

Regular Session, 2012

HOUSE BILL NO. 326

BY REPRESENTATIVE WILLMOTT

MENTAL HEALTH: Authorizes certain health professionals to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse

1 AN ACT

2 To amend and reenact Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2)
3 and to enact Children's Code Article 1404(23) and (24), relative to the emergency
4 certificate admission procedure; to provide for definitions; to authorize a psychiatric
5 mental health nurse practitioner or psychologist to execute an emergency certificate
6 under certain circumstances; to require the inclusion of the date that an examination
7 was conducted by a psychiatric mental health nurse practitioner or psychologist on
8 the emergency certificate; to require the director of a treatment facility to provide the
9 parish coroner with the name of the psychiatric mental health nurse practitioner or
10 psychologist that executed an emergency certificate for a minor's admission to
11 treatment; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Children's Code Articles 1421, 1422(A)(1) and (2), and 1423(A)(2) are
14 hereby amended and reenacted and Children's Code Article 1404(23) and (24) are hereby
15 enacted to read as follows:

16 Art. 1404. Definitions

17 As used in this Title

18 * * *

19 (23)(a) "Psychiatric mental health nurse practitioner" means an advanced
20 practice registered nurse licensed to practice as a nurse practitioner or clinical nurse

1 specialist by the Louisiana State Board of Nursing, in accordance with the provisions
2 of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or
3 populations across the life span at risk for developing or having a diagnosis of
4 psychiatric disorders, mental health problems, or both. A psychiatric mental health
5 nurse practitioner means a specialist who provides primary mental health care to
6 patients seeking mental health services in a wide range of settings. Primary mental
7 health care provided by a psychiatric mental health nurse practitioner involves the
8 continuous and comprehensive services necessary for the promotion of optimal
9 mental health, prevention and treatment of psychiatric disorders, and health
10 maintenance. Such primary health care includes the assessment, diagnosis, and
11 management of mental health problems and psychiatric disorders. A psychiatric
12 mental health nurse practitioner means a provider of direct mental health care
13 services who synthesizes theoretical, scientific, and clinical knowledge for the
14 assessment and management of both health and illness states and who is licensed to
15 practice as a nurse practitioner in Louisiana, in accordance with R.S. 37:911 et seq.

16 (b) For purposes of this Title, a psychiatric mental health nurse practitioner
17 shall have at least two years training, primary experience, or both, in diagnosis and
18 treatment of mental illness. For purposes of this Title, a psychiatric mental health
19 nurse practitioner shall also have authority from the Louisiana State Board of
20 Nursing to prescribe legend and certain controlled drugs, in accordance with the
21 provisions of R.S. 37:913(3)(b), (8), and (9).

22 (24) "Psychologist" means an individual licensed to practice psychology in
23 Louisiana in accordance with R.S. 37:2351 et seq., or licensed to practice medical
24 psychology in Louisiana in accordance with R.S. 37:1360.51 et seq., and who has
25 been engaged in the practice of a clinical specialty for not less than three years.

26 * * *

1 Art. 1421. Examination required

2 Any physician, psychiatric mental health nurse practitioner, or psychologist
3 may execute an emergency certificate only after an actual examination of a minor
4 alleged to be mentally ill or suffering from substance abuse who is determined to be
5 in need of immediate medical treatment in a treatment facility because the examining
6 physician, psychiatric mental health nurse practitioner, or psychologist determines
7 him to be dangerous to himself or others or to be gravely disabled. Failure to
8 conduct an examination prior to the execution of the certificate will be evidence of
9 gross negligence.

10 Art. 1422. Certificate; contents

11 A. The emergency certificate shall state all of the following:

12 (1) The date ~~of the physician's examination of~~ the physician, psychiatric
13 mental health nurse practitioner, or psychologist examined the minor, which shall not
14 be more than seventy-two hours prior to the date of the signature of the certificate.

15 (2) The objective findings of the physician, psychiatric mental health nurse
16 practitioner, or psychologist relative to the physical and mental condition of the
17 minor, leading to the conclusion that he is dangerous to himself or others or is
18 gravely disabled as a result of substance abuse or mental illness.

19 * * *

20 Art. 1423. Coroner; notice; independent examination; discharge

21 A. Upon admission of any minor by emergency certificate to a treatment
22 facility, it shall be the duty of the director of the treatment facility immediately to
23 notify the coroner of the parish in which the treatment facility is located of the
24 admission, giving the following information if known:

25 * * *

26 (2) Name of certifying physician, psychiatric mental health nurse
27 practitioner, or psychologist.

28 * * *

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)]

Willmott

HB No. 326

Abstract: Authorizes a psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate for admission to a treatment facility of a minor suffering from mental illness or substance abuse.

Proposed law (Ch.C. Art. 1404(23) and (24)) defines "psychiatric mental health nurse practitioner" as meaning advanced practice registered nurse licensed to practice as a nurse practitioner or clinical nurse specialist by the La. State Board of Nursing, in accordance with the provisions of state law, who focuses clinical practice on individuals, families, or populations across the life span at risk for developing or having a diagnosis of psychiatric disorders, mental health problems, or both. Provides that a psychiatric mental health nurse practitioner means a specialist who provides primary mental health care to patients seeking mental health services in a wide range of settings. Primary mental health care provided by a psychiatric mental health nurse practitioner involves the continuous and comprehensive services necessary for the promotion of optimal mental health, prevention and treatment of psychiatric disorders, and health maintenance. Provides that such primary health care includes the assessment, diagnosis, and management of mental health problems and psychiatric disorders. Further, provides that a psychiatric mental health nurse practitioner means a provider of direct mental health care services who synthesizes theoretical, scientific, and clinical knowledge for the assessment and management of both health and illness states and who is licensed to practice as a nurse practitioner in La., in accordance with state law. Specifies that for purposes of state law, a psychiatric mental health nurse practitioner shall have at least two years training, primary experience, or both, in diagnosis and treatment of mental illness. Also, specifies that for purposes of state law, a psychiatric mental health nurse practitioner must also have authority from the La. State Board of Nursing to prescribe legend and certain controlled drugs, in accordance with the provisions of state law. Also, proposed law defines "psychologist" as meaning an individual licensed to practice psychology in La. in accordance with state law or licensed to practice medical psychology in La. in accordance with state law and who has been engaged in the practice of a clinical specialty for not less than three years.

Present law (Ch.C. Art. 1421) authorizes any physician to execute an emergency certificate only after an actual examination of a minor alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate medical treatment in a treatment facility because the examining physician determines him to be dangerous to himself or others or to be gravely disabled. Further provides that the failure to conduct an examination prior to the execution of the certificate constitutes evidence of gross negligence.

Proposed law adds authorization for a psychiatric mental health nurse practitioner or psychologist to execute an emergency certificate after examination of the minor and a determination that such minor is a danger to himself or others.

Present law (Ch.C. Art. 1422(A)(1) and (2)) in pertinent part, requires that an emergency certificate state the following:

- (1) The date of the physician's examination of the minor, which must not be more than 72 hours prior to the date of the signature of the certificate.

- (2) The objective findings of the physician relative to the physical and mental condition of the minor, leading to the conclusion that he is dangerous to himself or others or is gravely disabled as a result of substance abuse or mental illness.

Proposed law modifies present law by specifying that the date a psychiatric mental health nurse practitioner or psychologist examined the minor must also be included in an emergency certificate.

Present law (Ch.C. Art. 1423(A)(2)) provides that whenever a minor is admitted to a treatment facility by emergency certificate, the director of the treatment facility must immediately notify the coroner of the parish in which the treatment facility is located of the admission and provide the name of the certifying physician.

Proposed law adds a requirement that if a psychiatric mental health nurse practitioner or psychologist executes the emergency certificate for a minor's admission to a treatment facility, the director of such facility must provide the name of that health professional to the parish coroner.

(Amends Ch.C. Arts. 1421, 1422(A)(1) and (2), and 1423(A)(2); Adds Ch.C.Art. 1404(23) and (24))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added definitions of the terms "psychiatric mental health nurse practitioner" and "psychologist" to proposed law.
2. Made technical changes.