2022 Regular Session

HOUSE BILL NO. 850

BY REPRESENTATIVE FRIEMAN

MALPRACTICE/MEDICAL: Provides relative to medical malpractice claims

1	AN ACT						
2	To amend and reenact R.S. 40:1231.1(A)(17) and to enact R.S. 40:1231.8(B)(4), relative to						
3	medical malpractice claims; to provide for definitions; to provide for proof of						
4	financial responsibility; to provide for medical review panels; to provide for a stay						
5	of proceedings; and to provide for related matters.						
6	Be it enacted by the Legislature of Louisiana:						
7	Section 1. R.S. 40:1231.1(A)(17) is hereby amended and reenacted and R.S.						
8	40:1231.8(B)(4) is hereby enacted to read as follows:						
9	§1231.1. Definitions and general applications						
10	A. As used in this Part:						
11	* * *						
12	(17) "Proof of financial responsibility" as provided for in this Part shall be						
13	determined by the board in accordance with regulations promulgated under the						
14	Administrative Procedure Act, R.S. 49:950 et seq.						
15	* * *						
16	§1231.8. Medical review panel						
17	* * *						
18	B.						
19	* * *						
20	(4) Except as otherwise provided in this Subsection, upon a showing of good						
21	cause, including but not limited to increased litigation expenses, the court shall stay						

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	all proceedings in a suit filed in c	district	court v	while there	e is a pending	medical rev	iew
2	panel proceeding pursuant to the	his Sec	tion in	volving t	ne same alleg	ed injuries	to a
3	patient.						
4	*	*	:	*			

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 850 Engrossed	2022 Regular Session	Frieman

Abstract: Provides for a stay in civil proceedings while there is a pending medical review panel involving the same alleged injuries to a patient.

For purposes of the regulation of medical malpractice claims, <u>present law</u> authorizes the Patient's Compensation Fund Oversight Board to determine the meaning of the term "proof of financial responsibility" with regulations promulgated under the Administrative Procedure Act.

<u>Proposed law</u> maintains <u>present law</u> and provides a cross-reference to the Administrative Procedure Act.

<u>Proposed law</u> provides that upon a showing of good cause, including but not limited to increased litigation expenses, the court shall stay all proceedings in a suit filed in district court while there is a pending medical review panel proceeding involving the same alleged injuries to a patient.

(Amends R.S. 40:1231.1(A)(17); Adds R.S. 40:1231.8(B)(4))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Civil Law and</u> <u>Procedure to the original bill:</u>
- 1. Remove provisions amending the definition of "malpractice".
- 2. Provide an amendment to the definition of "proof of financial responsibility".
- 3. Provide for a stay in civil proceedings while there is a pending medical review panel involving the same alleged injuries to a patient.