

Regular Session, 2012

SENATE BILL NO. 446

BY SENATOR PETERSON

MENTAL HEALTH. Prohibits a primary care provider from discriminating in its offering and providing services to a person based on the person's serious mental illness. (8/1/12)

1 AN ACT

2 To enact R.S. 40:2013.7, relative to mental health; to provide a prohibition on discrimination
3 by a primary care provider based on a serious mental illness; to provide definitions;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2013.7 is hereby enacted to read as follows:

7 **§2013.7. Prohibition on discrimination by a primary care provider based on a**
8 **serious mental illness**

9 **A. No primary care provider shall discriminate in the offering or the**
10 **providing of its services to any person based on the person's serious mental**
11 **illness.**

12 **B. For the purposes of this Section, the following terms shall mean:**

13 **(1) "Primary care provider" means any facility or institution, whether**
14 **public or private, that offers diagnosis, treatment, and inpatient or ambulatory**
15 **care of two or more unrelated persons.**

16 **(2) "Serious mental illness" means any of various conditions**
17 **characterized by impairment of an individual's normal emotional or behavioral**

1 **functioning, and caused by social, psychological, biochemical, genetic, or other**
 2 **factors expected to exist for more than six months.**

3 **C. This Section shall not apply to hospitals, chiropractors, nursing**
 4 **homes, optometrists, or dentists.**

The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Peterson (SB 446)

Proposed law provides no primary care provider shall discriminate in the offering or the providing of its services to any person based on the person's mental illness or disorder.

Proposed law defines "primary care provider " and "serious mental illness".

Proposed law provides exemptions for hospitals, chiropractors, nursing homes, optometrists, or dentists.

Effective August 1, 2012.

(Adds R.S. 40:2013.7)

Summary of Amendments Adopted by Senate

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

1. Replaces healthcare facility with community-based physical health care provider and defines community-based physical health care provider.
2. Replaces mental illness or disorder with serious mental illness and defines serious mental illness.
3. Provides exemptions for hospitals, chiropractors, nursing homes, optometrists, or dentists.

Senate Floor Amendments to engrossed bill

1. Replaces the words "community-based physical health" with "primary" when referring to a care provider.