
DIGEST

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HB 145 Original

2018 Regular Session

Cox

Abstract: Provides limitations on diagnosing of factitious disorder imposed on another (formerly known as "Munchausen syndrome by proxy"), and on circumstances in which state child welfare proceedings (child in need of care proceedings) may be initiated.

Proposed law prohibits physicians and other health care providers from diagnosing the condition of factitious disorder imposed on another, formerly known as "Munchausen syndrome by proxy", unless they meet all of the following criteria:

- (1) They are licensed as a health care provider in this state.
- (2) They are qualified by licensure and professional training to diagnose mental health conditions.
- (3) They have a bona fide provider-patient relationship with the person being diagnosed.

Proposed law defines "bona fide provider-patient relationship", for purposes of proposed law, as a treatment or counseling relationship between a health care provider and a patient in which all of the following actions have occurred:

- (1) The health care provider has reviewed the relevant medical records of the patient and completed a full assessment of the patient's medical history and current medical condition.
- (2) The health care provider has performed an in-person medical evaluation of the patient.
- (3) The health care provider has created and maintained a record of the condition of the patient in accordance with medically accepted standards.

Present law, Ch.C. Art. 601 et seq., provides for actions known as "child in need of care proceedings" which are brought by the state to protect children who are abused, neglected, abandoned, or endangered, and can result in a termination of parental rights and a complete and permanent separation of the parent from the child.

Proposed law retains present law and adds thereto provisions stipulating that a diagnosis of factitious disorder imposed on another shall not constitute grounds for an allegation that a child is in need of care unless that diagnosis is made in accordance with proposed law.

(Adds R.S. 37:1745.2 and Ch.C. Art. 606(C))