2022 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE DUPLESSIS

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
20	the use of alcohol, is unconscious or whose judgment is otherwise so impaired that
21	he is incapable of realizing and making a rational decision with respect to his need
22	for treatment.
23	* * *

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1	(40) "Psychiatric deterioration" means a decline in mental functioning, which
2	diminishes the person's capacity to reason or exercise judgment.
3	* * *
4	§69. Procedure
5	* * *
6	В.
7	* * *
8	(2) If the court determines that probable cause exists, the court shall appoint
9	a physician, psychiatric mental health nurse practitioner, or psychologist to examine
10	the respondent and to provide a written Physician's Report to Court and testify at the
11	hearing. The Physician's Report to Court shall be completed on the form provided
12	by the office of behavioral health of the Louisiana Department of Health and
13	provided to the court, the respondent's counsel, and the petitioner's counsel at least
14	three days before the hearing. Nothing in this Paragraph shall prevent the court from
15	appointing a willing and available physician, psychiatric mental health nurse
16	practitioner, or psychologist who has been put forth by the petitioner or from
17	accepting a Physician's Report to Court that has been completed pursuant to an
18	examination of the respondent conducted within ten days prior to the filing of the
19	petition.
20	* * *
21	Section 2. R.S. 28:68(C) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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