

2020 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVE ECHOLS AND SENATOR BARROW

1 AN ACT

2 To amend and reenact R.S. 28:53(B)(1) and R.S. 40:1223.3(6) and 2153(1) and to enact R.S.  
3 40:2153(16) and 2156(B)(16), relative to behavioral health services; to provide  
4 relative to delivery of such services through telehealth; to provide for psychiatric  
5 mental health nurse practitioners; to provide for definitions; to provide for regulation  
6 of behavioral health services providers by the Louisiana Department of Health; to  
7 provide for administrative rulemaking by the department relative to behavioral health  
8 services; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 28:53(B)(1) is hereby amended and reenacted to read as follows:

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

12 \* \* \*

13 B.(1) Any physician licensed or permitted by the Louisiana State Board of  
14 Medical Examiners, physician assistant when acting in accordance with their  
15 respective clinical practice guidelines, psychiatric mental health nurse practitioner,  
16 other nurse practitioner who acts in accordance with a collaborative practice  
17 agreement and receives verbal approval for executing the certificate from his  
18 collaborating physician, or psychologist may execute an emergency certificate only  
19 after an actual examination of a person alleged to have a mental illness or be  
20 suffering from a substance-related or addictive disorder who is determined to be in  
21 need of immediate care and treatment in a treatment facility because the examining

1 physician, physician assistant when acting in accordance with their respective  
 2 clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse  
 3 practitioner who acts in accordance with a collaborative practice agreement and  
 4 receives verbal approval for executing the certificate from his collaborating  
 5 physician, or psychologist determines the person to be dangerous to self or others or  
 6 to be gravely disabled. The actual examination of the person by a psychiatrist or  
 7 psychiatric mental health nurse practitioner may be conducted by telemedicine  
 8 utilizing video conferencing technology provided that a licensed healthcare  
 9 professional who can adequately and accurately assist with obtaining any necessary  
 10 information including but not limited to the information listed in Paragraph (4) of  
 11 this Subsection shall be in the examination room with the patient at the time of the  
 12 video conference. A patient examined in such a manner shall be medically cleared  
 13 prior to admission to a mental health treatment facility. Failure to conduct an  
 14 examination prior to the execution of the certificate will be evidence of gross  
 15 negligence.

\* \* \*

16  
 17 Section 2. R.S. 40:1223.3(6) and 2153(1) are hereby amended and reenacted and  
 18 R.S. 40:2153(16) and 2156(B)(16) are hereby enacted to read as follows:

19 §1223.3. Definitions

20 \* \* \*

21 (6)(a) "Telehealth" means a mode of delivering healthcare services,  
 22 including behavioral health services, that utilizes information and communication  
 23 technologies to enable the diagnosis, consultation, treatment, education, care  
 24 management, and self-management of patients at a distance from healthcare  
 25 providers. Telehealth allows services to be accessed when providers are in a distant  
 26 site and patients are in the originating site. Telehealth facilitates patient  
 27 self-management and caregiver support for patients and includes synchronous  
 28 interactions and asynchronous store and forward transfers.



1

(16) Delivery of behavioral health services through telehealth.

2

\* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_