

Regular Session, 2012

HOUSE BILL NO. 846

BY REPRESENTATIVES SIMON, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROWN, HENRY BURNS, COX, DOVE, GAROFALO, GISCLAIR, HARRIS, HOFFMANN, HOWARD, JAMES, JEFFERSON, LEGER, LIGI, MORENO, POPE, REYNOLDS, RICHARD, RICHARDSON, SHADOIN, AND THOMPSON

MENTAL HEALTH: Establishes principles for the state mental health system

1 AN ACT

2 To amend and reenact R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and
3 (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) and to enact R.S.
4 28:171.1, relative to mental health law; to provide for definitions; to establish
5 principles for the state mental health system; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 28:2(14), (17), and (29)(a)(introductory paragraph), 52(A) and (C),
8 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E) are hereby amended and
9 reenacted and R.S. 28:171.1 is hereby enacted to read as follows:

10 §2. Definitions

11 Whenever used in this Title, the masculine shall include the feminine, the
12 singular shall include the plural, and the following definitions shall apply:

13 * * *

14 (14) ~~"Mentally ill person"~~ "Person who is mentally ill" means any person
15 with a psychiatric disorder which has substantial adverse effects on his ability to
16 function and who requires care and treatment. It does not refer to a person suffering
17 solely from mental retardation, epilepsy, alcoholism, or drug abuse.

18 * * *

1 (17) "Patient" means any person detained and taken care of as a person who
2 is mentally ill ~~person~~ or person who is suffering from substance abuse.

3 * * *

4 (29)(a) "Treatment facility" means any public or private hospital, retreat,
5 institution, mental health center, or facility licensed by the state in which any person
6 who is mentally ill ~~person~~ or person who is suffering from substance abuse is
7 received or detained as a patient. The term includes Veterans Administration and
8 public health hospitals and forensic facilities. "Treatment facility" includes but is not
9 limited to the following, and shall be selected with consideration of first, medical
10 suitability; second, least restriction of the person's liberty; third, nearness to the
11 patient's usual residence; and fourth, financial or other status of the patient, except
12 that such considerations shall not apply to forensic facilities:

13 * * *

14 §52. Voluntary admissions; general provisions

15 A. Any person who is mentally ill ~~person~~ or person who is suffering from
16 substance abuse may apply for voluntary admission to a treatment facility. The
17 admitting physician may admit the person on either a formal or informal basis, as
18 hereinafter provided.

19 * * *

20 C. No director of a treatment facility shall prohibit any person who is
21 mentally ill ~~person~~ or person who is suffering from substance abuse from applying
22 for conversion of involuntary or emergency admission status to voluntary admission
23 status. Any patient on an involuntary admission status shall have the right to apply
24 for a writ of habeas corpus in order to have his admission status changed to voluntary
25 status.

26 * * *

27 §52.1. Informal voluntary admission

28 A. In the discretion of the director, any person who is mentally ill ~~person~~ or
29 person who is suffering from substance abuse desiring admission to a treatment

1 facility for diagnosis or treatment of a psychiatric disorder or substance abuse may
2 be admitted upon the patient's request without a formal application.

3 * * *

4 §52.2. Formal voluntary admission

5 A. Any person who is mentally ill ~~person~~ or person who is suffering from
6 substance abuse desiring admission to a treatment facility for diagnosis and/or
7 treatment of a psychiatric disorder or substance abuse and who is deemed suitable
8 for formal voluntary admission by the admitting physician may be so admitted upon
9 his written request.

10 * * *

11 §52.3. Noncontested admission

12 A. A person who is mentally ill ~~person~~ or person who is suffering from
13 substance abuse who does not have the capacity to make a knowing and voluntary
14 consent to a voluntary admission status and who does not object to his admission to
15 a treatment facility may be admitted to a treatment facility as a noncontested
16 admission. Such person shall be subject to the same rules and regulations as a person
17 admitted on a voluntary admission status and his treatment shall be governed by the
18 provisions of ~~R.S. 28:52H~~ R.S. 28:52(H).

19 * * *

20 §53. Admission by emergency certificate; extension

21 A.(1) A person who is mentally ill ~~person~~ or a person who is suffering from
22 substance abuse may be admitted and detained at a treatment facility for observation,
23 diagnosis, and treatment for a period not to exceed fifteen days under an emergency
24 certificate.

25 * * *

26 §55. Judicial hearings

27 * * *

28 J. No director of a treatment facility shall prohibit any person who is
29 mentally ill ~~person~~ or person who is suffering from substance abuse from applying

1 for conversion of involuntary or emergency admission status to voluntary admission
2 status. Any patient on an involuntary admission status shall have the right to apply
3 for a writ of habeas corpus to have his admission status changed to voluntary status.

4 * * *

5 §64. Mental Health Advocacy Service; creation; board of trustees; organization;
6 powers; duties

7 * * *

8 D.(1) Any attorney representing a person who is mentally ill ~~person~~ or a
9 respondent as defined herein shall have ready access to view and copy all mental
10 health and developmental disability records pertaining to his client, unless the client
11 objects. If the patient or respondent later retains a private attorney to represent him,
12 the mental health advocacy service shall destroy all copies of records pertaining to
13 his case.

14 (2) Any attorney representing a person who is mentally ill ~~person~~ or a
15 respondent as defined herein shall have the opportunity to consult with his client
16 whenever necessary in the performance of his duties. A treatment facility shall
17 provide adequate space and privacy for the purpose of attorney-client consultation.

18 * * *

19 §171.1. Principles for the mental health system

20 The department and any entity which receives funding through a state
21 contract to provide services to persons who are mentally ill shall provide, to the
22 maximum extent possible, mental health treatment, services, and supports which are
23 consistent with the following principles:

24 (1) Treatment, services, and supports assist in enabling people to exercise
25 self-determination in their lives.

26 (2) Treatment, services, and supports assist in enabling people to achieve
27 their maximum potential through increased independence, productivity, and
28 inclusion in their communities.

1 (3) Personal outcomes and goals are considered in the development of
2 individualized supports for each person.

3 (4) The community where the person chooses to live and work is an
4 appropriate place to provide treatment, supports, and services.

5 (5) Persons with mental illness are generally best able to determine their own
6 needs, rather than their needs being determined by others.

7 (6) For children with mental illness, the needs of the entire family should be
8 considered in the development of family supports.

9 (7) Family supports may enable children to live in stable family
10 environments with enduring relationships with one or more adults regardless of the
11 severity of the mental illness of the child or the degree of support necessary.

12 (8) Children and young adults with mental illness receive and participate in
13 an appropriate education which enables them to have increased opportunities for well
14 being, development, and inclusion in their communities.

15 (9) Existing natural supports and community resources are promoted and
16 utilized.

17 * * *

18 §772. Funding of regional addictive disorder services

19 * * *

20 E. The secretary or assistant secretary of the department shall submit an
21 annual report to each member of the legislature listing the contractors and the
22 amounts such contractors received for the provision of regional addictive disorder
23 services and services provided through grants which were received through
24 application by the department or a regional office of the department.

25 * * *

 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)]

Simon

HB No. 846

Abstract: Establishes principles for the state mental health system.

Proposed law amends provisions of present law to change the term "mentally ill person" to "person who is mentally ill".

Proposed law provides that the Dept. of Health and Hospitals and any entity which receives funding through a state contract to provide services to persons who are mentally ill shall provide, to the maximum extent possible, mental health treatment, services, and supports which are consistent with the following principles:

- (1) Treatment, services, and supports assist in enabling people to exercise self-determination in their lives.
- (2) Treatment, services, and supports assist in enabling people to achieve their maximum potential through increased independence, productivity, and inclusion in their communities.
- (3) Personal outcomes and goals are considered in the development of individualized supports for each person.
- (4) The community where the person chooses to live and work is an appropriate place to provide treatment, supports, and services.
- (5) Persons with mental illness are generally best able to determine their own needs, rather than their needs being determined by others.
- (6) For children with mental illness, the needs of the entire family should be considered in the development of family supports.
- (7) Family supports may enable children to live in stable family environments with enduring relationships with one or more adults regardless of the severity of the mental illness of the child or the degree of support necessary.
- (8) Children and young adults with mental illness receive and participate in an appropriate education which enables them to have increased opportunities for well being, development, and inclusion in their communities.
- (9) Existing natural supports and community resources are promoted and utilized.

(Amends R.S. 28:2(14), (17), and (29)(a)(intro. para.), 52(A) and (C), 52.1(A), 52.2(A), 52.3(A), 53(A)(1), 55(J), 64(D), and 772(E); Adds R.S. 28:171.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Provided that in addition to the Dept. of Health and Hospitals, any entity which receives funding through a state contract to provide services to persons who are

mentally ill shall do so in a manner which is consistent with the principles for the mental health system established in proposed law.

2. Made technical changes.