HLS 18RS-1225 ENGROSSED

2018 Regular Session

HOUSE BILL NO. 719

1

BY REPRESENTATIVE FOIL

SUITS AGAINST ST/CLAIMS: Provides relative to personal injury claims against the state

AN ACT

2	To amend and reenact R.S. 13:5106(B)(3)(c), relative to limitations on damages assessed in
3	suits against the state, state agencies, or political subdivisions; to provide for the
4	payment of future medical care and related benefits payable by the state or a state
5	agency; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 13:5106(B)(3)(c) is hereby amended and reenacted to read as
8	follows:
9	§5106. Limitations
10	* * *
11	В.
12	* * *
13	(3)
14	* * *
15	(c) In any suit for personal injury against the state or a state agency wherein
16	the court pursuant to judgment determines that the claimant is entitled to medical
17	care and related benefits that may be incurred subsequent to judgment, the court shall
18	order that all such medical care and related benefits incurred subsequent to judgment
19	shall be paid from the Future Medical Care Fund as provided in R.S. 39:1533.2.
20	Medical care and related benefits shall be paid directly to the provider as they are

Page 1 of 2

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

incurred. Nothing in this Subparagraph shall be construed to prevent the parties from
entering into a settlement or compromise at any time whereby medical care and
related benefits shall be provided but with the requirement that they shall be paid in
accordance with this Subparagraph.

## **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 719 Engrossed

5

2018 Regular Session

Foil

**Abstract:** In a personal injury suit against the state or a state agency, limits payment of future medical care and related benefits to those to which the court determines the claimant is entitled.

<u>Present law</u> provides that in any suit for personal injury against the state or a state agency wherein the court determines that the claimant is entitled to medical care and related benefits that may be incurred subsequent to judgment, the court shall order that *all* medical care and related benefits incurred subsequent to judgment be paid from the Future Medical Care Fund.

<u>Proposed law</u> limits the court's order to require payment of the medical care and related benefits that the court determines the claimant is entitled to, only.

(Amends R.S. 13:5106(B)(3)(c))