2016 Regular Session

HOUSE BILL NO. 930

#### BY REPRESENTATIVE PYLANT

# MENTAL HEALTH: Provides relative to the transport of a patient to a mental health treatment facility under a physician's emergency certificate

1	AN ACT
2	To amend and reenact R.S. 28:53(F) and (J)(2), relative to physician's emergency
3	certificates; to require the transportation by ambulance of a patient admitted by
4	physician's emergency certificate; to provide for an exception; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 28:53(F) and (J)(2) are hereby amended and reenacted to read as
8	follows:
9	§53. Admission by emergency certificate; extension; payment for services rendered
10	* * *
11	F. $(1)$ An emergency certificate shall constitute legal authority to transport
12	a patient to a treatment facility and shall permit the director of such the treatment
13	facility to detain the patient for diagnosis and treatment for a period not to exceed
14	fifteen days, and to return the patient to the facility if he is absent with or without
15	permission during authorized periods of detention.
16	(2) If the emergency certificate is executed by a physician, the patient shall
17	be transported to the treatment facility by ambulance unless the physician determines
18	and certifies that the patient may be transported safely by alternative available
19	means. For the purposes of this Paragraph, "ambulance" shall have the same
20	meaning as defined in R.S. 40:1131.

## Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(3) If necessary, peace officers shall apprehend and transport, or ambulance
2	services, under appropriate circumstances, may locate and transport, a patient on
3	whom an emergency certificate has been completed to a treatment facility at the
4	request of either the director of the facility, the certifying physician, psychiatric
5	mental health nurse practitioner, or psychologist, the patient's next of kin, the
6	patient's curator, or the agency legally responsible for his welfare.
7	(4) In the case of an emergency certificate issued pursuant to an examination
8	conducted by telemedicine pursuant to Paragraph (B)(1) of this Section, or where the
9	valid original is not provided to the transporter, a copy transmitted by facsimile or
10	other electronic device shall be sufficient authority for the peace officer or
11	ambulance worker to transport the patient to a treatment facility and for the director
12	to accept such patient. The psychiatrist shall cause the original certificate to be
13	deposited in the United States mail properly addressed to the director of the
14	treatment facility by the next business day following the date of examination.
15	(5) The director of the treatment facility shall notify the patient's nearest
16	relative, if known, or designated responsible party, if any, in writing, of the patient's
17	admission by emergency certificate as soon as reasonably possible.
18	* * *
19	J.
20	* * *
21	(2) If the examining physician determines that the above standard is met, he
22	shall execute an emergency certificate and shall transport or cause to be transported
23	the person named in the emergency certificate to a treatment facility. Failure to
24	render an actual examination prior to execution of the emergency certificate shall be
25	evidence of gross negligence. The person named in the emergency certificate shall
26	be transported to the treatment facility in accordance with Paragraph (F)(2) of this
27	Section.
28	* * *

# Page 2 of 3

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### 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 930 Original	2016 Regular Session	Pylant
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Abstract: Requires the transportation to a mental health treatment facility of a person admitted under a physician's emergency certificate to be by ambulance.

<u>Present law</u> provides that a person who is mentally ill or suffering from substance abuse and is determined to be dangerous to himself or others or to be gravely disabled may be admitted and detained at a treatment facility for observation, diagnosis, and treatment for a period not to exceed 15 days under an emergency certificate issued by a physician, psychiatric mental health nurse practitioner, or psychologist after an actual examination of the person.

<u>Present law</u> further provides that an emergency certificate constitutes legal authority to transport the patient to a treatment facility and permits the director of the treatment facility to detain the patient for diagnosis and treatment for a period not to exceed 15 days.

<u>Proposed law</u> retains <u>present law</u> but adds a requirement, if the emergency certificate is executed by a physician, for the patient to be transported to the treatment facility by ambulance unless the physician determines and certifies that the patient may be transported safely by alternative available means.

(Amends R.S. 28:53(F) and (J)(2))