HLS 23RS-783 ORIGINAL

2023 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 57

BY REPRESENTATIVE JORDAN

MALPRACTICE/MEDICAL: Creates a task force to study and make recommendations regarding the medical malpractice compensation limitations and the medical review panel

A CONCURRENT RESOLUTION

2	To establish a task force to study, receive testimony, and make recommendations regarding
3	present Louisiana laws concerning medical malpractice compensation limitations
4	and the medical review panel, and to report its findings to the legislature prior to the
5	convening of the 2024 Regular Session of the Legislature of Louisiana.
6	WHEREAS, the law concerning medical malpractice claims against state and non-
7	state medical service providers has remained largely untouched since its passage in 1975;
8	and
9	WHEREAS, there is a growth in the healthcare industry as well as national
10	momentum to adjust medical malpractice laws, specifically with respect to limitations to
11	compensation and medical review panels; and
12	WHEREAS, in Florida, medical malpractice limitations to compensation have been
13	removed and held unconstitutional due to equal protection violations; and
14	WHEREAS, the formation of a medical review panel may undermine a plaintiff's
15	right to pursue his case; and
16	WHEREAS, the current law concerning medical malpractice claims may be seen as
17	a violation of due process and equal protection under the Constitution of Louisiana Article
18	1, Sections 2 and 3; and
19	WHEREAS, a study is hereby requested to solicit input, recommendations, and
20	advice from interested stakeholders on the current effectiveness of the medical malpractice

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1 limitations to compensation and medical review panels including the division of 2 administration, the Patient's Compensation Fund Oversight Board, the Louisiana State 3 Medical Society, the Louisiana Medical Mutual Insurance Company, the Louisiana State 4 Board of Medical Examiners, the Louisiana Hospital Association, the Louisiana Academy 5 of Physician Assistants, the Louisiana Nursing Home Association, the Louisiana State 6 Nurses Association, the Louisiana State Board of Nursing, the Louisiana Dental Association, 7 and the Louisiana State Law Institute. 8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 9 establish a task force comprised of representatives from the following specific entities and 10 organizations: 11 (1) Ten members of the House of Representatives appointed by the speaker of the 12 House of Representatives. 13 (2) Two members of the Senate appointed by the president of the Senate. 14 (3) One member of the Louisiana Association for Justice. 15 (4) One member of the Louisiana Association of Defense Counsel. 16 (5) A representative appointed by the chief justice of the Supreme Court of 17 Louisiana. 18 (6) A representative from the Louisiana State University Paul M. Hebert Law 19 Center. 20 (7) A representative from the Southern University Law Center. 21 (8) A representative from the Tulane University Law School. 22 (9) A representative from the Loyola University New Orleans College of Law. 23 BE IT FURTHER RESOLVED that the chairman of the task force shall be selected 24 from its membership. 25 BE IT FURTHER RESOLVED that a majority of the task force shall constitute a 26 quorum for the transaction of business, and all official actions of the task force shall require 27 the affirmative vote of a majority of the members. 28 BE IT FURTHER RESOLVED that the members of the task force shall serve 29 without compensation, except per diem or expenses reimbursement to which they may be

individually entitled as members of their constituent organizations.

1 BE IT FURTHER RESOLVED that the task force shall study and report its 2 recommendations to the Legislature of Louisiana prior to the convening of the 2024 Regular 3 Session. 4 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the 5 executive director of the Louisiana Association for Justice, the president of the Louisiana 6 Association of Defense Counsel, the director of the Louisiana State Law Institute, the chief justice of the Louisiana Supreme Court, the dean of the Louisiana State University Paul M. 7 8 Hebert Law Center, the dean of the Southern University Law Center, the dean of the Tulane 9 University Law School, and the dean of the Loyola University New Orleans College of Law. 10 BE IT FURTHER RESOLVED that the task force shall submit one print copy and 11 one electronic copy of any report produced pursuant to this Resolution to the David R.

DIGEST

Poynter Legislative Research Library as required by R.S. 24:772.

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HCR 57 Original

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2023 Regular Session

Jordan

Creates a task force to study, receive testimony, and make recommendations concerning medical malpractice compensation limitations and the medical review panel and to report its findings and recommendations to the legislature prior to the convening of the 2024 R.S.