
DIGEST

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HB 78 Original

2021 Regular Session

McMahan

Abstract: Modifies filing deadlines and prescriptive periods regarding medical malpractice claims against state and non-state healthcare providers.

Present law provides for a 90-day suspension of the prescriptive period to file a medical malpractice lawsuit from the date of notification after a request for review of a claim is filed.

Proposed law changes the suspension of the prescriptive period to file suit from 90 days to six months.

Present law does not provide for a time period for the medical review panel to render an opinion once a claim is filed.

Proposed law requires the medical review panel to render an opinion no later than one year from the date a claim is filed.

Present law (R.S. 9:5628) requires that all medical malpractice claims be filed within one year of the date of the alleged act, omission, or neglect, or within one year from the date of discovery of the alleged act, omission, or neglect. Present law further provides that in all events, claims shall be filed at the latest within a period of three years from the date of the alleged act, omission, or neglect.

Proposed law changes the time period within which any medical malpractice claim is filed from three years to four years and extends the time period from the act, omission, or neglect or the date of the discovery of the alleged act, omission, or neglect from 12 months to 18 months.

(Amends R.S. 9:5628(A), R.S. 40:1231.8(A)(2)(a), (B)(3), (G)(intro. para.), (L), and (N)(1)(b)(iii), and 1237.2(A)(2)(a), (B)(3), and (G)(intro. para.))