

1 WHEREAS, recognizing and supporting family members, legal guardians, and other
2 persons who provide care to a person with serious mental illness is a critical component of
3 a comprehensive long-term care system; and

4 WHEREAS, family members, caregivers, and legal guardians of a person with
5 serious mental illness are an integral part of the person's treatment team; and

6 WHEREAS, federal and state laws allow many routine and often critical
7 communications between behavioral healthcare providers and a patient's family members,
8 caregivers, and legal guardians; and

9 WHEREAS, current law, policies, and practices among behavioral healthcare
10 providers fail to consider the critical role played by actively involved family members,
11 caregivers, and legal guardians in the effective treatment, care, and supervision of a person
12 with serious mental illness; and

13 WHEREAS, family members, caregivers, and legal guardians are often excluded
14 from decision-making due to HIPAA privacy laws, which result in a lack of family
15 engagement in patient intake and treatment decisions and discharge planning; and

16 WHEREAS, it is in the best interest of persons with serious mental illness for their
17 behavioral healthcare providers to have access to any critical medical information and
18 history known to family members, caregivers, and legal guardians as this knowledge will
19 enhance treatment; and

20 WHEREAS, it is not in the best interest of a person with serious mental illness to be
21 discharged from a healthcare provider to a family member, caregiver, or legal guardian
22 without first equipping that family member, caregiver, or legal guardian with sufficient
23 information and resources to provide adequate, supportive, and ongoing care; and

24 WHEREAS, the Legislature of Louisiana recognizes that family members,
25 caregivers, and legal guardians of a person with serious mental illness have the right to
26 communicate with all providers of behavioral healthcare services for that person; and

27 WHEREAS, the Legislature of Louisiana also recognizes that family members,
28 caregivers, and legal guardians of a person with serious mental illness have the right to be
29 treated with respect and compassion when seeking the appropriate treatment and care for that
30 person; and

1 WHEREAS, it is essential for the treatment team of a person with serious mental
2 illness to make every effort to establish a complete medical history that includes information
3 received from family members, caregivers, and legal guardians and to actively include
4 family members, caregivers, or legal guardians in treatment planning for the person; and

5 WHEREAS, family members, caregivers, or legal guardians of a person with serious
6 mental illness should receive information that will enable them to effectively evaluate the
7 safety of their homes prior to discharging the patient into their care; and

8 WHEREAS, family members, caregivers, or legal guardians of a person with serious
9 mental illness should be afforded the legal right to receive information relating to support
10 services available in the community at all levels of service, including family support,
11 education, mental health counseling, and grief counseling.

12 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
13 authorize and direct the House Committee on Health and Welfare, the Senate Committee on
14 Health and Welfare, the House Committee on Civil Law and Procedure, and the Senate
15 Committee on Judiciary A, or a subcommittee thereof, to meet and to study the adequacy of
16 rights afforded to caregivers and the effects of establishing a "caregivers' bill of rights" for
17 family members, legal guardians, and other persons who provide care for persons with
18 serious mental illness.

19 BE IT FURTHER RESOLVED that the committees designated in this Resolution
20 shall report findings and any recommendations for legislative changes to the Legislature of
21 Louisiana no later than February 1, 2021.

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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Directs the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Civil Law and Procedure, and the Senate Committee on Judiciary A, or a subcommittee thereof, to meet and to study the adequacy of rights afforded to caregivers and the effects of establishing a "caregivers' bill of rights" for family members, legal guardians, and other persons who provide care for persons with serious mental illness and to report their findings no later than February 1, 2021.