
HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House
Bill No. 705 by Representative Seabaugh

1 AMENDMENT NO. 1

2 On page 1, delete lines 9 through 20 in their entirety and delete page 2 in its entirety and
3 insert the following:

4 "Art. 1464. Order for an additional medical opinion for physical or mental
5 examination of persons

6 A. ~~When~~ Upon motion of the opposing party, when the mental or physical
7 condition of a party, or of a person in the custody or under the legal control of a
8 party, is in controversy, the court in which the action is pending may shall order the
9 party to submit to an one or more additional medical ~~opinion~~ opinions regarding
10 physical or mental examination by a physician or to produce for examination the
11 person in his custody or legal control, except as provided by law. In addition, the
12 court may order the party to submit to an additional medical opinion regarding an
13 examination by a vocational rehabilitation expert or a licensed clinical psychologist
14 who is not a physician, provided the party has given notice of intention to use such
15 an expert. The order may be made only on motion for good cause shown and upon
16 notice to the person to be examined and to all parties and shall specify the time,
17 place, manner, conditions, and scope of the examination and the person or persons
18 by whom it is to be made.

19 B.(1) Regardless of the number of defendants, a plaintiff shall not be ordered
20 to submit to multiple examinations by multiple physicians within the same field of
21 specialty for the same injury except for good cause shown.

22 (2)(a) Notwithstanding Paragraph (1) of this Subsection, when the party has
23 claimed more than one mental or physical condition in controversy, or a person in
24 the custody of or under the legal control of a party has claimed more than one mental
25 or physical condition in controversy, the court shall, upon motion of the opposing
26 party, order separate examinations regarding each mental or physical condition
27 placed in controversy.

28 (b) The party, or person in the custody of or under the legal control of the
29 party, shall not be examined by more than one duly qualified medical practitioner in
30 any one field or specialty for the same injury except for good cause shown.

31
32 C. A minor subject to examination under the provisions of this Article shall
33 have the right to have a parent, tutor, or legal guardian present during the
34 examination. If such person cannot be present, the court shall order the examination
35 to be videotaped at the expense of the party being examined. The court shall
36 consider the best interests of the minor and may impose conditions upon videotaping,
37 including that it be done in a manner least harmful to the minor and without
38 disclosure to the minor.

39 D. Notwithstanding Paragraph C of this Article, any individual or
40 emancipated minor shall have no right to have any examination videotaped or have
41 a third party present at any examination."