

2023 Regular Session

HOUSE BILL NO. 181

BY REPRESENTATIVE DEVILLIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORONERS: Provides relative to telemedicine access for coroners

1 AN ACT

2 To amend and reenact R.S. 28:53(B)(1), (G)(2) and (4), and (J)(3), relative to coroner  
3 authority for telemedicine examinations; to clarify those persons who may execute  
4 an emergency certificate via actual examination or telemedicine examination; to  
5 include assistant coroners in existing emergency certificate provisions; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:53(B)(1), (G)(2) and (4), and (J)(3) are hereby amended and  
9 reenacted to read as follows:

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

11 \* \* \*

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

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

17 \* \* \*

18 G.

19 \* \* \*

20 (2) Within seventy-two hours of admission, the person shall be  
 21 independently examined by the coroner, ~~or his deputy,~~ or his assistant coroner who  
 22 shall execute an emergency certificate, pursuant to Subsection B of this Section,  
 23 which shall be a necessary precondition to the person's continued confinement.  
 24 Except as provided in Paragraph (7) of this Subsection, if the actual examination by  
 25 the ~~psychiatrist~~ medical professional referred to in Paragraph (B)(1) of this Section  
 26 is conducted by telemedicine, the seventy-two-hour independent examination by the  
 27 coroner, deputy coroner, or assistant coroner shall be conducted in person.

28 \* \* \*

1                   (4) In making either the initial examination or the second examination, when  
 2                   the coroner, ~~or his~~ deputy coroner, or assistant coroner examines the person and  
 3                   executes an emergency certificate and a reexamination of the person and reexecution  
 4                   of a certificate is necessary for any reason to ensure the validity of the certificate,  
 5                   both the first examiner and the reexaminer shall be entitled to the fee for the service,  
 6                   unless they are one and the same.

7   \*           \*           \*

8                   J.

9   \*           \*           \*

10                   (3) In any instance where the coroner, ~~or his~~ deputy coroner, or assistant  
 11                   coroner executes the first emergency certificate, the second emergency certificate  
 12                   shall not be executed by the coroner, ~~or his~~ deputy coroner, or assistant coroner, but  
 13                   the second emergency certificate may be executed by any other physician including  
 14                   a physician at the treatment facility. However, if the first examination by the coroner  
 15                   is conducted by a psychiatrist utilizing video conferencing technology, the second  
 16                   examination shall be conducted in person.

17   \*           \*           \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 181 Original                               2023 Regular Session                               DeVillier

**Abstract:** Allows coroners, deputy coroners, and assistant coroners to execute an emergency certificate via actual examination or telemedicine examination and establishes provisions for such persons.

Present law provides that certain healthcare professionals, licensed or permitted in accordance with present law, may execute an emergency certificate only after an actual examination of a person, who is alleged to have a mental illness or be suffering from a substance-related or addictive disorder and, after the determination made by the healthcare professional, is considered to need immediate care and treatment in a treatment facility.

Present law also provides that the actual examination of the person may be conducted by a psychiatrist or psychiatric mental health nurse practitioner via telemedicine, utilizing video conferencing technology.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Proposed law provides that the actual examination of the person may be conducted by any medical professional listed in proposed law, including coroners, deputy coroners, and assistant coroners, via telemedicine.

Present law provides that if the actual examination by the psychiatrist is conducted via telemedicine, the 72-hour independent examination by the coroner shall be conducted in person.

Proposed law extends present law to allow deputy coroners or assistant coroners to conduct the 72-hour independent examination.

Present law provides that when the coroner or his deputy examines the person and executes an emergency certificate and a reexamination of the person and reexecution of a certificate is necessary to ensure the validity of the certificate, both the first examiner and the reexaminer shall be entitled to the fee for the service.

Proposed law extends present law to include instances when assistant coroners examine the person and execute an emergency certificate, and a reexamination of the person and reexecution of a certificate is necessary to ensure the validity of the certificate.

Present law provides that where the coroner or his deputy executes the first emergency certificate, the second emergency certificate shall not be executed by the coroner or his deputy.

Proposed law extends present law to include instances when the assistant coroner executes the first emergency certificate.

(Amends R.S. 28:53(B)(1), (G)(2) and (4), and (J)(3))