

SENATE RESOLUTION NO. 12

BY SENATOR GATTI

A RESOLUTION

To urge and request the Senate Committee on Health and Welfare and the Senate Committee on Judiciary A to meet and function as a joint committee to study, receive testimony, and make recommendations regarding present Louisiana laws concerning medical malpractice caps and surcharges.

WHEREAS, in 1975, Louisiana law concerning medical malpractice claims against qualified healthcare providers was revised to impose a damage "cap" of \$500,000; and

WHEREAS, at the same time the definition of "qualified healthcare provider" was made broad and generally applicable to those making premium payments into the Louisiana Patient's Compensation Fund; and

WHEREAS, the majority of other states with medical malpractice "caps" distinguish between economic and noneconomic damages, and limit only noneconomic damages; and

WHEREAS, unlike most other states the \$500,000 "cap" enacted in Louisiana did not differentiate between economic and noneconomic damages, and applied to the "total amount recoverable", including economic and noneconomic damages; and

WHEREAS, such "cap" was amended in 1984 to exclude the cost of "future medical care and related benefits" and such costs are no longer limited but are still subject to administrative approval and reviews; and

WHEREAS, such \$500,000 "cap" since enactment in 1975 and thereafter has not been subject to increases for inflation or any other form of economic index; and

WHEREAS, over forty years later and on behalf of the people of Louisiana, the time has now come to revisit and review present Louisiana laws concerning medical malpractice caps and surcharges; and

WHEREAS, the Senate Committee on Health and Welfare and the Senate Committee on Judiciary A should meet and function as a joint committee to study and take testimony on these issues, and such testimony should include but not be limited to information obtained from the following specific entities and organizations:

- (1) Louisiana Association of Defense Counsel.
- (2) Louisiana Hospital Association.
- (3) Louisiana Association for Justice.
- (4) Louisiana Medical Mutual Insurance Company.
- (5) Louisiana Nursing Home Association.
- (6) Louisiana State Medical Society.
- (7) Medical Protective Insurance Company.
- (8) Office of Risk Management - Division of Administration.
- (9) Patients Compensation Fund; and

WHEREAS, the joint committee may also invite committees from the House of Representatives to participate in such joint study.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Senate Committee on Health and Welfare and the Senate Committee on Judiciary A to meet and function as a joint committee to study, receive testimony, and make recommendations regarding present Louisiana laws concerning medical malpractice caps and surcharges.

BE IT FURTHER RESOLVED that any findings and recommendations made by the joint committee shall be reported to the legislature not later than sixty days prior to the convening of the 2017 Regular Session of the Legislature of Louisiana.

PRESIDENT OF THE SENATE