
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 503 Original

2018 Regular Session

Ward

Present law relative to medical malpractice provides that the total amount recoverable for all malpractice claims, exclusive of future medical care and related benefits, shall not exceed \$500,000.

Proposed law provides that the total amount recoverable for all malpractice claims, exclusive of future medical care and related benefits, shall not exceed \$750,000. Further provides that the amount may increase based on inflation.

Present law provides that a health care provider qualified under the Patient's Compensation Fund is not liable for an amount in excess of \$100,000 plus interest and cost.

Proposed law provides that a health care provider qualified under the Patient's Compensation Fund is not liable for an amount in excess of \$50,000 plus interest and cost.

Proposed law further provides that the risk manager shall require any private insurer selling medical malpractice in this state to disclose to the health care provider that the provider enrolled in the Patient's Compensation Fund is not obligated to purchase malpractice insurance in excess of \$50,000.

Present law provides that no judgment or compromise against state services for medical malpractice shall exceed \$500,000.

Present law provides that if the total amount of value of judgment, settlement, or compromise is for \$500,000, exclusive of future medical care and related benefits, all future medical care and benefits shall be paid.

Proposed law changes \$500,000 to \$750,000 and retains remainder of present law.

Present law provides that if total recovery, excluding interest and cost, but including future medical care and related benefits does not exceed \$500,000, judgment may be rendered for the total amount and paid by the state.

Proposed law provides that if total amount of recovery, excluding interest and cost, but including future medical care and related benefits does not exceed \$750,000, judgment may be rendered for the total amount and paid by the state.

Present law provides that if total amount of recovery awarded against the state, excluding interest and cost but including the amount of future medical care and related benefits exceeds \$500,000, the claimant may make a claim with the office of risk management for future medical care.

Proposed law changes \$500,000 to \$750,000 and retains remainder of present law.

Present law provides that payments for medical care shall be paid by the office of risk management without regarding the \$500,000 limitation.

Proposed law changes amount from \$500,000 to \$750,000 and retains remainder of present law.

Effective August 1, 2018.

(Amends R.S. 40:1231.2(B)(1) and (2), 1231.7(J) and 1237.1(F)(intro para), (2), (3), (6) and (7); adds R.S. 40:1231.7(K))