
DIGEST

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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.