

2018 Regular Session

HOUSE BILL NO. 713

BY REPRESENTATIVE PUGH

MALPRACTICE/MEDICAL: Adds licensed athletic trainer under the medical malpractice act

1 AN ACT

2 To amend and reenact R.S. 40:1231.1(A)(10) and 1237.1(A)(9)(a)(ii)(introductory
3 paragraph), relative to medical malpractice; to include licensed athletic trainers
4 within the definitions of state health care provider and health care provider; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1231.1(A)(10) and 1237.1(A)(9)(a)(ii)(introductory paragraph)
8 are hereby amended and reenacted to read as follows:

9 §1231.1. Definitions and general applications

10 A. As used in this Part:

11 * * *

12 (10) "Health care provider" means a person, partnership, limited liability
13 partnership, limited liability company, corporation, facility, or institution licensed
14 or certified by this state to provide health care or professional services as a physician,
15 hospital, nursing home, community blood center, tissue bank, dentist, a licensed
16 dietician, ~~or licensed nutritionist, or licensed athletic trainer~~ employed by, referred
17 by, or performing work under contract for, a health care provider or other person
18 already covered by this Part, registered or licensed practical nurse or certified nurse
19 assistant, offshore health service provider, ambulance service under circumstances
20 in which the provisions of R.S. 40:1237.1 are not applicable, certified registered

1 nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner, clinical nurse
 2 specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist,
 3 occupational therapist, psychologist, social worker, licensed professional counselor,
 4 licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist,
 5 licensed clinical laboratory scientist, or any nonprofit facility considered tax-exempt
 6 under Section 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3),
 7 for the diagnosis and treatment of cancer or cancer-related diseases, whether or not
 8 such a facility is required to be licensed by this state, or any professional corporation
 9 a health care provider is authorized to form under the provisions of Title 12 of the
 10 Louisiana Revised Statutes of 1950, or any partnership, limited liability partnership,
 11 limited liability company, management company, or corporation whose business is
 12 conducted principally by health care providers, or an officer, employee, partner,
 13 member, shareholder, or agent thereof acting in the course and scope of his
 14 employment.

15 * * *

16 §1237.1. Definitions and general application

17 A. As used in this Part:

18 * * *

19 (9)(a) "State health care provider" or "person covered by this Part" means:

20 * * *

21 (ii) A person acting in a professional capacity in providing health care
 22 services, by or on behalf of the state, including but not limited to a physician,
 23 psychologist, coroner, and assistant coroner who is a licensed physician when acting
 24 solely in accordance with the Behavioral Health Law as provided in R.S. 28:50 et
 25 seq., provided that the premium costs of such malpractice coverage shall be the
 26 responsibility of the coroner's office, dentist, a licensed dietician, ~~or~~ licensed
 27 nutritionist, or licensed athletic trainer employed by, referred by, or performing work
 28 under contract for, a state health care provider or other person already covered by
 29 this Part, registered nurse, licensed practical nurse, nurse practitioner, clinical nurse

1 specialist, pharmacist, optometrist, podiatrist, physical therapist, occupational
2 therapist, licensed respiratory therapist, licensed radiologic technologist, licensed
3 clinical laboratory scientist, social worker, hospital administrator, or licensed
4 professional counselor, who is either:

5 * * *

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 713 Original

2018 Regular Session

Pugh

Abstract: Adds licensed athletic trainers to the definitions of "state health care provider" and "health care provider" in order to include licensed athletic trainers within the medical malpractice limitations of liability.

Present law provides a limitation of liability for state health care providers for state health care services and for health care providers for private health care services, each of which limits their malpractice liability to \$500,000, plus interest and costs, exclusive of future medical care and related benefits.

Present law provides definitions for "state health care provider" and for "health care provider", both of which include, in part, physicians, psychologists, dentists, registered nurses, pharmacists, optometrists, social workers, and physical and occupational therapists.

Proposed law adds licensed athletic trainers who are employed by, referred by, or performing work under contract for a state health care provider or other person covered under the Malpractice Liability for State Services Act, as well as licensed athletic trainers who are employed by, referred by or performing work under contract for a health care provider or other person covered under the Medical Malpractice Act, to the respective definitions of "state health care provider" and "health care provider" in order to include such licensed athletic trainers within the medical malpractice limitations of liability.

(Amends R.S. 40:1231.1(A)(10) and 1237.1(A)(9)(a)(ii)(intro. para.))