

SENATE BILL NO. 66

BY SENATOR CLAITOR

1 AN ACT

2 To amend and reenact R.S. 28:53(B)(1) and the introductory paragraph of (G)(8) and
3 63(A)(1) and (B), relative to admissions to treatment facilities by emergency
4 certificates; to provide for admission procedures to treatment facilities; to provide
5 for applicability to all parishes except St. Tammany; to provide for standard of care;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:53(B)(1) and the introductory paragraph of (G)(8) and 63(A)(1)
9 and (B) are hereby amended and reenacted to read as follows:

10 §53. Admission by emergency certificate; extension; payment for services rendered

11 * * *

12 B.(1) Any physician licensed or permitted by the Louisiana State Board
13 of Medical Examiners, physician assistant when acting in accordance with their
14 respective clinical practice guidelines, psychiatric mental health nurse practitioner,
15 other nurse practitioner who acts in accordance with a collaborative practice
16 agreement and receives verbal approval for executing the certificate from his
17 collaborating physician, or psychologist may execute an emergency certificate only
18 after an actual examination of a person alleged to have a mental illness or be
19 suffering from a substance-related or addictive disorder who is determined to be in
20 need of immediate care and treatment in a treatment facility because the examining
21 physician, physician assistant when acting in accordance with their respective
22 clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse
23 practitioner who acts in accordance with a collaborative practice agreement and
24 receives verbal approval for executing the certificate from his collaborating

1 physician, or psychologist determines the person to be dangerous to self or others or
 2 to be gravely disabled. The actual examination of the person by a psychiatrist may
 3 be conducted by telemedicine utilizing video conferencing technology provided that
 4 a licensed healthcare professional who can adequately and accurately assist with
 5 obtaining any necessary information including but not limited to the information
 6 listed in Paragraph (4) of this Subsection shall be in the examination room with the
 7 patient at the time of the video conference. A patient examined in such a manner
 8 shall be medically cleared prior to admission to a mental health treatment facility.
 9 Failure to conduct an examination prior to the execution of the certificate will be
 10 evidence of gross negligence.

11 * * *

12 G.

13 * * *

14 (8) As it relates to ~~the~~ all other parishes ~~of East Baton Rouge, Jefferson,~~
 15 ~~Orleans, and Ouachita,~~ the following shall apply:

16 * * *

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

18 A.(1) Any ~~licensed~~ physician licensed or permitted by the Louisiana State
 19 Board of Medical Examiners, psychologist, medical psychologist, psychiatric
 20 mental health nurse practitioner, or public and private general hospital personnel
 21 exercising that degree of skill and care ordinarily employed, under similar
 22 circumstances by members of his profession in good standing in the same
 23 community or locality, and using reasonable care and diligence with his best
 24 judgment in the application of his skill, shall not be held civilly liable or subject to
 25 criminal prosecution for acts arising from his professional opinions which fall within
 26 the scope of his duties, judgments, actions, or duties pursuant to any of the
 27 provisions of this Part, unless the damage or injury was caused by willful or wanton
 28 negligence or gross misconduct. This limitation of liability shall apply only to public
 29 and private general hospital personnel who within the preceding twelve-month
 30 period have received appropriate training in nonviolent crisis intervention. Such

1 training shall be documented in their personnel files. The training shall be provided
2 by an instructor who has attended a course in crisis intervention taught by a certified
3 instructor.

4 * * *

5 B. Any licensed **physician licensed or permitted by the Louisiana State**
6 **Board of Medical Examiners**, psychologist, medical psychologist, or psychiatric
7 mental health nurse practitioner who executes an emergency certificate shall be held
8 to that degree of skill and care ordinarily employed, under similar circumstances, by
9 members of his profession in good standing in the same community or locality, and
10 using reasonable care and diligence with his best judgment in the application of his
11 skill.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____