
DIGEST

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HB 618 Reengrossed

2016 Regular Session

Willmott

Abstract: Requires a health facility to provide notice to parents of the right to determine the final disposition of a miscarried child.

Proposed law requires a health facility, prior to the final disposition of a miscarried child, but not more than 24 hours after the miscarriage occurs in the facility, to notify the patient, or, if the patient is incapacitated, the spouse of the patient, both orally and in writing, of both of the following:

- (1) The parent's right to arrange for the final disposition of the child through the use of the notice of parental rights form.
- (2) The availability of a chaplain or other counseling services concerning the death of the child, whether provided by the facility or another provider.

No notice is required if both the patient and the patient's spouse are incapacitated or otherwise unable to receive the notice required by proposed law.

Proposed law grants the patient a period of 48 hours from receipt of the notice to elect to arrange for the final disposition of the child. Upon receipt of the parent's decision for final disposition, proposed law requires the health facility to make the remains available to transfer for a minimum of 72 hours, or else the health facility shall dispose of the remains in accordance with rules and regulations promulgated by the Dept. of Health and Hospitals (DHH).

Proposed law requires DHH to promulgate a standard notice of parental rights form to be used by health facilities and sets forth the minimum required content of the form.

Proposed law limits civil liability for health facilities or any person authorized to act on behalf of a health facility when acting pursuant to proposed law.

Proposed law requires DHH to promulgate the notice of parental rights form prior to Jan. 1, 2017, and requires health facilities to provide notice in accordance with proposed law beginning Jan. 1, 2017.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1191.1-1191.4)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.
2. Define "miscarried child".
3. Remove references to stillbirths.
4. Require DHH to promulgate a notice of parental rights form to be used by health facilities.
5. Limit liability for health facilities and persons authorized to act on their behalf.
6. Add an effective date.

The House Floor Amendments to the engrossed bill:

1. Make technical changes to relocate the promulgation deadline date and the notification requirement effective date from statutory law to an uncodified section.