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

SB 78 Engrossed DIGEST Gatti
2016 Regular Session

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 catastrophic 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), 1237.1(F)(intro para), (2), (3), (6) and (7); adds R.S. 40:1231.3(K))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Eliminated the definition of "brain injury" and replaced it with a new definition for "catastrophic brain injury" and made technical amendments.