SENATE COMMITTEE AMENDMENTS
2016 Regular Session
Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 78
by Senator Gatti

1 AMENDMENT NO. 1

2 On page 1, line 3, at the beginning of the line, insert "1237.1"

3 AMENDMENT NO. 2

4 On page 1, line 7, between "to" and brain", insert "certain"

5 AMENDMENT NO. 3

6 On page 1, line 9, after "paragraph of", insert "1237.1"

7 AMENDMENT NO. 4

8 On page 2, line 1, between "**for**" and "**brain**", insert "**catastrophic**"

9 AMENDMENT NO. 5

10 On page 2, delete lines 8 through 10 and insert the following:

11 ""**catastrophic brain injury" means any moderate or severe traumatic brain**
12 **injury that causes a child to lose partial or total use of one limb or become**
13 **paraplegic or quadriplegic, and "child" means a fetus in utero or any natural**
14 **person under the age of eighteen years.**"

15 AMENDMENT NO. 6

16 On page 2, between lines 17 and 18, insert the following:

17 "**K. The total amount recoverable for all malpractice claims for catastrophic**
18 **brain injuries to a child, exclusive of future medical care and related benefits,**
19 **shall not exceed five million dollars plus interest and costs. However, this**
20 **Subsection shall apply only when either (1) a medical review panel renders a**
21 **unanimous opinion in favor of the claimant as provided in the expert opinions**
22 **stated in R.S. 40:1231.8(G)(1); or (2) liability is determined unanimously by a**
23 **jury. For the purposes of this Subsection,"catastrophic brain injury" means any**
24 **moderate or severe traumatic brain injury that causes a child to lose partial or**
25 **total use of one limb or become paraplegic or quadriplegic, and "child" means**
26 **a fetus in utero or any natural person under the age of eighteen years.**
27   *   *   *
28 §1237.1. Definitions and general application
29   *   *   *"

30 AMENDMENT NO. 7

31 On page 2, line 19, change "**Subsection K of this Section**" to "**R.S. 40:1231.3(K)**"

32 AMENDMENT NO. 8

33 On page 3, delete lines 19 through 27

This set of amendment(s) was prepared by Benjamin A. Huxen, II.