2017 Regular Session

HOUSE BILL NO. 137

## BY REPRESENTATIVE JENKINS

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

MALPRACTICE/MEDICAL: Provides relative to the filing of requests for medical review panels

1	AN ACT
2	To amend and reenact R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b), relative to medical
3	malpractice claims; to provide for the date of filing of a request for a medical review
4	panel; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b) are hereby amended and
7	reenacted to read as follows:
8	§1231.8. Medical review panel
9	А.
10	* * *
11	(2)
12	* * *
13	(b) The request for review of a malpractice claim under this Section shall be
14	deemed electronically filed on the date of receipt of the request is sent, as provided
15	by R.S. 9:2615(A), which shall then be stamped and certified by the division of
16	administration. or The request shall be deemed filed on the date of mailing of the
17	request if mailed to the division of administration by certified or registered mail.
18	Filing of the request shall be complete only upon timely compliance with the
19	provisions of Subparagraph (1)(c) or (d) of this Subsection. Upon receipt of any

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	request, the division of administration shall forward a copy of the request to the			
2	board within five days of receipt.			
3	* * *			
4	§1237.2. State medical review panel			
5	А.			
6	* * *			
7	(2)			
8	* * *			
9	(b) The request for review of the claim under this Section shall be deemed			
10	electronically filed on the date of receipt of the complaint the request is sent, as			
11	provided by R.S. 9:2615(A), which shall then be stamped and certified by the			
12	commissioner, or. The request shall be deemed filed on the date of mailing of the			
13	complaint request if mailed to the commissioner by certified or registered mail,			
14	Filing of the request shall be complete only upon timely compliance with the			
15	provisions of Subparagraph (1)(c) or (d) of this Subsection.			
16	* * *			
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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 137 Original	2017 Regular Session	Jenkins

Abstract: Provides that a request for a medical review panel shall be deemed electronically filed on the date the request is sent to the division of administration.

<u>Present law</u> provides the procedures for the filing of a request for review of a medical malpractice claim with the division of administration.

<u>Present law</u> provides that the filing of the request for a review of a claim shall suspend the time within which suit must be instituted and shall suspend the running of prescription against all joint and solidary obligors, and all joint tortfeasors, including but not limited to health care providers, both qualified and not qualified, to the same extent that prescription is suspended against the party or parties that are the subject of the request for review.

<u>Present law</u> provides that the request for review of a malpractice claim shall be deemed filed on the date of receipt of the request stamped and certified by the division of administration or on the date of mailing of the request if mailed to the division of administration by certified or registered mail only upon timely compliance with <u>present law</u>, and that upon receipt of any request, the division of administration shall forward a copy of the request to the board within five days of receipt.

<u>Proposed law</u> retains <u>present law</u> and specifies that the request for a medical review panel shall be deemed electronically filed on the date the request is sent, under <u>present law</u> (R.S. 9:2615(A)), which shall then be stamped and certified by the division of administration.

The provisions of <u>proposed law</u> address the ambiguity of electronically filed requests identified by the La. Supreme Court in the case of *In re Tillman*, 187 So.3d 445 (La. 2016).

(Amends R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b))