

Regular Session, 2012

HOUSE BILL NO. 846

BY REPRESENTATIVES SIMON, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROWN, HENRY BURNS, COX, DOVE, GAROFALO, GISCLAIR, HARRIS, HOFFMANN, HOWARD, JAMES, JEFFERSON, LEGER, LIGI, MORENO, POPE, REYNOLDS, RICHARD, RICHARDSON, SHADOIN, AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and
3 (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) and to enact R.S.
4 28:171.1, relative to mental health law; to provide for definitions; to establish
5 principles for the state mental health system; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and (C),
8 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) are hereby amended and
9 reenacted and R.S. 28:171.1 is hereby enacted to read as follows:

10 §2. Definitions

11 Whenever used in this Title, the masculine shall include the feminine, the
12 singular shall include the plural, and the following definitions shall apply:

13 * * *

14 (14) "~~Mentally ill person~~" "Person who is mentally ill" means any person
15 with a psychiatric disorder which has substantial adverse effects on his ability to
16 function and who requires care and treatment. It does not refer to a person suffering
17 solely from mental retardation, epilepsy, alcoholism, or drug abuse.

18 * * *

19 (17) "Patient" means any person detained and taken care of as a person who
20 is mentally ill ~~person~~ or person who is suffering from substance abuse.

21 * * *

1 (29)(a) "Treatment facility" means any public or private hospital, retreat,
 2 institution, mental health center, or facility licensed by the state in which any person
 3 who is mentally ill ~~person~~ or person who is suffering from substance abuse is
 4 received or detained as a patient. The term includes Veterans Administration and
 5 public health hospitals and forensic facilities. "Treatment facility" includes but is not
 6 limited to the following, and shall be selected with consideration of first, medical
 7 suitability; second, least restriction of the person's liberty; third, nearness to the
 8 patient's usual residence; and fourth, financial or other status of the patient, except
 9 that such considerations shall not apply to forensic facilities:

* * *

§52. Voluntary admissions; general provisions

12 A. Any person who is mentally ill ~~person~~ or person who is suffering from
 13 substance abuse may apply for voluntary admission to a treatment facility. The
 14 admitting physician may admit the person on either a formal or informal basis, as
 15 hereinafter provided.

* * *

17 C. No director of a treatment facility shall prohibit any person who is
 18 mentally ill ~~person~~ or person who is suffering from substance abuse from applying
 19 for conversion of involuntary or emergency admission status to voluntary admission
 20 status. Any patient on an involuntary admission status shall have the right to apply
 21 for a writ of habeas corpus in order to have his admission status changed to voluntary
 22 status.

* * *

§52.1. Informal voluntary admission

25 A. In the discretion of the director, any person who is mentally ill ~~person~~ or
 26 person who is suffering from substance abuse desiring admission to a treatment
 27 facility for diagnosis or treatment of a psychiatric disorder or substance abuse may
 28 be admitted upon the patient's request without a formal application.

* * *

1 §52.2. Formal voluntary admission

2 A. Any person who is mentally ill ~~person~~ or person who is suffering from
3 substance abuse desiring admission to a treatment facility for diagnosis and/or
4 treatment of a psychiatric disorder or substance abuse and who is deemed suitable
5 for formal voluntary admission by the admitting physician may be so admitted upon
6 his written request.

7 * * *

8 §52.3. Noncontested admission

9 A. A person who is mentally ill ~~person~~ or person who is suffering from
10 substance abuse who does not have the capacity to make a knowing and voluntary
11 consent to a voluntary admission status and who does not object to his admission to
12 a treatment facility may be admitted to a treatment facility as a noncontested
13 admission. Such person shall be subject to the same rules and regulations as a person
14 admitted on a voluntary admission status and his treatment shall be governed by the
15 provisions of ~~R.S. 28:52H~~ R.S. 28:52(H).

16 * * *

17 §53. Admission by emergency certificate; extension

18 A.(1) A person who is mentally ill ~~person~~ or a person who is suffering from
19 substance abuse may be admitted and detained at a treatment facility for observation,
20 diagnosis, and treatment for a period not to exceed fifteen days under an emergency
21 certificate.

22 * * *

23 §55. Judicial hearings

24 * * *

25 J. No director of a treatment facility shall prohibit any person who is
26 mentally ill ~~person~~ or person who is suffering from substance abuse from applying
27 for conversion of involuntary or emergency admission status to voluntary admission

1 status. Any patient on an involuntary admission status shall have the right to apply
2 for a writ of habeas corpus to have his admission status changed to voluntary status.

3 * * *

4 §64. Mental Health Advocacy Service; creation; board of trustees; organization;
5 powers; duties

6 * * *

7 D.(1) Any attorney representing a person who is mentally ill ~~person~~ or a
8 respondent as defined herein shall have ready access to view and copy all mental
9 health and developmental disability records pertaining to his client, unless the client
10 objects. If the patient or respondent later retains a private attorney to represent him,
11 the mental health advocacy service shall destroy all copies of records pertaining to
12 his case.

13 (2) Any attorney representing a person who is mentally ill ~~person~~ or a
14 respondent as defined herein shall have the opportunity to consult with his client
15 whenever necessary in the performance of his duties. A treatment facility shall
16 provide adequate space and privacy for the purpose of attorney-client consultation.

17 * * *

18 §171.1. Principles for the mental health system

19 The department and any entity which receives funding through a state
20 contract to provide services to persons who are mentally ill shall provide, to the
21 maximum extent possible, mental health treatment, services, and supports which are
22 consistent with the following principles:

23 (1) Treatment, services, and supports assist in enabling people to exercise
24 self-determination in their lives.

25 (2) Treatment, services, and supports assist in enabling people to achieve
26 their maximum potential through increased independence, productivity, and
27 inclusion in their communities.

28 (3) Personal outcomes and goals are considered in the development of
29 individualized supports for each person.

1 E. The secretary or assistant secretary of the department shall submit an
 2 annual report to each member of the legislature listing the contractors and the
 3 amounts such contractors received for the provision of regional addictive disorder
 4 services and services provided through grants which were received through
 5 application by the department or a regional office of the department.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____