

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 in each parish. (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           The office of the coroner in each parish is hereby authorized to establish  
2           within his office a Coroner's Strategic Initiative for a Health Information and  
3           Intervention Program, hereinafter referred to as "CSI/HIP".

4           §215.2. Coroner's Strategic Initiative for a Health Information and  
5                           Intervention Program; powers and duties

6           A. Subject to the availability of adequate funding, a CSI/HIP may  
7           perform any of the following functions:

8                           (1) Provide a home-based support system, which shall not provide any  
9                           mental health treatment but rather shall provide aid to the individual to ensure  
10                          that the treatment protocol is being met and to access available mental health  
11                          resources in the community for persons who satisfy all of the following criteria:

12                           (a) The person was committed pursuant to Part III of Chapter 1 of Title  
13                          28 of the Louisiana Revised Statutes of 1950.

14                           (b) The person has completed the treatment program and has been  
15                          released.

16                           (c) The person has voluntarily consented to have personnel of the  
17                          coroner, performing duties in conjunction with the CSI/HIP, periodically visit  
18                          the person at the person's residence.

19                           (2) Establish a community resource center that is accessible by telephone  
20                          or Internet to provide twenty-four hour support for persons suffering from a  
21                          mental health or substance abuse condition or disorder by providing  
22                          educational and outreach materials about the resources for mental health  
23                          patients which are available in the community, including the location,  
24                          transportation, and methods for accessing these resources.

25                           (3) Apply for and receive any grants, funds or monies from any  
26                          foundation, nonprofit organization, state or federal governmental agency or  
27                          entity.

28           §215.3. Treatment facilities; dissemination of information

29           A. For the purposes of this Section, "treatment facility" shall mean any

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, with whom  
22 the 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 (7) One member appointed by the coroner who is a member of a civic  
2 organization which provides charitable resources or services to low income  
3 patients in the parish where the CSI/HIP is located.

4 C. Meetings of the advisory board shall be held at a time and place as  
5 determined by the chairperson or when requested by a majority of the board  
6 members. Notice of all meetings of the board, together with an agenda of the  
7 business to come before the board, shall be provided to the public. The board  
8 shall be subject to the Open Meetings Law (R.S. 42:4.1 et seq.) and the Public  
9 Records Law (R.S. 44:1 et seq.). A majority of the individuals appointed to the  
10 board shall constitute a quorum.

11 D. Members of the board shall serve on a voluntary basis and shall not  
12 receive any compensation or reimbursement for expenses.

13 §215.6. Limitation of liability

14 (1) Any and all personnel of the office of the coroner, who are  
15 performing duties in conjunction with the Coroner's Strategic Initiative for a  
16 Health Information and Intervention Program ("CSI/HIP"), shall be immune  
17 from criminal penalties or civil damages resulting from any act, decision,  
18 omission, communication, or any failure to act, which is made in good faith,  
19 including but not limited to any action pursuant to Part XXIII of Chapter 5 of  
20 Title 40 of the Louisiana Revised Statutes of 1950, while engaged in the  
21 performance of the functions provided for in R.S. 28:215.1, unless the damage  
22 or injury is caused by willful or wanton negligence or gross misconduct.

23 (2) For the purposes of this Section, the "personnel of the office of the  
24 coroner" shall mean any person who provides services or furnishes assistance  
25 pursuant to this Part, including an employee, contractor, or volunteer.

26 Section 2. R.S. 44:4.1(B)(15) is hereby amended and reenacted to read as follows:

27 §4.1. Exceptions

28 \* \* \*

29 B. The legislature further recognizes that there exist exceptions, exemptions,

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  
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The original instrument was prepared by Greg Waddell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Sherri H. Breaux.

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#### DIGEST

Donahue (SB 803)

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 (CSI/HIP).

Proposed law provides that subject to the availability of adequate funding, such a program 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 24-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, with whom 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 an advisory board to advise the coroner on matters related to the services and programs provided through the CSI/HIP.

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 CSI/HIP.

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. Provides for public notice of all meetings of the board, together with an agenda of the business to come before the board.

Proposed law subjects the board to the open meetings and public records laws.

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 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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Makes technical correction.