

ACT No. 201

2020 Regular Session

HOUSE BILL NO. 615

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 40:1231.1(A)(15) and 1237.1(A)(5) and to enact R.S.
3 40:1231.1(M) and 1237.1(D)(3), relative to medical malpractice; to provide relative
4 to the definition of "patient"; to provide relative to organ procurement organizations;
5 to provide for unintentional acts or omissions by certain persons relative to
6 anatomical gift donations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1231.1(A)(15) and 1237.1(A)(5) are hereby amended and
9 reenacted and R.S. 40:1231.1(M) and 1237.1(D)(3) are hereby enacted to read as follows:

10 §1231.1. Definitions and general applications

11 A. As used in this Part:

12 * * *

13 (15) "Patient" means a natural person, including a donor of human blood, a
14 donor or prospective donor of an organ or tissue, or blood components and a nursing
15 home resident who receives or should have received health care from a licensed
16 health care provider, under contract, expressed or implied.

17 * * *

18 M. Any cause of action for an unintentional act or omission by an organ
19 procurement organization to a donor or prospective donor of an anatomical gift, as
20 defined in R.S. 17:2351, shall be governed by the provisions of this Section.

21 * * *

1 §1237.1. Definitions and general application

2 A. As used in this Part:

3 * * *

4 (5) "Patient" means a natural person who receives, or should have received,
5 health care from a person covered by this Part, or a donor or prospective donor of an
6 organ or tissue, and any other natural person or persons who would or may have a
7 claim or claims for damages under applicable law arising out of, or directly related
8 to, the claim or claims of the natural person who receives, or should have received,
9 health care from a person covered by this Part.

10 * * *

11 D.

12 * * *

13 (3) Any cause of action for an unintentional act or omission by an organ
14 procurement organization to a donor or prospective donor of an anatomical gift, as
15 defined in R.S. 17:2351, shall be governed by the provisions of this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____