

2018 Regular Session

HOUSE BILL NO. 145

BY REPRESENTATIVE COX

MENTAL HEALTH: Provides limitations on diagnosing of the disorder commonly known as "Munchausen syndrome by proxy", and on initiation of child welfare proceedings

1 AN ACT

2 To enact R.S. 37:1745.2 and Children's Code Article 606(C), relative to the diagnosing of
3 certain mental health conditions; to provide limitations on the diagnosing of
4 factitious disorder imposed on another; to provide relative to child in need of care
5 proceedings; to provide limitations on the initiation of such proceedings; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1745.2 is hereby enacted to read as follows:

9 PART VII. HEALTH CARE PROVIDERS

10 * * *

11 §1745.2. Diagnosis of certain mental health conditions; limitation

12 A. No physician or other health care provider shall diagnose the condition
13 of factitious disorder imposed on another, formerly known as "Munchausen
14 syndrome by proxy", unless he meets all of the following criteria:

15 (1) He is licensed as a health care provider in this state.

16 (2) He is qualified by licensure and professional training to diagnose mental
17 health conditions.

18 (3) He has a bona fide provider-patient relationship with the person he
19 diagnoses.

- (1) They are licensed as a health care provider in this state.
- (2) They are qualified by licensure and professional training to diagnose mental health conditions.
- (3) They have a bona fide provider-patient relationship with the person being diagnosed.

Proposed law defines "bona fide provider-patient relationship", for purposes of proposed law, as a treatment or counseling relationship between a health care provider and a patient in which all of the following actions have occurred:

- (1) The health care provider has reviewed the relevant medical records of the patient and completed a full assessment of the patient's medical history and current medical condition.
- (2) The health care provider has performed an in-person medical evaluation of the patient.
- (3) The health care provider has created and maintained a record of the condition of the patient in accordance with medically accepted standards.

Present law, Ch.C. Art. 601 et seq., provides for actions known as "child in need of care proceedings" which are brought by the state to protect children who are abused, neglected, abandoned, or endangered, and can result in a termination of parental rights and a complete and permanent separation of the parent from the child.

Proposed law retains present law and adds thereto provisions stipulating that a diagnosis of factitious disorder imposed on another shall not constitute grounds for an allegation that a child is in need of care unless that diagnosis is made in accordance with proposed law.

(Adds R.S. 37:1745.2 and Ch.C. Art. 606(C))