

Regular Session, 2012

ACT No. 489

HOUSE BILL NO. 326

BY REPRESENTATIVE WILLMOTT

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" means an
20 individual who maintains the credentials as such and meets the requirements of a
21 "psychiatric mental health nurse practitioner" as provided in R.S. 28:2(21.2).
22 Further, a family psychiatric mental health nurse practitioner shall have been
23 engaged in clinical practice for not less than three years.

24 (24) "Psychologist" means an individual licensed to practice psychology in
25 Louisiana in accordance with R.S. 37:2351 et seq., or licensed to practice medical

psychology in Louisiana in accordance with R.S. 37:1360.51 et seq., and who has been engaged in the practice of a clinical specialty for not less than three years.

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Art. 1421. Examination required

Any physician, family psychiatric mental health nurse practitioner, or psychologist may 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, family psychiatric mental health nurse practitioner, or psychologist determines him to be dangerous to himself or others or to be gravely disabled. Failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

Art. 1422. Certificate; contents

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

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

(2) The objective findings of the physician, family psychiatric mental health nurse practitioner, or psychologist 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.

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Art. 1423. Coroner; notice; independent examination; discharge

A. Upon admission of any minor by emergency certificate to a treatment facility, it shall be the duty of the director of the treatment facility immediately to notify the coroner of the parish in which the treatment facility is located of the admission, giving the following information if known:

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PRESIDENT OF THE SENATE

APPROVED: _____