

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)

AN ACT

To amend and reenact R.S. 28:53(B)(1), (2)(a) and (b), and (F), relative to physicians assistants; to provide for authority to issue an emergency certificate; to provide with respect to certificate documentation; to provide authority to require transportation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(B)(1), (2)(a) and (b), and (F) are hereby amended and reenacted to read as follows:

§53. Admission by emergency certificate; extension; payment for services rendered

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B.(1) Any physician, **physician assistant when acting in accordance with their respective clinical practice guidelines**, psychiatric mental health nurse practitioner, or psychologist may execute an emergency certificate only 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 examining physician, **physician assistant when acting in accordance with their respective clinical practice guidelines**, psychiatric

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

11 (2) The certificate shall state:

12 (a) The date of the physician's, **physician assistant's**, psychiatric mental
13 health nurse practitioner's, or psychologist's examination of the person, which shall
14 not be more than seventy-two hours prior to the date of the signature of the
15 certificate.

16 (b) The objective findings of the physician, **physician assistant when acting**
17 **in accordance with their respective clinical practice guidelines**, psychiatric
18 mental health nurse practitioner, or psychologist relative to the physical or mental
19 condition of the person, leading to the conclusion that the person is dangerous to self
20 or others or is gravely disabled as a result of substance abuse or mental illness.

21 * * *

22 F. An emergency certificate shall constitute legal authority to transport a
23 patient to a treatment facility and shall permit the director of such treatment facility
24 to detain the patient for diagnosis and treatment for a period not to exceed fifteen
25 days, and to return the patient to the facility if he is absent with or without
26 permission during authorized periods of detention. If necessary, peace officers shall
27 apprehend and transport, or ambulance services, under appropriate circumstances,
28 may locate and transport, a patient on whom an emergency certificate has been
29 completed to a treatment facility at the request of either the director of the facility,

1 the certifying physician, **physician assistant when acting in accordance with their**
 2 **respective clinical practice guidelines**, psychiatric mental health nurse practitioner,
 3 or psychologist, the patient's next of kin, the patient's curator, or the agency legally
 4 responsible for his welfare. In the case of an emergency certificate issued pursuant
 5 to an examination conducted by telemedicine pursuant to Paragraph (B)(1) of this
 6 Section, or where the valid original is not provided to the transporter, a copy
 7 transmitted by facsimile or other electronic device shall be sufficient authority for
 8 the peace officer or ambulance worker to transport the patient to a treatment facility
 9 and for the director to accept such patient. The psychiatrist shall cause the original
 10 certificate to be deposited in the United States mail properly addressed to the director
 11 of the treatment facility by the next business day following the date of examination.
 12 The director of the treatment facility shall notify the patient's nearest relative, if
 13 known, or designated responsible party, if any, in writing, of the patient's admission
 14 by emergency certificate as soon as reasonably possible.

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The original instrument was prepared by Christine Arbo Peck. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

SB 216 Reengrossed

2017 Regular Session

Tarver

Present law 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 physicians assistants when acting in accordance with their respective clinical practice guidelines.

Present law includes minimum data required on a certificate.

Proposed law expands minimum data to include the date of exam and objective findings of the physician assistant when acting in accordance with their respective clinical practice guidelines.

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

Proposed law expands legal authority to transport a person to a treatment facility to instances where it is authorized by a physician assistant when acting in accordance with their respective clinical practice guidelines.

Effective August 1, 2017.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that the physician assistant acts in collaboration with their supervising physician in issuing an emergency certificate.

Senate Floor Amendments to engrossed bill

1. Provides that the physician assistant act in accordance with their respective clinical practice guidelines when executing an emergency certificate.