

ACT No. 193

2018 Regular Session

HOUSE BILL NO. 145

BY REPRESENTATIVE COX

1 AN ACT

2 To enact R.S. 37:1745.2 and Children's Code Article 606(C), relative to the diagnosing of
3 certain mental health conditions; to provide limitations on the diagnosing of
4 factitious disorder imposed on another; to provide relative to child in need of care
5 proceedings; to provide limitations on the initiation of such proceedings; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1745.2 is hereby enacted to read as follows:

9 PART VII. HEALTH CARE PROVIDERS

10 * * *

11 §1745.2. Diagnosis of certain mental health conditions; limitation

12 A. No physician or other health care provider shall diagnose the condition
13 of factitious disorder imposed on another, formerly known as "Munchausen
14 syndrome by proxy", unless he meets all of the following criteria:

15 (1) He is licensed as a health care provider in this state.

16 (2) He is qualified by licensure and professional training to diagnose mental
17 health conditions.

18 (3) He has conducted a bona fide evaluation of the person he diagnoses.

19 B. For purposes of this Section, the following terms have the meaning
20 ascribed in this Subsection:

21 (1) "Bona fide evaluation" means all of the following actions have occurred:

1 (a) The health care provider has reviewed the relevant clinical records of the
2 individual and the purported victim, and has completed a full assessment of the
3 individual's clinical history and current clinical condition. For purposes of this
4 Section, "clinical records" shall include, without limitation, documentation from
5 schools, health care providers, child care providers, agencies, and other institutions;
6 interviews with members of the extended family, friends, and acquaintances of the
7 individual; and other collateral sources when the resulting information is likely to be
8 relevant.

9 (b) The health care provider has performed an in-person clinical evaluation
10 of the individual which includes a clinical interview and behavioral observation.

11 (c) The health care provider has created and maintained a record of the
12 condition of the individual in accordance with clinically accepted standards to
13 support a mental health diagnosis.

14 (2) "Health care provider" has the meaning ascribed in R.S. 40:1231.1(A).
15 Section 2. Children's Code Article 606(C) is hereby enacted to read as follows:

16 Art. 606. Grounds; child in need of care

17 * * *

18 C. A diagnosis of factitious disorder imposed on another, formerly known
19 as "Munchausen syndrome by proxy", shall not constitute grounds, either entirely or
20 partially, for a determination that a child is in need of care unless that diagnosis is
21 made in accordance with the provisions of R.S. 37:1745.2.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____