

2018 Regular Session

HOUSE BILL NO. 158

BY REPRESENTATIVE FOIL AND SENATOR CLAITOR

CORONERS: Provides relative to admissions to treatment facilities under an emergency certificate

1 AN ACT

2 To amend and reenact R.S. 28:53(B)(1) and (G)(8) and 63(A)(1) and (B), relative to  
3 admissions to treatment facilities by emergency certificate; to provide relative to  
4 transfers between parishes; to provide relative to duties of physicians and coroners;  
5 to provide for standard of care; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:53(B)(1) and (G)(8) and 63(A)(1) and (B) 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 licensed or permitted by the Louisiana State Board of  
12 Medical Examiners, physician assistant when acting in accordance with their  
13 respective clinical practice guidelines, psychiatric mental health nurse practitioner,  
14 other nurse practitioner who acts in accordance with a collaborative practice  
15 agreement and receives verbal approval for executing the certificate from his  
16 collaborating physician, or psychologist may execute an emergency certificate only  
17 after an actual examination of a person alleged to have a mental illness or be  
18 suffering from a substance-related or addictive disorder who is determined to be in  
19 need of immediate care and treatment in a treatment facility because the examining  
20 physician, physician assistant when acting in accordance with their respective

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

14 \* \* \*

15 G.

16 \* \* \*

17 (8) As it relates to all other parishes, ~~the parishes of East Baton Rouge,~~  
 18 ~~Jefferson, Orleans, and Ouachita~~, the following shall apply:

19 (a) When a patient is transferred from another parish pursuant to an  
 20 emergency certificate, a second physician's emergency certificate, when appropriate,  
 21 shall be executed by a physician at the admitting facility.

22 (b) The coroner shall be notified immediately following the execution of the  
 23 second emergency certificate and shall conduct an independent examination within  
 24 seventy-two hours as provided in Paragraph (2) of this Subsection, in the manner  
 25 provided in accordance with Subparagraph ~~(G)(7)(a) of this Section~~ 7(a) of this  
 26 Subsection.

27 (c) Nothing herein shall be construed to authorize a period of commitment

1 to exceed fifteen days from the date and time the initial emergency certificate was  
2 executed in the parish of origin.

3 \* \* \*

4 §63. Standard of care; limitation of liability; penalties

5 A.(1) Any ~~licensed~~ physician licensed or permitted by the Louisiana State  
6 Board of Medical Examiners, physician assistant, psychologist, medical  
7 psychologist, psychiatric mental health nurse practitioner, other nurse practitioner  
8 who acts in accordance with a collaborative practice agreement and receives verbal  
9 approval for executing the certificate from his collaborating physician, or public and  
10 private general hospital personnel exercising that degree of skill and care ordinarily  
11 employed, under similar circumstances by members of his profession in good  
12 standing in the same community or locality, and using reasonable care and diligence  
13 with his best judgment in the application of his skill, shall not be held civilly liable  
14 or subject to criminal prosecution for acts arising from his professional opinions  
15 which fall within the scope of his duties, judgments, actions, or duties pursuant to  
16 any of the provisions of this Part, unless the damage or injury was caused by willful  
17 or wanton negligence or gross misconduct. This limitation of liability shall apply  
18 only to public and private general hospital personnel who within the preceding  
19 twelve-month period have received appropriate training in nonviolent crisis  
20 intervention. Such training shall be documented in their personnel files. The training  
21 shall be provided by an instructor who has attended a course in crisis intervention  
22 taught by a certified instructor.

23 \* \* \*

24 B. Any ~~licensed~~ physician licensed or permitted by the Louisiana State  
25 Board of Medical Examiners, physician assistant, psychologist, medical  
26 psychologist, or psychiatric mental health nurse practitioner, or other nurse  
27 practitioner who acts in accordance with a collaborative practice agreement and  
28 receives verbal approval for executing the certificate from his collaborating



Proposed law requires that the physicians covered by liability and exercising the standard of care required for emergency certificates, be licensed or permitted by the Louisiana State Board of Medical Examiners.

(Amends R.S. 28:53(B)(1) and (G)(8) and 63(A)(1) and (B))

Summary of Amendments Adopted by House

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

1. Require physicians issuing emergency certificates to be licensed and permitted by the Louisiana State Board of Medical Examiners.
2. Require physicians covered by liability and exercising the standard of care required for emergency certificates, be licensed or permitted by the Louisiana State Board of Medical Examiners.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Add physician assistants and nurse practitioners as persons covered under liability and the standard of care for issuing emergency certificates.