

RÉSUMÉ DIGEST

ACT 59 (HB 618)

2016 Regular Session

Willmott

New law requires a health facility, prior to the final disposition of a miscarried child, but not more than 24 hours after the miscarriage occurs in the facility, to notify the patient, or, if the patient is incapacitated, the spouse of the patient, both orally and in writing, of both of the following:

- (1) The parent's right to arrange for the final disposition of the child through the use of the notice of parental rights form.
- (2) The availability of a chaplain or other counseling services concerning the death of the child, whether provided by the facility or another provider.

No notice is required if both the patient and the patient's spouse are incapacitated or otherwise unable to receive the notice required by new law.

New law grants the patient a period of 48 hours from receipt of the notice to elect to arrange for the final disposition of the child. Upon receipt of the parent's decision for final disposition, new law requires the health facility to make the remains available to transfer for a minimum of 72 hours, or else the health facility shall dispose of the remains in accordance with rules and regulations promulgated by the Dept. of Health and Hospitals.

New law requires DHH to promulgate a standard notice of parental rights form to be used by health facilities and sets forth the minimum required content of the form.

New law limits civil liability for health facilities or any person authorized to act on behalf of a health facility when acting pursuant to new law.

New law requires DHH to promulgate the notice of parental rights form prior to Jan. 1, 2017, and requires health facilities to provide notice in accordance with new law beginning Jan. 1, 2017.

Effective upon signature of governor (May 10, 2016).

(Adds R.S. 40:1191.1-1191.4)