

2018 Regular Session

HOUSE BILL NO. 145

BY REPRESENTATIVE COX

MENTAL HEALTH: Provides limitations on diagnosing of the disorder commonly known as "Munchausen syndrome by proxy", and on initiation of child welfare proceedings

1 AN ACT

2 To enact R.S. 37:1745.2 and Children's Code Article 606(C), relative to the diagnosing of
3 certain mental health conditions; to provide limitations on the diagnosing of
4 factitious disorder imposed on another; to provide relative to child in need of care
5 proceedings; to provide limitations on the initiation of such proceedings; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1745.2 is hereby enacted to read as follows:

9 PART VII. HEALTH CARE PROVIDERS

10 * * *

11 §1745.2. Diagnosis of certain mental health conditions; limitation

12 A. No physician or other health care provider shall diagnose the condition
13 of factitious disorder imposed on another, formerly known as "Munchausen
14 syndrome by proxy", unless he meets all of the following criteria:

15 (1) He is licensed as a health care provider in this state.

16 (2) He is qualified by licensure and professional training to diagnose mental
17 health conditions.

18 (3) He has conducted a bona fide evaluation of the person he diagnoses.

19 B. For purposes of this Section, the following terms have the meaning
20 ascribed in this Subsection:

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 conducted a bona fide evaluation of the person being diagnosed.

Proposed law provides that "bona fide evaluation", for purposes of proposed law, means all of the following actions have occurred:

- (1) The health care provider has reviewed the relevant clinical records of the individual and the purported victim and has completed a full assessment of the individual's clinical history and current clinical condition.
- (2) The health care provider has performed an in-person clinical evaluation of the individual which includes a clinical interview and behavioral observation.
- (3) The health care provider has created and maintained a record of the condition of the individual in accordance with clinically accepted standards to support a mental health diagnosis.

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 a determination 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))

Summary of Amendments Adopted by House

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

1. Delete from proposed law the defined term "bona fide provider-patient relationship" and its corresponding definition and insert in lieu thereof the term "bona fide evaluation".
2. Revise proposed law providing that a diagnosis of factitious disorder imposed on another shall not constitute grounds for an allegation that a child is in need of care to provide instead that the diagnosis shall not constitute grounds for a determination that a child is in need of care.