

Regular Session, 2014

SENATE BILL NO. 185

BY SENATOR MILLS

MENTAL HEALTH. Provides for an emergency certificate. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 28:53(F), relative to emergency certificates; to provide for the
3 use of a copy of the emergency certificate transmitted by facsimile or other
4 electronic device; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §53. Admission by emergency certificate; extension

8 * * *

9 F. An emergency certificate shall constitute legal authority to transport a
10 patient to a treatment facility and shall permit the director of such treatment facility
11 to detain the patient for diagnosis and treatment for a period not to exceed fifteen
12 days, and to return the patient to the facility if he is absent with or without
13 permission during authorized periods of detention. If necessary, peace officers shall
14 apprehend and transport, or ambulance services, under appropriate circumstances,
15 may locate and transport, a patient on whom an emergency certificate has been
16 completed to a treatment facility at the request of either the director of the facility,
17 the certifying physician, psychiatric mental health nurse practitioner, or psychologist,

1 the patient's next of kin, the patient's curator, or the agency legally responsible for
 2 his welfare. In the case of an emergency certificate issued pursuant to an examination
 3 conducted by telemedicine pursuant to Paragraph (B)(1) of this Section, **or where**
 4 **the valid original is not provided to the transporter,** a copy transmitted by
 5 facsimile or other electronic device shall be sufficient authority for the peace officer
 6 or ambulance worker to transport the patient to a treatment facility and for the
 7 director to accept such patient. The psychiatrist shall cause the original certificate to
 8 be deposited in the United States mail properly addressed to the director of the
 9 treatment facility by the next business day following the date of examination. The
 10 director of the treatment facility shall notify the patient's nearest relative, if known,
 11 or designated responsible party, if any, in writing, of the patient's admission by
 12 emergency certificate as soon as reasonably possible.

13 * * *

The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Mills (SB 185)

Present law provides in the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to present law, a copy transmitted by facsimile or other electronic device shall be sufficient authority for the peace officer or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient.

Proposed law amends present law to provide in the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to present law, or where the valid original is not provided to the transporter, a copy transmitted by facsimile or other electronic device shall be sufficient authority for the peace officer or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient.

Effective August 1, 2014.

(Amends R.S. 28:53(F))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specifies that if the valid original of the emergency certificate is not provided to the transporter, a copy transmitted by facsimile shall be sufficient.