

Regular Session, 2010

SENATE BILL NO. 803 (Substitute for Senate Bill No. 773 by Sen. Donahue)

BY SENATORS DONAHUE, CHEEK, B. GAUTREAUX, MOUNT, PETERSON AND
NEVERS

CORONERS. Create a Coroner's Strategic Initiative for a Health Information and
Intervention Program in the office of the Coroner. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(15) and to enact Part IX-A of Chapter 1 of Title 28 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:215.1 through
4 215.6, relative to coroners; to provide for the establishment of a Coroner's Strategic
5 Initiative for a Health Information and Intervention Program within offices of the
6 coroner; to provide for certain services; to provide for consent; to provide for the
7 Coroner's Strategic Initiative for a Health Information and Intervention Program
8 advisory board; to provide for an exception to the public records law; to provide for
9 duties of certain treatment facilities; to provide for limitations of liability; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part IX-A of Chapter 1 of Title 28 of the Louisiana Revised Statutes of
13 1950, comprised of R.S. 28:215.1 through 215.6, is hereby enacted to read as follows:

14 PART IX-A. CORONER'S STRATEGIC INITIATIVE FOR A
15 HEALTH INFORMATION AND INTERVENTION PROGRAM
16 §215.1. Coroner's Strategic Initiative for a Health Information and
17 Intervention Program; creation

1 healthcare facility which provides services or treatment to a person who is
2 suffering from a mental health or substance abuse condition or disorder except
3 for a nursing home as defined in R.S. 40:2009.2.

4 B. A treatment facility shall provide all individuals in the parish
5 suffering from a mental health condition or disorder upon discharge or release
6 an information and consent form which details the information, programs and
7 services which can be provided by the CSI/HIP to individuals suffering from
8 mental health conditions and disorders and includes a voluntary consent form
9 for the individual to complete if the individual desires to have the treatment
10 facility notify the CSI/HIP on behalf of the individual that the individual would
11 like to be contacted by the CSI/HIP to receive additional information about the
12 program.

13 C. The information and consent forms shall be provided to the
14 treatment facility by the CSI/HIP.

15 §215.4. Consent

16 A. Prior to personnel of the coroner's office or CSI/HIP providing any
17 home-based supports or services to an individual, the personnel of the coroner's
18 office or of the CSI/HIP shall provide the individual in writing a full disclosure
19 of all services to be provided, frequency of home visits, and notice that the
20 individual may withdraw his consent in writing at any time. In addition, the
21 individual shall also consent in writing to the list of persons, if any, to which the
22 personnel of the coroner or the CSI/HIP may discuss his mental condition.

23 B. The personnel of the office of the coroner or the CSI/HIP shall ensure
24 that if any protected health information of an individual is to be obtained from
25 any healthcare provider that the information is obtained in accordance with the
26 Health Insurance Portability and Accountability Act of 1996.

27 C. The office of the coroner or the CSI/HIP shall provide a copy to the
28 individual of all signed consent forms.

29 D. All records of interviews, questionnaires, reports, statements, notes,

1 and memoranda procured by and prepared by employees or agents of the office
2 of coroner or by any other person, agency, or organization acting jointly with
3 that office pursuant to a function which is authorized by R.S. 28:215.1 shall be
4 deemed nonpublic and confidential information.

5 §215.5. Coroner's Strategic Initiative for a Health Information and
6 Intervention Program; advisory board

7 A. Each coroner establishing the program authorized in R.S. 28:215.1
8 shall establish a Coroner's Strategic Initiative for a Health Information and
9 Intervention Program Advisory Board to advise the coroner on matters related
10 to the services and programs provided through Coroner's Strategic Initiative
11 for a Health Information and Intervention Program. The advisory board shall
12 serve the coroner only in an advisory capacity and shall not have any control or
13 authority over the services or programs provided or funds expended by the
14 office of the coroner to carry out the functions of the Coroner's Strategic
15 Initiative for a Health Information and Intervention Program. The advisory
16 board shall be domiciled in the same parish in which the CSI/HIP is maintained.

17 B. The membership of the advisory board shall be the following:

18 (1) The executive director of the coroner's office, who shall also serve as
19 the chairperson of the advisory board.

20 (2) The director of the Mental Health Advocacy Service or his designee.

21 (3) One member appointed by the chief executive officer of a hospital
22 within the parish where the CSI/HIP is located and which operates a psychiatric
23 ward.

24 (4) One member appointed by the executive director of the human
25 services authority/district which serves the parish where the CSI/HIP is located.

26 (5) One member appointed by the National Alliance for the Mentally Ill
27 for the parish in which the CSI/HIP is located.

28 (6) One member appointed by the Ministerial Alliance for the parish in
29 which the CSI/HIP is located.

1 and limitations to the laws pertaining to public records throughout the revised
2 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
3 limitations are hereby continued in effect by incorporation into this Chapter by
4 citation:

5 * * *
6 (15) R.S. 28:56, 215.4, 391, 398
7 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Greg Waddell.

DIGEST

Proposed law authorizes the office of the coroner in each parish to establish a Coroner's Strategic Initiative for a Health Information and Intervention Program, hereinafter referred to as "CSI/HIP".

Proposed law provides that subject to the availability of adequate funding, a CSI/HIP may perform any of the following functions:

- (1) Provide a home-based support system, which shall not provide any mental health treatment but rather shall provide aid to the individual to ensure that the treatment protocol is being met and to access available mental health resources in the community for persons who satisfy certain criteria in proposed law.
- (2) Establish a community resource center that is accessible by telephone or internet to provide twenty-four hour support for persons suffering from a mental health or substance abuse condition or disorder by providing educational and outreach materials about the resources for mental health patients which are available in the community, including the location, transportation, and methods for accessing these resources.
- (3) Apply for and receive any grants, funds or monies from any foundation, nonprofit organization, state or federal governmental agency or entity.

Proposed law provides a treatment facility shall provide all individuals in the parish suffering from a mental health condition or disorder upon discharge or release an information and consent form which details the information, programs and services which can be provided by the CSI/HIP to individuals suffering from mental health conditions and disorders and includes a voluntary consent form for the individual to complete if the individual desires to have the treatment facility notify the CSI/HIP on behalf of the individual that the individual would like to be contacted by the CSI/HIP to receive additional information about the program.

Proposed law provides that the information and consent forms shall be provided to the treatment facility by the CSI/HIP.

Proposed law provides that prior to personnel of the coroner's office or CSI/HIP providing any home-based supports or services to an individual, the personnel of the coroner's office or of the CSI/HIP shall provide the individual in writing a full disclosure of all services to be provided, frequency of home visits, and notice that the individual may withdraw his

consent in writing at any time.

Proposed law provides that the individual shall also consent in writing to the list of persons, if any, to which the personnel of the coroner or the CSI/HIP may discuss his mental condition.

Proposed law provides that the personnel of the office of the coroner or the CSI/HIP shall ensure that if any protected health information of an individual is to be obtained from any healthcare provider that the information is obtained in accordance with HIPPA.

Proposed law provides that the office of the coroner or the CSI/HIP shall provide a copy to the individual of all signed consent forms.

Proposed law provides that all records of interviews, questionnaires, reports, statements, notes, and memoranda procured by and prepared by employees or agents of the office of coroner or by any other person, agency, or organization acting jointly with that office pursuant to a function which is authorized by proposed law shall be deemed nonpublic and confidential information.

Proposed law provides that if a coroners office establishes a program pursuant to proposed law that the office of the coroner shall also establish a Coroner's Strategic Initiative for a Health Information and Intervention Program Advisory Board to advise the coroner on matters related to the services and programs provided through Coroner's Strategic Initiative for a Health Information and Intervention Program.

Proposed law provides that the advisory board shall serve the coroner only in an advisory capacity and shall not have any control or authority over the services or programs provided or funds expended by the office of the coroner to carry out the functions of the Coroner's Strategic Initiative for a Health Information and Intervention Program.

Proposed law provides that the membership of the advisory board shall be the following:

- (1) The executive director of the coroner's office, who shall also serve as the chairperson of the advisory board.
- (2) The director of the Mental Health Advocacy Service or his designee.
- (3) One member appointed by the chief executive officer of a hospital within the parish where the CSI/HIP is located and which operates a psychiatric ward.
- (4) One member appointed by the executive director of the human services authority/district which serves the parish where the CSI/HIP is located.
- (5) One member appointed by the National Alliance for the Mentally Ill for the parish in which the CSI/HIP is located.
- (6) One member appointed by the Ministerial Alliance for the parish in which the CSI/HIP is located.
- (7) One member appointed by the coroner who is a member of a civic organization which provides charitable resources or services to low income patients in the parish where the CSI/HIP is located.

Proposed law provides that meetings of the advisory board shall be held at a time and place as determined by the chairperson or when requested by a majority of the board members. Notice of all meetings of the board, together with an agenda of the business to come before the board, shall be provided to the public.

Proposed law provides that the board shall be subject to the Open Meetings Law (R.S. 42:4.1 et seq.) and the Public Records Law (R.S. 44:1 et seq.).

Proposed law provides that members of the board shall serve on a voluntary basis and shall not receive any compensation or reimbursement for expenses.

Proposed law provides that any and all personnel of the office of the coroner, who are performing duties in conjunction with the Coroner's Strategic Initiative for a Health Information and Intervention Program ("CSI/HIP"), shall be immune from criminal penalties or civil damages resulting from any act, decision, omission, communication, or any failure to act, which is made in good faith unless the damage or injury is caused by willful or wanton negligence or gross misconduct.

Effective August 15, 2010.

(Adds R.S. 28:215.1 - 215.6)