

2015 Regular Session

HOUSE BILL NO. 301

BY REPRESENTATIVE DOVE

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

MENTAL HEALTH: Provides relative to court-ordered outpatient mental health treatment

1 AN ACT

2 To amend and reenact R.S. 28:71(B) and 72(A), relative to civil involuntary outpatient  
3 treatment; to increase the maximum initial period of treatment; to increase the  
4 maximum period of subsequent treatment; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 28:71(B) and 72(A) are hereby amended and reenacted to read as  
7 follows:

8 §71. Disposition

9 \* \* \*

10 B. If the court finds by clear and convincing evidence that the patient meets  
11 the criteria for involuntary outpatient treatment, and no less restrictive alternative is  
12 feasible, the court shall order that the patient receive involuntary outpatient treatment  
13 for an initial period not to exceed ~~six months~~ one year. The court shall state reasons  
14 why the proposed treatment plan is the least restrictive treatment appropriate and  
15 feasible for the patient. The order shall state the categories of involuntary outpatient  
16 treatment as set forth in R.S. 28:70, which the patient is to receive, and the court may  
17 not order treatment that has not been recommended by the physician, psychiatric  
18 mental health nurse practitioner, or psychologist in consultation with the treatment  
19 team and included in the written treatment plan. The plan shall be certified by the  
20 director of the human service district or the regional manager of the Department of

1 Health and Hospitals, office of behavioral health, responsible for services in the  
 2 district where the petition is filed, as offering services which are available through  
 3 their offices. The court shall not order an outpatient commitment unless the director  
 4 or regional manager so certifies.

5 \* \* \*

6 §72. Application for additional periods of treatment

7 A. The court order for outpatient treatment shall expire at the end of the  
 8 specified period unless a petition for an extension has been filed. If the director or  
 9 regional manager determines that a patient requires further involuntary outpatient  
 10 treatment, he shall file a petition for continued treatment prior to the expiration of the  
 11 initial involuntary outpatient treatment ordered by the court. If a patient has been  
 12 ordered to receive outpatient treatment for four consecutive ~~one hundred eighty day~~  
 13 six-month to one-year periods, the period of any subsequent order may exceed ~~one~~  
 14 ~~hundred eighty days~~ one year but shall not exceed ~~one year~~ two years.

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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)]

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HB 301 Original                              2015 Regular Session                              Dove

**Abstract:** Increases the maximum period of initial treatment and subsequent treatment for court-ordered outpatient mental health treatment.

Present law authorizes a court to order a patient to obtain civil involuntary outpatient treatment if all of the following conditions apply:

- (1) The patient is 18 years of age or older.
- (2) The patient is suffering from a mental illness.
- (3) The patient is unlikely to survive safely in the community without supervision, based on a clinical determination.
- (4) The patient has a history of lack of compliance with treatment for mental illness that has resulted in either of the following:
  - (a) At least twice within the last 36 months, the lack of compliance with treatment for mental illness has been a significant factor resulting in an emergency certificate for hospitalization, or receipt of services in a forensic

or other mental health unit of a correctional facility or a local correctional facility, not including any period during which the person was hospitalized or incarcerated immediately preceding the filing of the petition.

- (b) One or more acts of serious violent behavior toward self or others or threats of, or attempts of, serious physical harm to self or others within the last 36 months as a result of mental illness, not including any period in which the person was hospitalized or incarcerated immediately preceding the filing of the petition.
- (5) The patient is, as a result of his mental illness, unlikely to voluntarily participate in the recommended treatment pursuant to the treatment plan.
- (6) In view of the treatment history and current behavior of the patient, the patient is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in the patient becoming dangerous to self or others.
- (7) It is likely that the patient will benefit from involuntary outpatient treatment.

Present law authorizes a court to order that the patient receive involuntary outpatient treatment for an initial period not to exceed six months if the court finds by clear and convincing evidence that the patient meets the criteria for involuntary outpatient treatment and no less restrictive alternative is feasible.

Proposed law increases the maximum period of initial treatment from six months to one year.

Present law provides that if a patient has been ordered to receive outpatient treatment for four consecutive 180-day periods, the period of any subsequent order may exceed 180 days but shall not exceed one year.

Proposed law provides that if a patient has been ordered to receive outpatient treatment for four consecutive six-month to one-year periods, the period of any subsequent order may exceed one year but shall not exceed two years.

(Amends R.S. 28:71(B) and 72(A))