2020 Regular Session

HOUSE BILL NO. 449

1

## BY REPRESENTATIVE ECHOLS AND SENATOR BARROW

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

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

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

16 \* \* \*

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

§1223.3. Definitions

\* \* \*

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

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1	(b) For purposes of this Paragraph, denavioral health services theans those
2	services as defined in R.S. 40:2153 that are appropriate for the patient and delivered
3	by a licensed mental health professional, acting within the scope of applicable state
4	laws and his professional license for services identified by Louisiana Department of
5	Health, to treat mental illness or substance use.
6	* * *
7	§2153. Definitions
8	For the purposes of this Part, and subject to the provisions of R.S. 40:2154,
9	unless the context otherwise clearly indicates, the following terms shall have the
10	following meanings:
11	(1) "Behavioral health services" means mental health services, substance
12	abuse/addiction treatment services, or a combination of such services, for adults and
13	children. Behavioral health services may be provided, subject to rules and
14	regulations of the Louisiana Department of Health, in a residential setting, in a clinic
15	setting on an outpatient basis, or in a home or community setting, or through
16	telehealth.
17	* * *
18	(16) "Telehealth" has the meaning ascribed in R.S. 40:1223.3.
19	* * *
20	§2156. Rules and regulations; licensing standards; fees
21	* * *
22	B. The department shall prescribe, promulgate, and publish rules,
23	regulations, and licensing standards for behavioral health services providers. The
24	rules, regulations, and licensing standards shall include but are not limited to the
25	following:

26

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

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