

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 28:53(G)(7) and (7)(c)(i) are hereby
9 amended and reenacted 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~~ **As it relates to the parishes of East Baton Rouge, Jefferson,**
16 **Orleans and Ouachita, when** a patient is transferred from another parish pursuant
17 to an emergency certificate, a second physician's emergency certificate ~~may,~~ **when**

1 **appropriate, shall** be executed by a physician at the admitting facility.

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 Christine Arbo Peck.

DIGEST

SB 236 Engrossed

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 provides that as it relates to the parish of St. Tammany, all of the following shall apply:

- (1) The coroner or deputy coroner, who is a physician, preferably a psychiatrist, may conduct an examination and execute an emergency certificate, as provided in present law by telemedicine utilizing video conferencing equipment, provided that all of the following are met:
 - (a) A licensed health care professional, who can adequately and accurately assist with obtaining any necessary information including but not limited to that information in present law and where such health care professional will be present in the examining room with the patient at the time of the video conferencing.
 - (b) The coroner or deputy coroner who is a physician, preferably a psychiatrist, shall comply with all of the provisions in present law.
- (2) The coroner or deputy coroner, who is a physician, preferably a psychiatrist, may conduct an examination and execute an emergency certificate, as provided in present law by telemedicine under all of the following circumstances:
 - (a) If the initial examination, pursuant to present law, has been made in person by a psychiatrist, psychiatric mental health nurse practitioner, or a psychologist.
 - (b) If the coroner conducted the initial examination, pursuant to present law, by telemedicine and has executed the first emergency commitment certificate, a second examination shall be made in person within the 72-hour period set forth in present law by any psychiatrist, psychiatric mental health nurse practitioner, or a psychologist at the treatment facility where the person is confined.

Present law 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.

Present law provides that the coroner shall be notified immediately following the execution of the second emergency certificate and shall conduct an independent examination within 72 hours as provided in present law.

Present law provides that 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 and provides that the provisions of present law related to patients transferred from another parish shall also apply to the parishes of East Baton Rouge, Jefferson, Orleans and Ouachita in addition to St. Tammany.

Present law 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, which applies to the parishes of East Baton Rouge, Jefferson, Orleans, and Ouachita, in addition to 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)(intro para) and (7)(c)(i))

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.