

2020 Regular Session

HOUSE BILL NO. 615

BY REPRESENTATIVE SEABAUGH

MALPRACTICE/MEDICAL: Provides relative to donors or prospective donors of an organ or tissue

1 AN ACT

2 To amend and reenact R.S. 40:1231.1(A)(15) and 1237.1(A)(5) and to enact R.S.
3 40:1231.1(M) and 1237.1(D)(3), relative to medical malpractice; to provide relative
4 to the definition of "patient"; to provide relative to organ procurement organizations;
5 to provide for unintentional acts or omissions by certain persons relative to
6 anatomical gift donations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1231.1(A)(15) and 1237.1(A)(5) are hereby amended and
9 reenacted and R.S. 40:1231.1(M) and 1237.1(D)(3) are hereby enacted to read as follows:

10 §1231.1. Definitions and general applications

11 A. As used in this Part:

12 * * *

13 (15) "Patient" means a natural person, including a donor of human blood, a
14 donor or prospective donor of an organ or tissue, or blood components and a nursing
15 home resident who receives or should have received health care from a licensed
16 health care provider, under contract, expressed or implied.

17 * * *

18 M. Any cause of action for an unintentional act or omission by an organ
19 procurement organization to a donor or prospective donor of an anatomical gift, as
20 defined in R.S. 17:2351, shall be governed by the provisions of this Section.

21 * * *

1 §1237.1. Definitions and general application

2 A. As used in this Part:

3 * * *

4 (5) "Patient" means a natural person who receives, or should have received,
5 health care from a person covered by this Part, or a donor or prospective donor of an
6 organ or tissue, and any other natural person or persons who would or may have a
7 claim or claims for damages under applicable law arising out of, or directly related
8 to, the claim or claims of the natural person who receives, or should have received,
9 health care from a person covered by this Part.

10 * * *

11 D.

12 * * *

13 (3) Any cause of action for an unintentional act or omission by an organ
14 procurement organization to a donor or prospective donor of an anatomical gift, as
15 defined in R.S. 17:2351, shall be governed by the provisions of this Section.

16 * * *

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 615 Reengrossed 2020 Regular Session Seabaugh

Abstract: Provides that unintentional acts or omissions by organ procurement organizations towards a donor of an anatomical gift is considered medical malpractice.

Present law does not provide for acts or omissions by organ procurement organizations in private services or state services to be considered medical malpractice.

Proposed law amends present law to include organ procurement organizations' acts or omissions in both private and state services.

Proposed law amends the definition of "patient" in present law to include a donor or prospective donor of an organ or tissue.

(Amends R.S. 40:1231.1(A)(15) and 1237.1(A)(5); Adds R.S. 40:1231.1(M) and 1237.1(D)(3))