improve during the extended period. The director shall inform the patient  
4       of the execution of the second certificate, the length of the extended period, and the  
5       specific reasons therefor, and shall also give notice of the same to the patient's  
6       nearest relative or other designated responsible party initially notified pursuant to  
7       Subsection F of this Section.

8               B.(1) Any physician licensed or permitted by the Louisiana State Board of  
9       Medical Examiners, physician assistant when acting in accordance with ~~their~~ his  
10      respective clinical practice guidelines, psychiatric mental health nurse practitioner,  
11      other nurse practitioner who acts in accordance with a collaborative practice  
12      agreement and receives verbal approval for executing the certificate from his  
13      collaborating physician, or psychologist may execute an emergency certificate only  
14      after an actual examination of a person alleged to have a mental illness, be suffering  
15      from a mental illness or condition as result of his experience as a victim of sex  
16      trafficking, or be suffering from a substance-related or addictive disorder who is  
17      determined to be in need of immediate care and treatment in a treatment facility  
18      because the examining physician, physician assistant when acting in accordance with  
19      their respective clinical practice guidelines, psychiatric mental health nurse  
20      practitioner, other nurse practitioner who acts in accordance with a collaborative  
21      practice agreement and receives verbal approval for executing the certificate from  
22      his collaborating physician, or psychologist determines the person to be dangerous  
23      to self or others, suffering from a mental illness or condition as result of his  
24      experience as a victim of sex trafficking, or to be gravely disabled. The actual  
25      examination of the person by a psychiatrist or psychiatric mental health nurse  
26      practitioner may be conducted by telehealth utilizing video conferencing technology,  
27      provided that a licensed healthcare professional who can adequately and accurately  
28      assist with obtaining any necessary information including but not limited to the  
29      information listed in Paragraph (4) of this Subsection shall be in the examination

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room with the patient at the time of the video conference. A patient examined in

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such a manner shall be medically cleared prior to admission to a mental health

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treatment facility. Failure to conduct an examination prior to the execution of the

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certificate will be evidence of gross negligence.

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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)]

HB 359 Original

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Miller

**Abstract:** Clarifies that a victim of sex trafficking may suffer from a mental illness or condition as a result of the victim's experiences that may require a qualified healthcare professional to determine that an emergency certificate may be appropriate.

Present law provides that an individual with a mental illness or substance abuse or addiction disorder may be admitted and detained at a treatment facility of up to two periods of 15 days by a qualified healthcare professional executing an emergency certificate.

Present law requires that a qualified healthcare professional conduct an examination of the individual and determine that the individual is a danger to self or others or is gravely disabled in order to execute an emergency certificate.

Proposed law modifies present law clarifying that a victim of sex trafficking may suffer a mental illness or condition as a result of the victim's experiences that rises to a level that a qualified healthcare professional may determine that executing an emergency certificate is appropriate.

(Amends R.S. 28:53(A) and (B)(1))