

2022 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE DUPLESSIS

MENTAL HEALTH: Provides relative to behavioral health

1 AN ACT

2 To amend and reenact R.S. 28:2(13) and 69(B)(2), to enact R.S. 28:2(40), and to repeal R.S.
3 28:68(C), relative to behavioral health; to provide for a definition of the term
4 "psychiatric deterioration"; to amend the definition of "gravely disabled"; to provide
5 for certain regulations regarding a Physician's Report to Court or an affidavit from
6 certain mental health professionals; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:2(13) and 69(B)(2) are hereby amended and reenacted and R.S.
9 28:2(40) is hereby enacted to read as follows:

10 §2. Definitions

11 Whenever used in this Title, the masculine shall include the feminine, the
12 singular shall include the plural, and the following definitions shall apply:

13 * * *

14 (13) "Gravely disabled" means the condition of a person who is unable to
15 provide for his own basic physical needs, such as essential food, clothing, medical
16 care, ~~and~~ or shelter, as a result of serious mental illness or a substance-related or
17 addictive disorder and is unable to survive safely in freedom or protect himself from
18 serious physical harm or significant psychiatric deterioration. The term also includes
19 incapacitation by alcohol, which means the condition of a person who, as a result of

1 the use of alcohol, is unconscious or whose judgment is otherwise so impaired that
2 he is incapable of realizing and making a rational decision with respect to his need
3 for treatment.

4 * * *

5 (40) "Psychiatric deterioration" means a decline in mental functioning, which
6 diminishes the person's capacity to reason or exercise judgment.

7 * * *

8 §69. Procedure

9 * * *

10 B.

11 * * *

12 (2) If the court determines that probable cause exists, the court shall appoint
13 a physician, psychiatric mental health nurse practitioner, or psychologist to examine
14 the respondent and to provide a written Physician's Report to Court and testify at the
15 hearing. The Physician's Report to Court shall be completed on the form provided
16 by the office of behavioral health of the Louisiana Department of Health and
17 provided to the court, the respondent's counsel, and the petitioner's counsel at least
18 three days before the hearing. Nothing in this Paragraph shall prevent the court from
19 appointing a willing and available physician, psychiatric mental health nurse
20 practitioner, or psychologist who has been put forth by the petitioner or from
21 accepting a Physician's Report to Court that has been completed pursuant to an
22 examination of the respondent conducted within ten days prior to the filing of the
23 petition.

24 * * *

25 Section 2. R.S. 28:68(C) is hereby repealed in its entirety.

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 335 Reengrossed

2022 Regular Session

Duplessis

Abstract: Identifies a person who is unable to protect himself from serious physical harm or significant psychiatric deterioration as gravely disabled, defines psychiatric deterioration, and provides information regarding Physician's reports and affidavits from certain medical health professionals.

Present law defines "gravely disabled" as the condition of a person who is unable to provide for his own basic physical needs as a result of serious mental illness or a substance-related or addictive disorder and is unable to survive safely in freedom or protect himself from serious harm.

Proposed law expands the definition of "gravely disabled" to include a person who is unable to protect himself from serious physical harm or significant psychiatric deterioration.

Proposed law defines "psychiatric deterioration" as a decline in mental functioning, which diminishes the person's capacity to reason or exercise judgment.

Proposed law removes content requirements for a Physician's Report to Court or an affidavit from a medical health professional when the Physician's Report to Court or affidavit accompanies a petition from present law.

Proposed law allows the court to appoint a physician, psychiatric mental health nurse practitioner, or psychologist who has been put forth by the petitioner.

Proposed law allows the court to accept a Physician's Report to Court that has been completed pursuant to an examination of the respondent within 10 days of the petition.

(Amends R.S. 28:2(13) and 69(B)(2); Adds R.S. 28:2(40); Repeals R.S. 28:68(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Allow the court to appoint a physician, psychiatric mental health nurse practitioner, or psychologist who has been put forth by the petitioner.
2. Allow the court to accept a Physician's Report to Court that has been completed pursuant to an examination of the respondent within 10 days of the petition.
3. Remove content requirements for a Physician's Report to Court or an affidavit when the Physician's report or affidavit accompanies a petition.
4. Make technical corrections.

The House Floor Amendments to the engrossed bill:

1. Remove "the diminishing ability to control behavior" from the definition of "psychiatric deterioration".

2. Define "psychiatric deterioration" as a decline in mental functioning, which diminishes the person's capacity to reason or exercise judgment.