
DIGEST

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HB 610 Reengrossed

2020 Regular Session

Landry

Abstract: Provides with respect to a minor's consent to medical treatment, including a forensic medical examination.

Present law provides that a minor may consent to medical or surgical care or services provided by a hospital or public clinic, or to the performance of such services by a physician licensed to practice in this state if the minor believes himself to be afflicted with an illness or disease. Further provides that such consent shall be valid and binding as if the minor achieved his majority.

Proposed law retains present law and adds that a minor may also consent to a forensic medical examination when the minor believes he has been afflicted with an illness or disease.

Proposed law provides that present law shall apply exclusively to cases when there is a reasonable belief by the healthcare provider providing medical or surgical care or a forensic medical examination would impede a criminal investigation. Further provides that the Dept. of Children and Family Services shall be notified when such cases exist.

Proposed law provides that a sexual assault counselor licensed pursuant to present law may provide sexual trauma treatment to a minor after the minor has provided consent to receive such counseling. Further provides that the minor's consent shall be valid and binding as if the minor had achieved his majority and shall not be considered null for reason of his age.

Proposed law provides that proposed law shall apply exclusively to cases when the sexual assault counselor reasonably believes that notifying a parent or guardian would impede a criminal investigation. Further provides that the Dept. of Children and Family Services shall be notified when such cases exist.

Proposed law does not negate or limit in any way any provision of present law that requires the reporting of crimes against children under the age of 18.

(Amends R.S. 40:1079.1(A)(1); Adds R.S. 40:1079.4)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarify that present law shall apply exclusively to cases when there is a reasonable belief by the healthcare provider providing medical or surgical care or a forensic medical examination would impede a criminal investigation and that the Dept. of Children and Family Services shall be notified when such cases exist.

2. Clarify that the proposed law shall apply exclusively to cases when the sexual trauma counselor reasonably believes that notifying a parent or guardian would impede a criminal investigation and that the Dept. of Children and Family Services shall be notified when such cases exist.