

2024 Regular Session

SENATE BILL NO. 454

BY SENATOR MCMATH

MALPRACTICE. Provides relative to medical malpractice. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 40:1231.1(A)(9), (10), and (13), relative to medical malpractice;
3 to provide for definitions and general applications; to provide for the definition of
4 health care; to provide for the definition of health care provider; to provide for the
5 definition of malpractice; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1231.1(A)(9), (10), and (13) are hereby amended and reenacted
8 to read as follows:

9 §1231.1. Definitions and general applications

10 A. As used in this Part:

11 * * *

12 (9) "Health care" means any act, ~~or~~ treatment, **administration, the**
13 **implementation of policies and procedures, staffing, custodial care, or services**
14 **thereof**, performed or furnished, or which should have been performed or furnished,
15 by any health care provider for, to, or on behalf of a patient during the patient's
16 medical care, treatment, or confinement, or during or relating to or in connection
17 with the procurement of human blood or blood components.

1 (10) "Health care provider" means a person, partnership, limited liability
2 partnership, limited liability company, corporation, facility, or institution licensed
3 or certified by this state to provide health care or professional services as a physician,
4 hospital, nursing home, community blood center, tissue bank, dentist, a licensed
5 dietician or licensed nutritionist employed by, referred by, or performing work under
6 contract for, a health care provider or other person already covered by this Part,
7 registered or licensed practical nurse or certified nurse assistant, offshore health
8 service provider, ambulance service under circumstances in which the provisions of
9 R.S. 40:1237.1 are not applicable, certified registered nurse anesthetist, nurse
10 midwife, licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist,
11 optometrist, podiatrist, chiropractor, physical therapist, occupational therapist,
12 psychologist, social worker, licensed professional counselor, licensed perfusionist,
13 licensed respiratory therapist, licensed radiologic technologist, licensed clinical
14 laboratory scientist, or any nonprofit facility considered tax-exempt under Section
15 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis
16 and treatment of cancer or cancer-related diseases, whether or not such a facility is
17 required to be licensed by this state, or any professional corporation a health care
18 provider is authorized to form under the provisions of Title 12 of the Louisiana
19 Revised Statutes of 1950, or any partnership, limited liability partnership, limited
20 liability company, management company, or corporation whose business is
21 conducted ~~principally by~~ **for the benefit of other** health care providers, or an officer,
22 employee, partner, member, shareholder, or agent thereof acting in the course and
23 scope of his employment.

24 * * *

25 (13) "Malpractice" means any unintentional tort or any breach of contract,
26 **regardless of any theory of liability**, based on health care or professional services
27 rendered, or which should have been rendered, by a health care provider, to a patient,
28 including **but not limited to** failure to render services timely and the handling of a
29 patient, ~~including~~ loading and unloading of a patient, and also ~~includes~~ all legal

