

ACT No. 191

2020 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVE ECHOLS AND SENATOR BARROW

1 AN ACT

2 To amend and reenact R.S. 28:53(B)(1) and R.S. 40:1223.3(6) and 2153(1) and to enact R.S.
3 40:2153(16) and 2156(B)(16), relative to behavioral health services; to provide
4 relative to delivery of such services through telehealth; to provide for psychiatric
5 mental health nurse practitioners; to provide for definitions; to provide for regulation
6 of behavioral health services providers by the Louisiana Department of Health; to
7 provide for administrative rulemaking by the department relative to behavioral health
8 services; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 28:53(B)(1) is hereby amended and reenacted to read as follows:

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

12 * * *

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

1 physician, physician assistant when acting in accordance with their 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 may be conducted by telemedicine
 8 utilizing video conferencing technology provided that a licensed healthcare
 9 professional who can adequately and accurately assist with obtaining any necessary
 10 information including but not limited to the information listed in Paragraph (4) of
 11 this Subsection shall be in the examination room with the patient at the time of the
 12 video conference. A patient examined in such a manner shall be medically cleared
 13 prior to admission to a mental health treatment facility. Failure to conduct an
 14 examination prior to the execution of the certificate will be evidence of gross
 15 negligence.

* * *

16
 17 Section 2. R.S. 40:1223.3(6) and 2153(1) are hereby amended and reenacted and
 18 R.S. 40:2153(16) and 2156(B)(16) are hereby enacted to read as follows:

19 §1223.3. Definitions

20 * * *

21 (6)(a) "Telehealth" means a mode of delivering healthcare services,
 22 including behavioral health services, that utilizes information and communication
 23 technologies to enable the diagnosis, consultation, treatment, education, care
 24 management, and self-management of patients at a distance from healthcare
 25 providers. Telehealth allows services to be accessed when providers are in a distant
 26 site and patients are in the originating site. Telehealth facilitates patient
 27 self-management and caregiver support for patients and includes synchronous
 28 interactions and asynchronous store and forward transfers.

1 **(b) For purposes of this Paragraph, "behavioral health services" means those**
 2 **services as defined in R.S. 40:2153 that are appropriate for the patient and delivered**
 3 **by a licensed mental health professional, acting within the scope of applicable state**
 4 **laws and his professional license for services identified by Louisiana Department of**
 5 **Health, to treat mental illness or substance use.**

6 * * *

7 §2153. Definitions

8 For the purposes of this Part, and subject to the provisions of R.S. 40:2154,
 9 unless the context otherwise clearly indicates, the following terms shall have the
 10 following meanings:

11 (1) "Behavioral health services" means mental health services, substance
 12 abuse/addiction treatment services, or a combination of such services, for adults and
 13 children. Behavioral health services may be provided, subject to rules and
 14 regulations of the Louisiana Department of Health, in a residential setting, in a clinic
 15 setting on an outpatient basis, ~~or~~ in a home or community setting, or through
 16 telehealth.

17 * * *

18 **(16) "Telehealth" has the meaning ascribed in R.S. 40:1223.3.**

19 * * *

20 §2156. Rules and regulations; licensing standards; fees

21 * * *

22 B. The department shall prescribe, promulgate, and publish rules,
 23 regulations, and licensing standards for behavioral health services providers. The
 24 rules, regulations, and licensing standards shall include but are not limited to the
 25 following:

26 * * *

