



Louisiana State Guidance

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Statutory basis and key terms

Louisiana Statutes Title 28, Chapter 1

Follow this link to read the Statutes in full:

[Louisiana Statutes Title 28, Chapter 1](#)

Key definitions

“Addictive disorder” means a primary, long-term condition that affects the brain, influenced by

genetic, psychological, social, and environmental factors. A person with an addictive disorder may show one or more of these behaviors:

- Trouble controlling drug use,
- Compulsive use,
- Continued use despite harm, or
- Cravings.

The term also includes mood-altering behaviors, activities, or process addictions. Examples include gambling, spending, shopping, eating, and sexual activity.

“Dangerous to others” means a person’s behavior or significant threats of harm support a reasonable expectation that there is a substantial risk of physical harm to another in the near future.

“Dangerous to self” means a person’s behavior, significant threats of harm, or inaction, supports a reasonable expectation that there is a substantial risk that the person will inflict physical or severe emotional harm upon self.

“Director” or **“Administrator”** means a person in charge of a treatment facility or their deputy.

“Interested person” means any adult with an interest in the outcome of the petition for outpatient treatment, which may include but is not limited to any adult relative or friend of the person, any official or representative of a public or private entity that is concerned with the person’s welfare, or any other person found suitable by the court.

“Gravely disabled” means the condition of a person, as a result of serious mental illness or a substance-related or addictive disorder, cannot meet their basic needs such as essential food, clothing, medical care, or shelter. It also means the person cannot live safely on their own or protect themselves from serious physical harm or significant psychiatric deterioration.

This term also includes incapacitation by alcohol, which means that because of alcohol use, a person is unconscious or whose judgment is so impaired that they cannot understand or make a rational decision about their need for treatment.

“Medical psychologist” means a licensed psychologist who has specialized training in therapeutic use of psychotropic medication and has passed a national exam in psychopharmacology, and has at least three years training, primary experience, or both, in diagnosis and treatment of mental illness.

“Peace officer” means any sheriff, police officer, or other person deputized by proper authority to serve as a peace officer.

“Person who has a mental illness” means a person with a psychiatric disorder which has substantial adverse effects on their ability to function and who requires care and treatment. It does not refer to

a person with, solely, an intellectual disability; or who suffers solely from epilepsy or a substance-related or addictive disorder.

“Physician” means:

- A Louisiana licensed doctor who is actively practicing medicine.
- A federal medical officer.
- A doctor-in-training enrolled in an accredited postgraduate program in Louisiana.

“Primary care provider” means the principal treating health care professional, excluding a physician or psychiatrist, rendering mental health care services to a person including a psychologist, medical psychologist, or psychiatric mental health nurse practitioner.

“Psychiatric deterioration” means a decline in mental functioning which diminishes the person's capacity to reason or exercise judgment.

“Psychiatric mental health nurse practitioner” means an advanced practice registered nurse in Louisiana who provides mental health care to people of all ages. They diagnose and treat mental illnesses, help individuals at risk for psychiatric conditions, and can prescribe certain medications. They must have at least two years of specialized training or experience in mental health diagnosis and treatment.

“Psychiatrist” means a physician who has at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

“Substance-related disorder” means a disorder involving the use of substances such as alcohol, caffeine, cannabis, hallucinogens, inhalants, opioids, sedatives, stimulants, tobacco, or other or unknown substances.

“Substance use disorder” means the recurrent use of alcohol, drugs, or both that continues even when it causes problems. A person is considered to have a substance use disorder when repeated use leads to significant health issues, disability, or difficulty meeting major responsibilities at work, school, or home. This is evidenced by loss of control, problems in social or daily functioning, and risky use.

A **“treatment facility”** is any public or private hospital, retreat, institution, mental health center, or state-licensed facility where a person with mental illness or substance-related or addictive disorder can be admitted or held as a patient. This includes Veterans Administration and public health hospitals, and forensic facilities. When choosing a treatment facility, the following factors should be considered in this order (does not apply to forensic facilities):

- Medical suitability.
- Option that limits the person's freedom the least.

- How close the facility is to the person's residence.
- Person's financial or other circumstances.
- Person's stated preference.

Emergency evaluation

Criteria for emergency evaluation

Is a person with mental illness or a substance-related or addictive disorder, and, as a result, is dangerous to self or others, or is gravely disabled, and is in need of immediate treatment.

Who can initiate an emergency evaluation? Any adult can initiate emergency evaluation, but the process differs based on whether the person initiating is a:

- Physician,
- Physician assistant,
- Psychiatric mental health nurse practitioner, *or*
- Nurse practitioner.
- Peace officer, *or*
- Peace officer accompanied by an emergency medical service trained technician.
- Or any other adult.

Group one: Physician, physician assistant, psychiatric mental health nurse practitioner, or nurse practitioner.

How? Determine the person meets criteria upon examination and execute an emergency certificate.

What do they initiate? May place the person on an emergency hold for transport to a treatment facility. Transport may be provided by a peace officer or ambulance services.

Where does the proposed patient go? Treatment facility.

What's the time limit for the response? An emergency certificate is valid for 72 hours.

What happens? The person must be immediately examined by a physician, preferably a psychiatrist, or a psychiatric mental health nurse practitioner to determine if the person shall be voluntarily admitted, admitted by emergency certificate, or discharged.

What's next? Upon admission by emergency certificate, the director of the treatment facility must immediately notify the coroner of the parish in which the facility is located.

The director of the treatment facility must notify the person's nearest relative, if known, or

designated responsible party, if any, in writing of the person's admission by emergency certificate as soon as is reasonably possible.

Within 72 hours of admission, the person must be independently examined by the coroner or their deputy. However, if the coroner issued the first certificate, this second examination must be by a physician at the treatment facility where the person is admitted.

If the second examiner determines the person continues to meet criteria, they will issue a second certificate, and the person may continue to be held. Otherwise, the person must be discharged.

Persons admitted by emergency certificate may receive medication and treatment (excluding major surgical procedures and electroshock therapy) without their consent if the treating physician makes a reasonable effort to consult with the primary physician or primary care provider of the person outside of the facility or determines there is a psychiatric or behavioral health emergency (the person's behavior places the patient or others at significant and imminent risk of harm). Emergency administration of medication may be continued until the emergency is over but may not exceed 48 hours.

What is the time duration of the hold? Up to 15 days.

Who decides whether to continue to a hearing? The individual or their attorney may request a hearing to determine if probable cause exists to hold the individual under an emergency certificate. If requested, the hearing must be held within five days of the request.

The director of the treatment facility or any adult may file a petition for commitment to initiate a hearing on commitment (*see inpatient treatment below*).

Is there a form? The relevant forms are available through the [Louisiana Department of Health](#):

- OBH 1 Physician's Emergency Certificate.
- OBH 1A Psychologist's Emergency Certificate.
- OBH 2 Coroner's Emergency Certificate.

Group two: Peace officer or peace officer accompanied by an emergency medical service trained technician.

How? Have reasonable grounds to believe the person meets criteria based on personal observation.

What do they initiate? May place the person into protective custody and transport them for medical evaluation.

Where does the proposed patient go? Treatment facility.

What's the time limit for the response? Upon observation.

What happens? The person must be immediately examined by a psychiatrist to determine if the person shall be voluntarily admitted, admitted by emergency certificate, or discharged.

What's next? Upon admission by emergency certificate, the director of the treatment facility must immediately notify the coroner of the parish in which the facility is located.

The director of the treatment facility must notify the person's nearest relative, if known, or designated responsible party, if any, in writing of the person's admission by emergency certificate as soon as is reasonably possible.

Within 72 hours of admission, the person must be independently examined by the coroner or their deputy. However, if the coroner issued the first certificate, this second examination must be by a physician at the treatment facility where the person is admitted.

If the second examiner determines the person continues to meet criteria, they will issue a second certificate, and the person may continue to be held. Otherwise, the person must be discharged.

Persons admitted by emergency certificate may receive medication and treatment (excluding major surgical procedures and electroshock therapy) without their consent if the treating physician makes a reasonable effort to consult with the primary physician or primary care provider of the person outside of the facility or determines there is a psychiatric or behavioral health emergency (the person's behavior places the patient or others at significant and imminent risk of harm). Emergency administration of medication may be continued until the emergency is over but may not exceed 48 hours.

What is the time duration of the hold? Up to 15 days.

Who decides whether to continue to a hearing? The individual or their attorney may request a hearing to determine if probable cause exists to hold the individual under an emergency certificate. If requested, the hearing must be held within five days of the request.

The director of the treatment facility or any adult may file a petition for commitment to initiate a hearing on commitment (*see inpatient treatment below*).

Is there a form? The relevant form is available through the [Louisiana Department of Health](#): OBH 19 Request for Protective Custody.

Group three: Any adult.

How? Submit a request for examination to the [parish coroner](#) or the [district court](#).

What do they initiate? Review by the parish coroner or the court for potential examination or

protective custody order.

Where does the proposed patient go? Nowhere before request is reviewed.

What's the time limit for the response? Not specified.

What happens? The parish coroner or the court may order an examination of the person by a physician, or the parish coroner may provide that examination.

If included in the request, or if the coroner or judge is concerned about the examiner's safety, the coroner or judge may issue a protective custody order authorizing the person's transportation by a peace officer to the coroner's office or treatment facility for examination.

If the examining physician determines the person meets criteria, they will issue an emergency certificate authorizing the person's hold at a treatment facility.

What's next? Upon admission by emergency certificate, the director of the treatment facility must immediately notify the coroner of the parish in which the facility is located.

The director of the treatment facility must notify the person's nearest relative, if known, or designated responsible party, if any, in writing of the person's admission by emergency certificate as soon as is reasonably possible.

Within 72 hours of admission, the person must be independently examined by the coroner or their deputy. However, if the coroner issued the first certificate, this second examination must be by a physician at the treatment facility where the person is admitted.

If the second examiner determines the person continues to meet criteria, they will issue a second certificate, and the person may continue to be held. Otherwise, the person must be discharged.

Persons admitted by emergency certificate may receive medication and treatment (excluding major surgical procedures and electroshock therapy) without their consent if the treating physician makes a reasonable effort to consult with the primary physician or primary care provider of the person outside of the facility or determines there is a psychiatric or behavioral health emergency (the person's behavior places the patient or others at significant and imminent risk of harm). Emergency administration of medication may be continued until the emergency is over but may not exceed 48 hours.

What is the time duration of the hold? Up to 15 days.

Who decides whether to continue to a hearing? The individual or their attorney may request a hearing to determine if probable cause exists to hold the individual under an emergency certificate. If requested, the hearing must be held within five days of the request.

The director of the treatment facility or any adult may file a petition for commitment to initiate a hearing on commitment (*see inpatient treatment below*).

Is there a form? It is unclear if there is a form to request examination without a request for protective custody.

The form to request protective custody and transport for examination is available through the [Louisiana Department of Health](#): OBH 19 Request for Protective Custody.

Inpatient treatment

Criteria for inpatient treatment

Is a person with mental illness, substance-related, or addictive disorder, which contributes to or causes the person to be a danger to self or others, or gravely disabled.

Who can initiate inpatient treatment? Any adult can initiate, or the [Louisiana Department of Health](#) can initiate, but the process does not differ based on who initiates.

Any adult or the Louisiana Department of Health

How? File a petition with the [district court](#) in the parish where the person is currently hospitalized under an emergency certificate (*see “emergency evaluation” above*), or if not currently hospitalized, where the person resides or may be found.

Required documentation? Statement of belief that the person meets the criteria, including the facts that support that belief.

What’s next? The court will schedule a hearing within 18 days of receipt of the petition and, as soon as possible, review the petition and determine if there is probable cause that the person meets criteria.

If the court determines probable cause exists, the court will appoint a physician, with preference for a psychiatrist or medical psychologist, to examine the person and submit [a written report to the court](#) ahead of the hearing. The person can seek an additional independent medical opinion.

If the person refuses to be examined or if the report of the court-appointed physician finds that the person meets criteria and needs immediate hospitalization to protect the person or others from harm, or that the person’s condition may be significantly worsened by delay, then the court may issue an order for the person’s hospitalization in a treatment facility until the commitment hearing. The order may authorize transportation by a peace officer to the treatment facility.

If, upon the completion of the hearing, the court finds, by clear and convincing evidence, that the

person meets criteria, it will order commitment for up to 180 days (unless the commitment is for alcohol use disorder, then the limit is 45 days). The court will determine where the person will receive treatment, considering relevant circumstances, including clinical recommendations and the preferences of the person and their family. If that placement is not available, the court may commit the person to the Department of Health for placement, depending on available resources.

A person committed for inpatient commitment may receive medication and treatment (excluding major surgical procedures and electroshock therapy) without their consent if the treating physician makes a reasonable effort to consult with the primary physician or primary care provider of the person outside of the facility or determines there is a psychiatric or behavioral health emergency (the person's behavior places the patient or others at significant and imminent risk of harm). Emergency administration of medication may be continued until the emergency is over but may not exceed 48 hours.

The court will review the order for commitment every 90 days.

Who issues the treatment order? The [district court](#).

Who makes discharge decisions? The director or administrator may discharge any person, if, in their opinion, or upon recommendation of the treating physician, discharge is appropriate.

The Department of Health may order the examination of any patient, and if, as a result of the examination, they believe the person should no longer be committed, may discharge the person.

The court can decide at any time, either because someone asked or on its own, to hold a hearing to decide whether the person should stay in involuntary status.

The administrator, director, or the court may fully discharge the person or discharge them with conditions for up to 120 days.

Is there a form? The relevant forms are available through the [Louisiana Department of Health](#):

- OBH 10 Petition for Judicial Commitment – non-legal (any person)
- OBH 11 Petition for Judicial Commitment-Hospital/Facility.

Outpatient treatment

Criteria for inpatient treatment

The person:

- Is 18 years of age or older;

- Is suffering from mental illness;
- Is unlikely to survive safely in the community without supervision;
- Has a history of not complying with treatment;
- Is, as a result of their illness, unlikely to voluntarily participate in treatment;
- In view of their treatment history and current behavior, needs outpatient treatment to prevent a relapse or deterioration, which would likely cause the person to become dangerous to self or others, or gravely disabled; *and*
- The person is likely to benefit from outpatient treatment.

When can outpatient treatment be court-ordered? Upon discharge from hospital or from a community setting.

Who can initiate? Any of the following can initiate, and the process does not differ based on who initiates:

- Director, administrator, or treating physician of a hospital where the person is hospitalized or of an emergency receiving center where the person is receiving services.
- Director of the local mental health authority, or designee.
- The [Louisiana Department of Health](#).
- Interested person through counsel.

How? File a petition in the [district court](#) in the parish in which the person in need of care is present, reasonably believed to be present, or resides.

Required documentation: Statement of belief that the person in need of care meets each criterion, including the facts that support that belief.

What's next? The court will schedule a hearing as promptly as possible within 30 days of receipt of the petition.

As soon as possible after the filing of the petition, the court will review the petition and determine if there is probable cause that the person meets criteria.

If the court determines probable cause exists, the court will appoint a physician, psychiatric mental health nurse practitioner, psychologist, or medical psychologist to examine the person, provide a Physician's Report to Court, and testify at the hearing. The court may accept a [Physician's Report to Court](#) for an examination within ten days prior to the petition. The examining professional must also develop and provide the court with a written treatment plan.

If the person has refused the court-ordered examination, the court must order the sheriff's department to place the person in civil custody and transport them to a psychiatrist's office, behavioral health center, hospital, or emergency receiving center for an examination.

If, upon completion of the hearing, the court determines, by clear and convincing evidence, that the person meets the criteria, and no less-restrictive alternative is available, the court will order the person to receive outpatient treatment in accordance with the treatment plan. If the treatment plan includes medication, it must state whether the medication should be self-administered or administered by authorized personnel.

Who issues the treatment order? The district court.

Who supervises the treatment plan? The treatment provider, the local mental health authority, and, if included in the treatment plan, the case manager, supervise treatment.

The court will periodically review the treatment plan with the person and at least one member of their treatment team at intervals set by the court.

How long can the first treatment order last? Up to one year.

What's the renewal process? If any person who can initiate the original petition determines the person requires further treatment, they must file a petition for continued treatment before the end of the original order. The procedure for obtaining this continuation is the same as obtaining the original order.

What's the discharge process? The treatment provider must apply to the court for approval before discharging the patient. If, within five days of the application, either the patient or the treatment provider requests a hearing, the court will hold a hearing to determine whether the patient continues to meet the criteria or should be discharged. If no hearing is requested within five days, the court will grant the application for discharge.

Is there a form? There is no universal petition form available. The respective district court may, however, provide a form.