

December 13, 2000
OPINION 00-386

Honorable Teri B. O'Neal, MD
Coroner, Ouachita Parish
2000 N. 7th Street, Suite H
West Monroe, LA 71291

Dear Coroner O'Neal:

In response to your inquiry to this office, note that the sheriff's office must transport an individual who is the subject of a physician's emergency certificate to the appropriate treatment facility. See R.S. 28:53(F) and Attorney General Opinions 98-181, 96-362 and 95-314. Note further that it is the duty of any "peace officer" to accomplish the transport; the statute does not impose this responsibility exclusively upon the sheriff. Finally, a physician's certificate is valid for seventy-two hours pursuant to R.S. 28:53(B)(3)¹; transportation must be initiated within that time period. See R.S. 28:53(F)².

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

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¹ R.S. 28:53(B)(3) provides:

(3) The certificate shall be dated and executed under the penalty of perjury, but need not be notarized. The certificate shall be valid for seventy-two hours and shall be delivered to the director of the treatment facility where the person is to be further evaluated and treated.

² R.S. 28:53(F) provides:

F. An emergency certificate shall constitute legal authority to transport a patient to a treatment facility and shall permit the director of such treatment facility to detain the patient for diagnosis and treatment for a period not to exceed fifteen days, and to return the patient to the facility if he is absent with or without permission during authorized periods of detention. If necessary, peace officers shall apprehend and transport, or ambulance services under appropriate circumstances, may locate and transport, a patient on whom an emergency certificate has been completed to a treatment facility at the request of either the director of the facility, the certifying physician or psychologist, the patient's next of kin, the patient's curator, or the agency legally responsible for his welfare. The director of the treatment facility shall notify the patient's nearest relative, if known, or designated responsible party, if any, in writing of the patient's admission by emergency certificate as soon as reasonably possible.

#00-386

64-1-C MENTAL HEALTH
107 SHERIFFS

R.S. 28:53(F), R.S. 28:53 (B)(3)

The sheriff's office must transport an individual who is the subject of a physician's emergency certificate to the appropriate treatment facility. It is the duty of any "peace officer" to accomplish the transport; transportation must be initiated within seventy-two hours.

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Date Received:
Date Released: December 13, 2000

Kerry L. Kilpatrick
Assistant Attorney General