

Regular Session, 2012

HOUSE BILL NO. 326

BY REPRESENTATIVE WILLMOTT

MENTAL HEALTH: Authorizes certain health professionals to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse

1 AN ACT

2 To amend and reenact Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2)
3 and to enact Children's Code Article 1404(23) and (24), relative to the emergency
4 certificate admission procedure; to provide for definitions; to authorize a family
5 psychiatric mental health nurse practitioner or psychologist to execute an emergency
6 certificate under certain circumstances; to require the inclusion of the date that an
7 examination was conducted by a family psychiatric mental health nurse practitioner
8 or psychologist on the emergency certificate; to require the director of a treatment
9 facility to provide the parish coroner with the name of the family psychiatric mental
10 health nurse practitioner or psychologist that executed an emergency certificate for
11 a minor's admission to treatment; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2) are
14 hereby amended and reenacted and Children's Code Article 1404(23) and (24) are hereby
15 enacted to read as follows:

16 Art. 1404. Definitions

17 As used in this Title

18 * * *

19 (23) "Family psychiatric mental health nurse practitioner" shall maintain the
20 credentials as such and meet the requirements of a "psychiatric mental health nurse

1 practitioner" as provided in R.S. 28:2(21.2). Further, a family psychiatric mental
2 health nurse practitioner shall have been engaged in clinical practice for not less than
3 three years.

4 (24) "Psychologist" means an individual licensed to practice psychology in
5 Louisiana in accordance with R.S. 37:2351 et seq., or licensed to practice medical
6 psychology in Louisiana in accordance with R.S. 37:1360.51 et seq., and who has
7 been engaged in the practice of a clinical specialty for not less than three years.

8 * * *

9 Art. 1421. Examination required

10 Any physician, family psychiatric mental health nurse practitioner, or
11 psychologist may execute an emergency certificate only after an actual examination
12 of a minor alleged to be mentally ill or suffering from substance abuse who is
13 determined to be in need of immediate medical treatment in a treatment facility
14 because the examining physician, family psychiatric mental health nurse practitioner,
15 or psychologist determines him to be dangerous to himself or others or to be gravely
16 disabled. Failure to conduct an examination prior to the execution of the certificate
17 will be evidence of gross negligence.

18 Art. 1422. Certificate; contents

19 A. The emergency certificate shall state all of the following:

20 (1) ~~The date of the physician's examination of~~ the physician, family
21 psychiatric mental health nurse practitioner, or psychologist examined the minor,
22 which shall not be more than seventy-two hours prior to the date of the signature of
23 the certificate.

24 (2) The objective findings of the physician, family psychiatric mental health
25 nurse practitioner, or psychologist relative to the physical and mental condition of
26 the minor, leading to the conclusion that he is dangerous to himself or others or is
27 gravely disabled as a result of substance abuse or mental illness.

28 * * *

1 Art. 1423. Coroner; notice; independent examination; discharge
 2 A. Upon admission of any minor by emergency certificate to a treatment
 3 facility, it shall be the duty of the director of the treatment facility immediately to
 4 notify the coroner of the parish in which the treatment facility is located of the
 5 admission, giving the following information if known:

6 * * *

7 (2) Name of certifying physician, family psychiatric mental health nurse
 8 practitioner, or psychologist.

9 * * *

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)]

Willmott

HB No. 326

Abstract: Authorizes a family psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse.

Proposed law (Ch.C. Art. 1404(23) and (24)) defines "family psychiatric mental health nurse practitioner" as meaning a nurse that must maintain specified credentials and meet the requirements of a "psychiatric mental health nurse practitioner" as provided in state law. Further, requires that a family psychiatric mental health nurse practitioner have been engaged in clinical practice for not less than three years. Also, proposed law defines "psychologist" as meaning an individual licensed to practice psychology in La. in accordance with state law or licensed to practice medical psychology in La. in accordance with state law and who has been engaged in the practice of a clinical specialty for not less than three years.

Present law (Ch.C. Art. 1421) authorizes any physician to execute an emergency certificate only after an actual examination of a minor alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate medical treatment in a treatment facility because the examining physician determines him to be dangerous to himself or others or to be gravely disabled. Further provides that the failure to conduct an examination prior to the execution of the certificate constitutes evidence of gross negligence.

Proposed law adds authorization for a family psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate after examination of the minor and a determination that such minor is a danger to himself or others.

Present law (Ch.C. Art. 1422(A)(1) and (2)) in pertinent part, requires that an emergency certificate state the following:

- (1) The date of the physician's examination of the minor, which must not be more than 72 hours prior to the date of the signature of the certificate.

- (2) The objective findings of the physician relative to the physical and mental condition of the minor, leading to the conclusion that he is dangerous to himself or others or is gravely disabled as a result of substance abuse or mental illness.

Proposed law modifies present law by specifying that the date a family psychiatric mental health nurse practitioner or psychologist examined the minor must also be included in an emergency certificate.

Present law (Ch.C. Art. 1423(A)(2)) provides that whenever a minor is admitted to a treatment facility by emergency certificate, the director of the treatment facility must immediately notify the coroner of the parish in which the treatment facility is located of the admission and provide the name of the certifying physician.

Proposed law adds a requirement that if a family psychiatric mental health nurse practitioner or psychologist executes the emergency certificate for a minor's admission to a treatment facility, the director of such facility must provide the name of that health professional to the parish coroner.

(Amends Ch.C. Arts. 1421, 1422(A)(1) and (2), and 1423(A)(2); Adds Ch.C.Art. 1404(23) and (24))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added definitions of the terms "psychiatric mental health nurse practitioner" and "psychologist" to proposed law.
2. Made technical changes.

House Floor Amendments to the engrossed bill.

1. Added a provision which requires a "family psychiatric mental health nurse practitioner" to maintain the credentials as such and meet the requirements of a "psychiatric mental health nurse practitioner" as provided in R.S. 28:2(21.2).
2. Added a provision that requires that a family psychiatric mental health nurse practitioner have been engaged in clinical practice for not less than three years.
3. Specified that the examination, certificate, and notification requirements in present law are applicable to family psychiatric mental health nurse practitioners and grants authorization to execute emergency certificates.