The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ben Huxen.

DIGEST

SB 78 Original | 2016 Regular Session | Gatti

Present law relative to medical malpractice limits the total amount recoverable for all malpractice claims for injuries to or death of a patient, exclusive of future medical care and related benefits, to a maximum of $500,000 plus interest and cost.

Proposed law creates an exception to present law by providing that the total amount recoverable for all malpractice claims for brain injuries to a child, exclusive of future medical care and related benefits, shall not exceed five million dollars plus interest and costs. However, proposed law applies only when either (1) a medical review panel renders a unanimous opinion in favor of the claimant as provided in the expert opinions stated in present law or (2) liability is determined unanimously by a jury.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends 40:1231.2(B)(1), 1231.3(D), (F)(intro para), (2), (3), (6) and (7); adds R.S. 40:1231.3(K))