
DIGEST

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HB 341 Reengrossed

2017 Regular Session

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Abstract: Amends laws relative to behavioral health and mental health to provide for current practice and for appropriate terminology.

Proposed law changes the heading of Title 28 of the La. Revised Statutes of 1950 from "Mental Health" to "Behavioral Health".

Proposed law defines "behavioral health" as a term which is used to refer to both mental health and substance use.

Proposed law amends present law relative to behavioral health, mental health, treatment of mental illness and substance-related and addictive disorders, and facilities for and providers of such treatment to reflect current healthcare practices.

Proposed law amends present law to institute new terminology and definitions of terms in laws pertaining to behavioral health and mental health.

Proposed law revises present law to reflect current healthcare practices and terminology relative to the following:

- (1) Healthcare services for persons with mental illness and substance-related and addictive disorders.
- (2) Care and treatment of persons with behavioral health needs, and facilities for and providers of such care and treatment.
- (3) Administration of state psychiatric hospitals.

Proposed law repeals present law providing for the following:

- (1) The defined term "informal voluntary admission" and its corresponding definition.
- (2) A behavioral health implementation advisory committee which was dissolved on July 1, 2011.
- (3) Delivery of inpatient and outpatient services at the New Orleans Adolescent Hospital by the La. Department of Health.

- (4) Authorization for the governing body of a treatment facility to grant staff membership, specifically delineated institutional privileges, or both, to any duly licensed, certified, or registered healthcare provider.
- (5) A requirement that a reputable woman attendant accompany a female patient while traveling.
- (6) Authorization for the superintendent of a mental institution to release an improved patient on convalescent status subject to certain conditions.
- (7) Penalties for maltreatment of a patient of a mental institution.
- (8) The Uniform Act for the Extradition of Persons of Unsound Mind.
- (9) Authorization for the superintendents of state mental institutions, and other persons whom the superintendents may deputize, to make arrests for the violation of laws designed to protect the property and patients of the institutions.

Proposed law makes technical changes and corrections in present law relative to mental health and behavioral health.

(Amends R.S. 17:1607, the heading of Title 28 of the La. Revised Statutes of 1950, the heading of Ch. 1 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:1, 2(1), (7), (9), (10), (14), (17), (20), (21), (26), (29), and (32)(a) and (b), 3, the heading of Part I-A of Ch. 1 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:11, 12, 13(intro. para.), (1), and (3)-(5), 14, 15(A)(intro. para.), (3), (9), and (B), the heading of Part II of Ch. 1 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:21(A) and (B), 21.1, 22(B)(intro. para.) and (C)(1), 22.5, 22.7(A), 22.9, 23, 25, 25.1(A), (C)(1)(a)(intro. para.) and (v), (b), (c), (2)(a)(iv), and (D), 25.2, the heading of Part III of Ch. 1 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:50(1), (3), (4), and (6), 51(C), 51.1(A)(1), 52(A)-(C), (G)(2)(a), and (H)(2), 52.2, 52.3, 52.4(A)-(C), 53(A), (B)(1) and (2)(b) and (d)(intro. para.), (G)(2) and (6), (J), (K)(1), and (L)(1) and (3), 53.2(A)(intro. para.) and (1), (B), (C)(3), and (F), 54(A) and (D)(1)(intro. para.), and (a) and (3), 55(B), (E)(1) and (3)-(5), (F), (G), (I), and (J), 56(A)(1)(a) and (2)(b), (B), (C), and (G), 59(A), (C), and (D), 62, 64(F), 67(1) and (3), 69(A)(1), 70(A), (B)(intro. para.) and (1), and (E)(2)(f), 71(B), (C), (E), and (F), 72(A), 73, 91-93, 94(A), 96(A)-(C) and (E)-(H), 96.1(A), (B), and (D)-(F), 97-100, 101-145, 146(A), 147, the heading of Part VI of Ch. 1 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:171(C)(4)(a) and (D)(5), 171.1(intro. para.) and (5)-(8), 172-181, 183, 184, 185(A), 200-202, 215.2(1)(intro. para.) and (2), 215.3(A) and (B), 215.4(A), the heading of Part X of Ch. 1 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:221(1)-(6), (8), (9), and (11)-(13), 222-225, 227(A), (C), and (E), 228, 229(A) and (C), 230(A)(intro. para.) and (2)(a) and (d)(i), (B), and (C), 232, 233(2), 234(intro. para.) and (2), the heading of Ch. 5 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:475, 476, 477(1) and (3)(a)(intro. para.) and (b), 478(A), the heading of Ch. 11 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:771, 772(A)(1) and (2)(c) and (B), the heading of Ch. 15 of Title 28 of the La. Revised Statutes of 1950, R.S. 28:841(A), 911(1), 913(A)(2) and (3), 915(A)(3), and 931(B)(2), R.S. 36:258(C) and 259(C)(10) and (16), R.S. 40:1237.1(A)(9)(a)(ii)(intro. para.) and 2142(A), C.Cr.P. Arts. 648(A)(1) and (B)(1), 657, 657.1(A)(4), and 657.2(A), and Ch.C. Art. 1404(9); Adds R.S. 28:2(33)-(39); Repeals R.S. 28:2(11),

22.4, 22.10, 52.1, 95, 100.1, 182, 501-506, and 561)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Restore present law which includes nursing homes within the definition of "treatment facility".
2. Restore present law which provides that in the case of any involuntary hospitalization or judicial commitment as a result of an emergency certificate, the commitment or hospitalization may be made to a facility specified in present law and proposed law.
3. Change the phrase "crime or misdemeanor" in present law and proposed law to "crime".

4. Make changes in clinical terminology as necessary for consistency with proposed law.
5. Make technical changes in present law and proposed law.

The House Floor Amendments to the engrossed bill:

1. Change "superintendent of the institution" to "director or administrator of the treatment facility" in a provision of present law for consistency with terminology changes instituted by proposed law.
2. Delete "mentally defective" in a provision of present law for consistency with terminology changes instituted by proposed law.
3. Make technical changes.