

2025 Regular Session

SENATE BILL NO. 134

BY SENATORS PRESSLY AND SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Provides relative to health care definitions. (8/1/25)

AN ACT

To amend and reenact R.S. 40:1151.1(6) and 1231.1(A)(9), (10), and (13), relative to health care definitions; to provide for definitions relative to medical malpractice; to provide for definitions relative to declarations concerning life-sustaining procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1151.1(6) and 1231.1(A)(9), (10), and (13) are hereby amended and reenacted to read as follows:

§1151.1. Definitions

As used in this Subpart, the following words shall have the meanings ascribed to them unless the context clearly states otherwise:

* * *

(6) "Health care provider" means any health maintenance organization, home health agency, hospice, hospital, ~~or~~ nursing facility, or any entity listed in R.S. 40:1231.1(10).

* * *

§1231.1. Definitions and general applications

1 A. As used in this Part:

2 * * *

3 (9) "Health care" means any act, ~~or treatment,~~ **administration, service, or**
4 **care related to policies and procedures and the administration thereof, staffing,**
5 **custodial services by licensed or certified staff,** performed or furnished, or which
6 should have been performed or furnished, by any health care provider for, to, or on
7 behalf of a patient during the patient's medical care, treatment, or confinement, or
8 during or relating to or in connection with the procurement of human blood or blood
9 components. **This includes all acts associated with the medical treatment of an**
10 **individual, whether directly related to clinical care or performed in an**
11 **administrative or managerial capacity necessary for the delivery of such care.**

12 (10) "Health care provider" means a person, partnership, limited liability
13 partnership, limited liability company, corporation, facility, or institution licensed
14 or certified by this state, **state agencies, or a state board** to provide health care or
15 professional services as a physician, hospital, nursing home, community blood
16 center, tissue bank, dentist, a licensed dietician or licensed nutritionist employed by,
17 referred by, or performing work under contract for, a health care provider or other
18 person already covered by this Part, registered or licensed practical nurse or certified
19 nurse assistant, offshore health service provider, ambulance service under
20 circumstances in which the provisions of R.S. 40:1237.1 are not applicable, certified
21 registered nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner,
22 clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical
23 therapist, occupational therapist, psychologist, social worker, licensed professional
24 counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic
25 technologist, licensed clinical laboratory scientist, or any nonprofit facility
26 considered tax-exempt under Section 501(c)(3), Internal Revenue Code, pursuant to
27 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or cancer-related
28 diseases, whether or not such a facility is required to be licensed by this state, or any
29 professional corporation a health care provider is authorized to form under the

1 provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any partnership,
2 limited liability partnership, limited liability company, management company, or
3 corporation ~~whose business is conducted principally by health care providers~~ **which**
4 **may provide any kind of health care whatsoever**, or an officer, employee, partner,
5 member, shareholder, or agent thereof acting in the course and scope of his
6 employment.

7 * * *

8 (13) "Malpractice" means any unintentional tort or any breach of contract
9 based on health care or professional services rendered, or which should have been
10 rendered, by a health care provider, to a patient, including **but not limited to** failure
11 to render services timely and the handling of a patient, ~~including~~ loading and
12 unloading of a patient, and ~~also includes~~ all legal responsibility of a health care
13 provider arising from acts or omissions during the procurement of blood or blood
14 components, in the **staffing**, training, or supervision of health care providers, or from
15 defects in blood, tissue, transplants, drugs, and medicines, or from defects in or
16 failures of prosthetic devices implanted in or used on or in the person of a patient.
17 **This includes all acts associated with the medical treatment of an individual,**
18 **whether directly related to clinical care or performed in an administrative or**
19 **managerial capacity necessary for the delivery of such care.**

20 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 134 Reengrossed

2025 Regular Session

Pressly

Present law defines "health care", "health care provider", and "malpractice" in the Medical Malpractice Act.

Proposed law modifies those definitions.

Present law defines "health care provider" relative to declarations concerning life-sustaining procedures.

Proposed law changes the definition to align with the definition of "health care provider" in the Medical Malpractice Act.

Effective August 1, 2025.

(Amends R.S. 40:1151.1(6) and 1231.1(A)(9), (10), and (13))

Summary of Amendments Adopted by SenateSenate Floor Amendments to engrossed bill

1. Remove acts associated with medical treatment performed in a supporting capacity from the definitions of "health care" and "malpractice".
2. Remove physical therapist assistants, occupational therapist assistants, and administrators from the definition of "health care provider".
3. Remove "regardless of theory of liability" from the definition of "malpractice".