

SENATE FLOOR AMENDMENTS

2018 Regular Session

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 66 by Senator Claitor

1 AMENDMENT NO. 1

2 On page 1, delete line 2 and insert "To amend and reenact R.S. 28:53(B)(1) and the
3 introductory paragraph of (G)(8) and 63(A)(1) and (B), relative to admissions to treatment
4 facilities by emergency"

5 AMENDMENT NO. 2

6 On page 1, line 4 after "Tammany;" insert "to provide for standard of care;"

7 AMENDMENT NO. 3

8 On page 1, delete lines 7 and 8 and insert "Section 1. R.S. 28:53(B)(1) and the introductory
9 paragraph of (G)(8) and 63(A)(1) and (B) are hereby amended and reenacted to read as
10 follows:"

11 AMENDMENT NO. 4

12 On page 1, between lines 10 and 11 insert the following:

13 "B.(1) Any physician **licensed or permitted by the Louisiana State Board**
14 **of Medical Examiners**, physician assistant when acting in accordance with their
15 respective clinical practice guidelines, psychiatric mental health nurse practitioner,
16 other nurse practitioner who acts in accordance with a collaborative practice
17 agreement and receives verbal approval for executing the certificate from his
18 collaborating physician, or psychologist may execute an emergency certificate only
19 after an actual examination of a person alleged to have a mental illness or be
20 suffering from a substance-related or addictive disorder who is determined to be in
21 need of immediate care and treatment in a treatment facility because the examining
22 physician, physician assistant when acting in accordance with their respective
23 clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse
24 practitioner who acts in accordance with a collaborative practice agreement and
25 receives verbal approval for executing the certificate from his collaborating
26 physician, or psychologist determines the person to be dangerous to self or others or
27 to be gravely disabled. The actual examination of the person by a psychiatrist may
28 be conducted by telemedicine utilizing video conferencing technology provided that
29 a licensed healthcare professional who can adequately and accurately assist with
30 obtaining any necessary information including but not limited to the information
31 listed in Paragraph (4) of this Subsection shall be in the examination room with the
32 patient at the time of the video conference. A patient examined in such a manner
33 shall be medically cleared prior to admission to a mental health treatment facility.
34 Failure to conduct an examination prior to the execution of the certificate will be
35 evidence of gross negligence.

36 * * *

37 AMENDMENT NO. 5

38 On page 1, after line 15 insert the following:

39 "§63. Standard of care; limitation of liability; penalties
40 A.(1) Any ~~licensed~~ physician **licensed or permitted by the Louisiana State**
41 **Board of Medical Examiners**, psychologist, medical psychologist, psychiatric
42 mental health nurse practitioner, or public and private general hospital personnel
43 exercising that degree of skill and care ordinarily employed, under similar

1 circumstances by members of his profession in good standing in the same
2 community or locality, and using reasonable care and diligence with his best
3 judgment in the application of his skill, shall not be held civilly liable or subject to
4 criminal prosecution for acts arising from his professional opinions which fall within
5 the scope of his duties, judgments, actions, or duties pursuant to any of the
6 provisions of this Part, unless the damage or injury was caused by willful or wanton
7 negligence or gross misconduct. This limitation of liability shall apply only to public
8 and private general hospital personnel who within the preceding twelve-month
9 period have received appropriate training in nonviolent crisis intervention. Such
10 training shall be documented in their personnel files. The training shall be provided
11 by an instructor who has attended a course in crisis intervention taught by a certified
12 instructor.

13 * * *

14 B. Any licensed physician licensed or permitted by the Louisiana State
15 Board of Medical Examiners, psychologist, medical psychologist, or psychiatric
16 mental health nurse practitioner who executes an emergency certificate shall be held
17 to that degree of skill and care ordinarily employed, under similar circumstances, by
18 members of his profession in good standing in the same community or locality, and
19 using reasonable care and diligence with his best judgment in the application of his
20 skill.

21 * * *"