

SENATE BILL NO. 231

BY SENATOR DUPLESSIS

1 AN ACT

2 To amend and reenact introductory paragraph of R.S. 28:67, R.S. 28:68(A), 69(A)(1), (B)(2)
3 and (3), (D), and (E), 70(D)(1), and 71(C), relative to involuntary outpatient mental
4 health treatment; to provide for petitions to the court; to provide for judicial
5 procedures; to provide for written treatment plans for involuntary outpatient
6 treatment; to provide relative to dispositions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 28:67, R.S. 28:68(A), 69(A)(1), (B)(2)
9 and (3), (D), and (E), 70(D)(1), and 71(C) are hereby amended and reenacted to read as
10 follows:

11 §67. Petition to the court

12 A petition for an order authorizing involuntary outpatient treatment may be
13 filed in the judicial district in the parish in which the respondent is present or
14 reasonably believed to be present **or in the judicial district where the respondent**
15 **resides**. A petition to obtain an order authorizing involuntary outpatient treatment
16 may be initiated by one of the following persons:

17 * * *

18 §68. Petition

19 A. The petition shall contain the facts which are the basis of the assertion that
20 the respondent meets each of the criteria in R.S. 28:66 that he is present or
21 reasonably believed to be present in the parish where filed **or that the respondent**
22 **is a resident of the judicial district where the petition is filed**, and provide the
23 respondent with adequate notice and knowledge relative to the nature of the
24 proceeding.

25 * * *

26 §69. Procedure

27 A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court shall

1 assign a time and place for a hearing as promptly as is practical, but in no case later
 2 than ~~eighteen~~ **thirty** days after the filing of the petition, which may be conducted
 3 before any judge in the judicial district and shall cause reasonable notice thereof and
 4 a copy of the petition to be served upon the respondent, respondent's attorney, the
 5 petitioner, and the director of the local governing entity in the parish where the
 6 petition has been filed. The notice shall inform the respondent that he has a right to
 7 be present, a right to retain counsel, has the right to counsel appointed to represent
 8 him by the Mental Health Advocacy Service, and a right to cross-examine witnesses.
 9 Continuances shall be granted only for good cause shown.

10 * * *

11 B. * * *

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

26 (3) The Physician's Report to Court shall set forth specifically the objective
 27 factors leading to the conclusion that the respondent has a mental illness that renders
 28 him unlikely to voluntarily participate in the recommended treatment and, in view
 29 of the treatment history and current behavior of the respondent, he is in need of
 30 involuntary outpatient treatment to prevent a relapse or deterioration which would

1 be likely to result in his becoming dangerous to self or others or gravely disabled as
 2 defined in R.S. 28:2. The report shall also include recommendations for a treatment
 3 plan. The examining physician, psychiatric mental health nurse practitioner,
 4 psychologist, or medical psychologist shall be authorized to consult with the
 5 respondent's treating physician, psychiatric mental health nurse practitioner,
 6 psychologist, or medical psychologist.

7 * * *

8 D. The court shall not order involuntary outpatient treatment unless an
 9 examining physician, psychiatric mental health nurse practitioner, psychologist, or
 10 medical psychologist, who has personally examined the respondent, testifies at the
 11 hearing, in person or via electronic means, with consent of all of the parties,
 12 regarding the categories of involuntary outpatient treatment recommended, the
 13 rationale for each category, facts which establish that such treatment is the least
 14 restrictive alternative, and, if recommended, the beneficial and detrimental physical
 15 and mental effects of medication and whether such medication should be
 16 self-administered or administered by an authorized professional.

17 E. If the respondent has refused to be examined by the court-ordered
 18 physician, psychiatric mental health nurse practitioner, ~~or~~ psychologist, or medical
 19 psychologist, the court shall order the sheriff's department to take the respondent into
 20 custody and transport him to a psychiatrist's office, behavioral health center, hospital,
 21 or emergency receiving center. Retention of the respondent in accordance with the
 22 court order shall not exceed twenty-four hours. ~~The examining physician, psychiatric~~
 23 ~~mental health nurse practitioner, or psychologist shall be authorized to consult with~~
 24 ~~the respondent's treating physician, psychiatric mental health nurse practitioner, or~~
 25 ~~psychologist.~~

26 * * *

27 §70. Written treatment plan for involuntary outpatient treatment

28 * * *

29 D.(1) Services ~~shall~~ may include but are not limited to case management,
 30 provided by the local governing entity which is defined as the assignment of the

1 coordination of care for an outpatient individual with a serious mental illness to a
2 single person or team, including all necessary medical and mental health care and
3 associated supportive services.

4 * * *

5 §71. Disposition

6 * * *

7 C. If the court finds by clear and convincing evidence that the respondent
8 meets the criteria for involuntary outpatient treatment, and a written proposed
9 treatment plan has not been approved, the court ~~shall~~ may order the ~~director of the~~
10 ~~local governing entity~~ **service provider** to provide a plan and testimony within ~~five~~
11 **thirty** days of the date of the order.

12 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____