SLS 17RS-127

ORIGINAL

2017 Regular Session

SENATE BILL NO. 216

BY SENATORS TARVER AND LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides for physician assistants executing emergency certificates relative to alleged mental illness or substance abuse. (8/1/17)

1	AN ACT
2	To amend and reenact R.S. 28:53(B)(1), (2)(a) and (b), and (F), relative to physicians
3	assistants; to provide for authority to issue an emergency certificate; to provide with
4	respect to certificate documentation; to provide authority to require transportation;
5	and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 28:53(B)(1), (2)(a) and (b), and (F) are hereby amended and
8	reenacted to read as follows:
9	§53. Admission by emergency certificate; extension; payment for services rendered
10	* * *
11	B.(1) Any physician, physician assistant , psychiatric mental health nurse
12	practitioner, or psychologist may execute an emergency certificate only after an
13	actual examination of a person alleged to be mentally ill or suffering from substance
14	abuse who is determined to be in need of immediate care and treatment in a
15	treatment facility because the examining physician, physician assistant, psychiatric
16	mental health nurse practitioner, or psychologist determines the person to be
17	dangerous to self or others or to be gravely disabled. The actual examination of the

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

- person by a psychiatrist may be conducted by telemedicine utilizing video 1 2 conferencing technology provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information including 3 but not limited to the information listed in Paragraph (4) of this Subsection shall be 4 in the examination room with the patient at the time of the video conference. A 5 patient examined in such a manner shall be medically cleared prior to admission to 6 7 a mental health treatment facility. Failure to conduct an examination prior to the 8 execution of the certificate will be evidence of gross negligence.
- 9

(2) The certificate shall state:

10(a) The date of the physician's, physician assistant's, psychiatric mental11health nurse practitioner's, or psychologist's examination of the person, which shall12not be more than seventy-two hours prior to the date of the signature of the13certificate.

- (b) The objective findings of the physician, physician assistant, psychiatric
 mental health nurse practitioner, or psychologist relative to the physical or mental
 condition of the person, leading to the conclusion that the person is dangerous to self
 or others or is gravely disabled as a result of substance abuse or mental illness.
- 18

* *

19 F. An emergency certificate shall constitute legal authority to transport a patient to a treatment facility and shall permit the director of such treatment facility 20 to detain the patient for diagnosis and treatment for a period not to exceed fifteen 21 days, and to return the patient to the facility if he is absent with or without 22 permission during authorized periods of detention. If necessary, peace officers shall 23 24 apprehend and transport, or ambulance services, under appropriate circumstances, may locate and transport, a patient on whom an emergency certificate has been 25 completed to a treatment facility at the request of either the director of the facility, 26 27 the certifying physician, physician assistant, psychiatric mental health nurse practitioner, or psychologist, the patient's next of kin, the patient's curator, or the 28 29 agency legally responsible for his welfare. In the case of an emergency certificate

> Page 2 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1 issued pursuant to an examination conducted by telemedicine pursuant to Paragraph 2 (B)(1) of this Section, or where the valid original is not provided to the transporter, a copy transmitted by facsimile or other electronic device shall be sufficient 3 authority for the peace officer or ambulance worker to transport the patient to a 4 5 treatment facility and for the director to accept such patient. The psychiatrist shall cause the original certificate to be deposited in the United States mail properly 6 7 addressed to the director of the treatment facility by the next business day following 8 the date of examination. The director of the treatment facility shall notify the 9 patient's nearest relative, if known, or designated responsible party, if any, in writing, 10 of the patient's admission by emergency certificate as soon as reasonably possible. 11

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST 2017 Regular Session

Tarver

<u>Present law</u> authorizes any physician, psychiatric mental health nurse practitioner, or psychologist to execute an emergency certificate after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the person is determined to be dangerous to self or others or to be gravely disabled.

Proposed law expands this authority to physician assistants.

Present law includes minimum data required on a certificate.

<u>Proposed law</u> expands minimum data to include the date of exam and objective findings of the physician assistant.

Present law provides for legal authority to transport a person to a treatment facility.

<u>Proposed law</u> expands legal authority to transport a person to a treatment facility to instances where it is authorized by a physician assistant.

Effective August 1, 2017.

SB 216 Original

(Amends R.S. 28:53(B)(1), (2)(a) and (b), and (F))