

2016 Regular Session

SENATE BILL NO. 236

BY SENATOR BARROW

CORONERS. Provides relative to admissions by emergency certificate of persons suffering from mental illness and substance abuse. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 28:53(G)(7)(c)(i) and to enact R.S. 28:53(G)(8), relative to
3 mental health law; to provide relative to examination, admission, commitment, and
4 treatment of persons suffering from mental illness and substance abuse; to provide
5 with respect to admission by emergency certificate; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:53(G)(7)(c)(i) is hereby amended and reenacted and R.S.
9 28:53(G)(8) is hereby enacted to read as follows:

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

11 * * *

12 G.(1) * * *

13 (7) As it relates to the parish of St. Tammany, all of the following shall apply:

14 * * *

15 (c)(i) When a patient is transferred from another parish pursuant to an
16 emergency certificate, a second physician's emergency certificate ~~may, when~~
17 **appropriate, shall** be executed by a physician at the admitting facility.

* * *

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

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

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

(c) Nothing herein shall be construed to authorize a period of commitment to exceed fifteen days from the date and time the initial emergency certificate was executed in the parish of origin.

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The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Laura Gail Sullivan.

DIGEST

SB 236 Reengrossed

2016 Regular Session

Barrow

Present law provides that upon admission of any person by emergency certificate to a treatment facility, the director of the treatment facility shall immediately notify the coroner of the parish in which the treatment facility is located of the admission, giving certain information as provided in present law, if known.

Present law, relative to St. Tammany Parish, provides, among other requirements, the following shall apply when a patient is transferred from another parish pursuant to an emergency certificate:

- (1) The coroner shall be notified immediately following the execution of a second emergency certificate and shall conduct an independent examination within 72 hours as provided in present law.
- (2) Nothing in present law shall be construed to authorize a period of commitment to exceed 15 days from the date and time the initial emergency certificate was executed in the parish of origin.

Proposed law retains present law for St. Tammany Parish and applies these provisions of present law to the parishes of East Baton Rouge, Jefferson, Orleans, and Ouachita.

Present law, relative to St. Tammany Parish, provides that when a patient is transferred from another parish pursuant to an emergency certificate, a second physician's emergency

certificate may be executed by a physician at the admitting facility.

Proposed law, applicable to the parishes of East Baton Rouge, Jefferson, Orleans, Ouachita, and St. Tammany, provides that when a patient is transferred from another parish pursuant to an emergency certificate, when appropriate, a second physician's emergency certificate shall be executed by a physician at the admitting facility.

Effective August 1, 2016.

(Amends R.S. 28:53(G)(7)(c)(i); adds R.S. 28:53(G)(8))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Proposed law relative to emergency certificates issued for patients transferred from another parish applies to East Baton Rouge, Jefferson, Orleans and Ouachita, in addition to St. Tammany to clarify that a second physician's emergency certificate shall be executed by a physician at the admitting facility when appropriate.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.