

2020 Regular Session

HOUSE BILL NO. 610

BY REPRESENTATIVES LANDRY, ADAMS, BACALA, BEAULLIEU, BROWN, BRYANT, CARPENTER, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, DESHOTEL, DUPLESSIS, FREEMAN, FREIBERG, GAINES, GREEN, HILFERTY, HORTON, HUGHES, JEFFERSON, JONES, JORDAN, LARVADAIN, LYONS, MAGEE, MCKNIGHT, DUSTIN MILLER, MINCEY, MOORE, NEWELL, PHELPS, PIERRE, SELDERS, STAGNI, STEFANSKI, THOMPSON, WHEAT, WHITE, AND WILLARD

HEALTH/CHILDREN: Provides relative to forensic medical examinations of minors

1 AN ACT

2 To amend and reenact R.S. 40:1079.1(A)(1) and to enact R.S. 40:1079.4, relative to minors;
3 to provide for the minor's consent to medical treatment; to provide for forensic
4 medical examinations; to provide for a minor's consent for sexual trauma treatment;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1079.1(A)(1) is hereby amended and reenacted and R.S.
8 40:1079.4 is hereby enacted to read as follows:

9 §1079.1. Medical treatment

10 A.(1) Consent to the provision of medical or surgical care, a forensic medical
11 examination, or services by a hospital or public clinic, or to the performance of
12 medical or surgical care, a forensic medical examination, or services by a physician,
13 licensed to practice medicine in this state, when executed by a minor who is or
14 believes himself to be afflicted with an illness or disease, shall be valid and binding
15 as if the minor had achieved his majority. Any such consent shall not be subject to
16 a later disaffirmance by reason of his minority. This Paragraph shall apply
17 exclusively to cases in which there is a reasonable belief by the person providing

1 medical or surgical care or a forensic medical examination would impede a criminal
2 investigation. In such cases, the Department of Children and Family Services shall
3 be notified immediately or as soon as is practicable.

4 * * *

5 §1079.4. Treatment for sexual trauma

6 A. Any sexual assault counselor licensed by a healthcare professional
7 licensing board created in Title 37 of the Louisiana Revised Statutes of 1950 may
8 provide counseling to a minor after the minor has given his consent to receive the
9 counseling. The minor's consent shall be valid and binding as if the minor had
10 achieved his majority. No consent given in accordance with this Section shall be
11 subject to a later disaffirmance by reason of his minority. This Subsection shall
12 apply exclusively to cases in which there is a reasonable belief by the sexual assault
13 counselor that notifying a parent or guardian would impede a criminal investigation.
14 In such cases, the Department of Children and Family Services shall be notified
15 immediately or as soon as is practicable.

16 B. Notwithstanding any other provision of law to the contrary, nothing in
17 this Section shall be construed to negate or impair any provision of law relative to
18 the mandatory reporting of crimes against children under the age of eighteen years.

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)]

HB 610 Reengrossed

2020 Regular Session

Landry

Abstract: Provides with respect to a minor's consent to medical treatment, including a forensic medical examination.

Present law provides that a minor may consent to medical or surgical care or services provided by a hospital or public clinic, or to the performance of such services by a physician licensed to practice in this state if the minor believes himself to be afflicted with an illness or disease. Further provides that such consent shall be valid and binding as if the minor achieved his majority.

Proposed law retains present law and adds that a minor may also consent to a forensic medical examination when the minor believes he has been afflicted with an illness or disease.

Proposed law provides that present law shall apply exclusively to cases when there is a reasonable belief by the healthcare provider providing medical or surgical care or a forensic medical examination would impede a criminal investigation. Further provides that the Dept. of Children and Family Services shall be notified when such cases exist.

Proposed law provides that a sexual assault counselor licensed pursuant to present law may provide sexual trauma treatment to a minor after the minor has provided consent to receive such counseling. Further provides that the minor's consent shall be valid and binding as if the minor had achieved his majority and shall not be considered null for reason of his age.

Proposed law provides that proposed law shall apply exclusively to cases when the sexual assault counselor reasonably believes that notifying a parent or guardian would impede a criminal investigation. Further provides that the Dept. of Children and Family Services shall be notified when such cases exist.

Proposed law does not negate or limit in any way any provision of present law that requires the reporting of crimes against children under the age of 18.

(Amends R.S. 40:1079.1(A)(1); Adds R.S. 40:1079.4)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarify that present law shall apply exclusively to cases when there is a reasonable belief by the healthcare provider providing medical or surgical care or a forensic medical examination would impede a criminal investigation and that the Dept. of Children and Family Services shall be notified when such cases exist.
2. Clarify that the proposed law shall apply exclusively to cases when the sexual trauma counselor reasonably believes that notifying a parent or guardian would impede a criminal investigation and that the Dept. of Children and Family Services shall be notified when such cases exist.