

RÉSUMÉ DIGEST

ACT 193 (HB 145)

2018 Regular Session

Cox

New law prohibits physicians and other health care providers from diagnosing the condition of factitious disorder imposed on another, formerly known as "Munchausen syndrome by proxy", unless they meet all of the following criteria:

- (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 conducted a bona fide evaluation of the person being diagnosed.

New law provides that "bona fide evaluation", for purposes of new law, means all of the following actions have occurred:

- (1) The health care provider has reviewed the relevant clinical records of the individual and the purported victim and has completed a full assessment of the individual's clinical history and current clinical condition.
- (2) The health care provider has performed an in-person clinical evaluation of the individual which includes a clinical interview and behavioral observation.
- (3) The health care provider has created and maintained a record of the condition of the individual in accordance with clinically accepted standards to support a mental health diagnosis.

Existing 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.

New law retains existing law and adds thereto provisions stipulating that a diagnosis of factitious disorder imposed on another shall not constitute grounds for a determination that a child is in need of care unless that diagnosis is made in accordance with new law.

Effective August 1, 2018.

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