

ACT No. 153

HOUSE BILL NO. 653

BY REPRESENTATIVES LABRUZZO, ABRAMSON, AUSTIN BADON, BARROW, BILLIOT, BURFORD, TIM BURNS, BURRELL, CHANEY, CROMER, DOERGE, GISCLAIR, HARRISON, HAZEL, HINES, JOHNSON, KATZ, LEBAS, LIGI, LORUSSO, MILLS, NOWLIN, PETERSON, POPE, RICHARD, SIMON, TALBOT, TUCKER, WHITE, WILLIAMS, AND WILLMOTT

1 AN ACT

2 To amend and reenact R.S. 28:53(B)(1), (F), (G)(2), and (J)(1) and (3) and to enact R.S.
3 28:53(B)(4), relative to mental health admissions by emergency certificate; to allow
4 for the actual examination of a patient conducted by a health care provider, parish
5 coroner, or authorized physician to be conducted by telemedicine utilizing video
6 conferencing technology; to make certain requirements for telemedicine
7 examinations; to provide for procedures related to the issuance of a certificate; to
8 require an in-person independent examination by the coroner in certain cases; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 28:53(B)(1), (F), (G)(2), and (J)(1) and (3) are hereby amended and
12 reenacted and R.S. 28:53(B)(4) is hereby enacted to read as follows:

13 §53. Admission by emergency certificate; extension

14 * * *

15 B.(1) Any physician, psychiatric mental health nurse practitioner, or
16 psychologist may execute an emergency certificate only after an actual examination
17 of a person alleged to be mentally ill or suffering from substance abuse who is
18 determined to be in need of immediate care and treatment in a treatment facility
19 because the examining physician, psychiatric mental health nurse practitioner, or
20 psychologist determines the person to be dangerous to self or others or to be gravely
21 disabled. The actual examination of the person by a psychiatrist may be conducted
22 by telemedicine utilizing video conferencing technology provided that a licensed

1 health care professional who can adequately and accurately assist with obtaining any
2 necessary information including but not limited to the information listed in R.S.
3 28:53(B)(4) shall be in the examination room with the patient at the time of the video
4 conference. A patient examined in such a manner shall be medically cleared prior
5 to admission to a mental health treatment facility. Failure to conduct an examination
6 prior to the execution of the certificate will be evidence of gross negligence.

7 * * *

8 (4) In case of an emergency certificate issued pursuant to an examination
9 conducted by telemedicine pursuant to Paragraph (1) of Subsection B or Paragraph
10 (1) of Subsection J of this Section, the licensed health care professional present
11 during the actual examination shall be responsible for obtaining, recording, and
12 attaching to the emergency certificate the following information regarding the video
13 conference:

14 (a) The date.

15 (b) The starting and ending times.

16 (c) The names of all persons who were in the room and the type of license
17 issued to the health care professional.

18 (d) The physical address of both the examining psychiatrist and the patient
19 when the video conference was conducted.

20 * * *

21 F. An emergency certificate shall constitute legal authority to transport a
22 patient to a treatment facility and shall permit the director of such treatment facility
23 to detain the patient for diagnosis and treatment for a period not to exceed fifteen
24 days, and to return the patient to the facility if he is absent with or without
25 permission during authorized periods of detention. If necessary, peace officers shall
26 apprehend and transport, or ambulance services, under appropriate circumstances,
27 may locate and transport, a patient on whom an emergency certificate has been
28 completed to a treatment facility at the request of either the director of the facility,
29 the certifying physician, psychiatric mental health nurse practitioner, or psychologist,
30 the patient's next of kin, the patient's curator, or the agency legally responsible for

1 his welfare. In the case of an emergency certificate issued pursuant to an
 2 examination conducted by telemedicine pursuant to Paragraph (1) of Subsection B,
 3 a copy transmitted by facsimile or other electronic device shall be sufficient
 4 authority for the peace officer or ambulance worker to transport the patient to a
 5 treatment facility and for the director to accept such patient. The psychiatrist shall
 6 cause the original certificate to be deposited in the United States mail properly
 7 addressed to the director of the treatment facility by the next business day following
 8 the date of examination. The director of the treatment facility shall notify the
 9 patient's nearest relative, if known, or designated responsible party, if any, in writing,
 10 of the patient's admission by emergency certificate as soon as reasonably possible.

11 G.

12 * * *

13 (2) Within seventy-two hours of admission, the person shall be
 14 independently examined by the coroner or his deputy who shall execute an
 15 emergency certificate, pursuant to Subsection B of this Section, which shall be a
 16 necessary precondition to the person's continued confinement. If the actual
 17 examination by the psychiatrist in Paragraph (1) of Subsection B of this Section is
 18 conducted by telemedicine, the seventy-two-hour independent examination by the
 19 coroner shall be conducted in person.

20 * * *

21 J.(1) Upon the request of a credible person of legal age who is financially
 22 unable to afford a private physician or who cannot immediately obtain an
 23 examination by a physician, the parish coroner may render, or the coroner or a judge
 24 of a court of competent jurisdiction may cause to be rendered by a physician, an
 25 actual examination of a person alleged to be mentally ill or suffering from substance
 26 abuse and in need of immediate medical treatment because he is dangerous to
 27 himself or others or is gravely disabled. The actual examination of the person by a
 28 psychiatrist may be conducted by telemedicine utilizing video conferencing
 29 technology provided that a licensed health care professional who can adequately and
 30 accurately assist with obtaining any necessary information including but not limited

1 to the information listed in R.S. 28:53(B)(4) shall be in the examination room with
 2 the patient at the time of the video conference. If the coroner is not a physician he
 3 may deputize a physician to perform this examination. To accomplish the
 4 examination authorized by this Subsection, if the coroner or the judge is
 5 apprehensive that his own safety or that of the deputy or other physician may be
 6 endangered thereby, he shall issue a protective custody order pursuant to R.S.
 7 28:53.2.

* * *

9 (3) In any instance where the coroner or his deputy executes the first
 10 emergency certificate, the second emergency certificate shall not be executed by the
 11 coroner or his deputy, but the second emergency certificate may be executed by any
 12 other physician including a physician at the treatment center. However, if the first
 13 examination by the coroner is conducted by a psychiatrist utilizing video
 14 conferencing technology, the second examination shall be conducted in person.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____