
DIGEST

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HB 705 Engrossed

2022 Regular Session

Seabaugh

Abstract: Provides for the procedure and orders for additional medical opinions regarding physical or mental conditions in controversy.

Present law provides that when the mental or physical condition of a party is in controversy, the court may order the party submit to an additional medical opinion.

Proposed law changes present law and provides that upon motion of the opposing party, the court shall order a party to submit to one or more additional medical opinions.

Present law provides that an order may be made only on motion for good cause shown and upon notice to the person to be examined and all parties. Present law provides for information required in such order.

Proposed law removes present law order requirements.

Present law provides that regardless of the number of defendants, a plaintiff shall not be ordered to submit to multiple examinations by multiple physicians within the same field of specialty for the same injury except for good cause shown.

Proposed law supersedes present law and provides that when the party has placed more than one mental or physical condition in controversy, the court shall, upon motion of the opposing party, order separate examinations regarding each mental or physical condition placed in controversy.

Proposed law provides that the party shall not be examined by more than one duly qualified medical practitioner in any one field or specialty for the same injury except for good cause shown.

Present law provides that a minor shall have the right to have a parent, tutor, or legal guardian present during the examination. If a parent, tutor, or legal guardian cannot be present, the court shall order the examination be videotaped.

Proposed law provides that except as provided in present law any individual or emancipated minor shall have no right to have a third party present or to have the examination videotaped.

(Amends C.C.P. Art. 1464)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove requirement of a party to submit to an examination as soon after the incident that caused the action in controversy as demanded by the requesting party and thereafter when reasonably necessary.
2. Provide that the party shall not be examined by more than one duly qualified medical practitioner in any one field or specialty for the same injury except for good cause shown.
3. Prohibit individuals and emancipated minors from having the examination videotaped or having a third party present.