
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 158 by Representative Foil

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete "R.S. 28:53(G)(8)," and insert in lieu thereof "R.S. 28:53(B)(1) and (G)(8) and 63(A)(1) and (B),"

AMENDMENT NO. 2

On page 1, line 4, after "coroners;" insert "to provide for standard of care;"

AMENDMENT NO. 3

On page 1, line 6, after "1." delete "R.S. 28:53(G)(8) is" and insert in lieu thereof "28:53(B)(1) and (G)(8) and 63(A)(1) and (B) are"

AMENDMENT NO. 4

On page 1, between lines 8 and 9 insert the following:

B.(1) Any physician licensed or permitted by the Louisiana State Board of Medical Examiners, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to have a mental illness or be suffering from a substance-related or addictive disorder who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist determines the person to be dangerous to self or others or to be gravely disabled. The actual examination of the person by a psychiatrist may be conducted by telemedicine utilizing video conferencing technology provided that a licensed healthcare professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (4) of this Subsection shall be in the examination room with the patient at the time of the video conference. A patient examined in such a manner shall be medically cleared prior to admission to a mental health treatment facility. Failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

* * *

AMENDMENT NO. 5

On page 2, after line 4, insert the following:

§63. Standard of care; limitation of liability; penalties

A.(1) Any ~~licensed~~ physician licensed or permitted by the Louisiana State Board of Medical Examiners, psychologist, medical psychologist, psychiatric mental health nurse practitioner, or public and private general hospital personnel exercising that degree of skill and care ordinarily employed, under similar circumstances by members of his profession in good standing in the same community or locality, and

1 using reasonable care and diligence with his best judgment in the application of his
2 skill, shall not be held civilly liable or subject to criminal prosecution for acts arising
3 from his professional opinions which fall within the scope of his duties, judgments,
4 actions, or duties pursuant to any of the provisions of this Part, unless the damage or
5 injury was caused by willful or wanton negligence or gross misconduct. This
6 limitation of liability shall apply only to public and private general hospital
7 personnel who within the preceding twelve-month period have received appropriate
8 training in nonviolent crisis intervention. Such training shall be documented in their
9 personnel files. The training shall be provided by an instructor who has attended a
10 course in crisis intervention taught by a certified instructor.

11 * * *

12 B. Any ~~licensed~~ physician licensed or permitted by the Louisiana State
13 Board of Medical Examiners, psychologist, medical psychologist, or psychiatric
14 mental health nurse practitioner who executes an emergency certificate shall be held
15 to that degree of skill and care ordinarily employed, under similar circumstances, by
16 members of his profession in good standing in the same community or locality, and
17 using reasonable care and diligence with his best judgment in the application of his
18 skill.

19 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.