

ACT No. 373

2021 Regular Session

HOUSE BILL NO. 181

BY REPRESENTATIVE DUSTIN MILLER

1 AN ACT

2 To amend and reenact R.S. 28:51.1(A)(3)(introductory paragraph), 52(B), (E), and (G)(1),
3 52.2(A), 52.3(B), and 53(L)(2) and (P)(1)(b), relative to psychiatric mental health
4 practitioners; to provide that psychiatric mental health nurse practitioners shall be
5 allowed to prepare and execute orders for the admission of patients to licensed
6 psychiatric hospitals; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:51.1(A)(3)(introductory paragraph), 52(B), (E), and (G)(1),
9 52.2(A), 52.3(B), and 53(L)(2) and (P)(1)(b) are hereby amended and reenacted to read as
10 follows:

11 §51.1. Treatment facility; staff membership and institutional privileges; certain
12 healthcare providers

13 A.

14 * * *

15 (3) Staff membership, specifically delineated institutional privileges, which
16 may include the ability to prepare and execute orders for the admission of patients
17 to a treatment facility, or both, granted to a psychiatric mental health nurse
18 practitioner shall be conditioned upon all of the following requirements:

19 * * *

20 §52. Voluntary admissions; general provisions

21 * * *

22 B. Admitting physicians and psychiatric mental health nurse practitioners
23 who are acting in accordance with a collaborative practice agreement are encouraged
24 to admit persons who have a mental illness or persons suffering from a substance-

1 related or addictive disorder to treatment facilities on voluntary admission status
2 whenever medically feasible.

3 * * *

4 E. Each person admitted on a voluntary basis shall be informed of any other
5 medically appropriate alternative treatment programs and treatment facilities known
6 to the admitting physician or psychiatric mental health nurse practitioner who is
7 acting in accordance with a collaborative practice agreement and be given an
8 opportunity to seek admission to alternative treatment programs or facilities.

9 * * *

10 G.(1) No admission may be deemed voluntary unless the admitting physician
11 or psychiatric mental health nurse practitioner who is acting in accordance with a
12 collaborative practice agreement determines that the person to be admitted has the
13 capacity to make a knowing and voluntary consent to the admission.

14 * * *

15 §52.2. Formal voluntary admission

16 A. Any person who has a mental illness or person who is suffering from a
17 substance-related or addictive disorder desiring admission to a treatment facility for
18 diagnosis or treatment of a psychiatric disorder or a substance-related or addictive
19 disorder and who is deemed suitable for formal voluntary admission by the admitting
20 physician or psychiatric mental health nurse practitioner who is acting in accordance
21 with a collaborative practice agreement may be so admitted upon his written request.

22 * * *

23 §52.3. Noncontested admission

24 * * *

25 B. A noncontested admission may be made by a physician or psychiatric
26 mental health nurse practitioner who is acting in accordance with a collaborative
27 practice agreement to a treatment facility in order to initiate a complete diagnostic
28 and evaluative study. The diagnosis and evaluation shall include complete medical,
29 social, and psychological studies and, when medically indicated, any other scientific
30 study which may be necessary in order to make decisions relative to the treatment

1 needs of the patient. In the absence of specified medical reasons, the diagnostic
2 studies shall be completed in fourteen days. Alternative community-based services
3 shall be thoroughly considered.

4 * * *

5 §53. Admission by emergency certificate; extension; payment for services rendered

6 * * *

7 L.

8 * * *

9 (2)(a) Upon arrival at the treatment facility, the escorting peace officer shall
10 then be relieved of any further responsibility and the person shall be immediately
11 examined by a physician, preferably a psychiatrist, or a psychiatric mental health
12 nurse practitioner who is acting in accordance with a collaborative practice
13 agreement who shall determine if the person shall be voluntarily admitted, admitted
14 by emergency certificate, or discharged.

15 (b) If a peace officer transports a person to a treatment facility and no
16 emergency certificate for that person has been issued in accordance with the
17 provisions of this Section, then only a psychiatrist may admit the person to the
18 facility.

19 * * *

20 P.(1) Notwithstanding any provision of law to the contrary, no claim for
21 payment for inpatient behavioral health services provided to a person while admitted
22 and detained in a facility that provides mental health services under an emergency
23 certificate, issued in accordance with the provisions of this Section, shall be denied
24 by Medicaid, an entity contracted with the state for the provision of Medicaid
25 services, or any hospital, health, or medical expense insurance policy, hospital or
26 medical service contract, employee welfare benefit plan, contract or other agreement
27 with a health maintenance organization or a preferred provider organization, health
28 and accident insurance policy, or any other insurance contract of this type in this
29 state, including a group insurance plan, a self-insurance plan, and the Office of

1 Group Benefits programs, on the basis of medical necessity if all of the following
2 conditions are met:

3 * * *

4 (b) The admitting physician or psychiatric mental health nurse practitioner
5 who is acting in accordance with a collaborative practice agreement and the
6 evaluating psychiatrist or medical psychologist shall offer the subject of the
7 emergency certificate the opportunity for voluntary admission pursuant to R.S.
8 28:53.

9 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____