

**SENATE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 263 by Representative Seabaugh

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 13:1875(7)," insert "R.S. 40:1231.8(C)(1)(a), and  
3 1237.2(C)(1)(a),"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "panel;" insert "to provide for a termination date;"

6 AMENDMENT NO. 3

7 On page 2, delete lines 6 through 8, and insert the following:

8 "(c) Notwithstanding any other provision of law to the contrary, the judges  
9 of the City Court of Shreveport shall not engage in the practice of law, except any  
10 judge may serve as the attorney member on a medical review panel pursuant to  
11 R.S. 40:1231.8 or 1237.2."  
12

13 AMENDMENT NO. 4

14 On page 2, after line 9, insert the following:

15 "Section 2. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby  
16 amended and reenacted to read as follows:

17 §1231.8. Medical Review Panel

18 \* \* \*

19 C. The medical review panel shall consist of three health care  
20 providers who hold unlimited licenses to practice their profession in  
21 Louisiana and one attorney. The parties may agree on the attorney  
22 member of the medical review panel. If no attorney for or representative  
23 of any health care provider named in the complaint has made an  
24 appearance in the proceedings or made written contact with the attorney  
25 for the plaintiff within forty-five days of the date of receipt of the  
26 notification to the health care provider and the insurer that the required  
27 filing fee has been received by the patient's compensation board as  
28 required by Subparagraph (A)(1)(c) of this Section, the attorney for the  
29 plaintiff may appoint the attorney member of the medical review panel for  
30 the purpose of convening the panel. Such notice to the health care  
31 provider and the insurer shall be sent by registered or certified mail, return  
32 receipt requested. If no agreement can be reached, then the attorney  
33 member of the medical review panel shall be selected in the following  
34 manner:

35 (1)(a) The office of the clerk of the Louisiana Supreme Court, upon  
36 receipt of notification from the board, shall draw five names at random from the  
37 list of attorneys who reside or maintain an office in the parish which would be  
38 proper venue for the action in a court of law. ~~The~~ Except as provided in R.S.  
39 13:1875(7), the names of judges, magistrates, district attorneys and assistant  
40 district attorneys shall be excluded if drawn and new names drawn in their place.  
41 After selection of the attorney names, the office of the clerk of the supreme court  
42 shall notify the board of the names so selected. It shall be the duty of the board to  
43 notify the parties of the attorney names from which the parties may choose the  
44 attorney member of the panel within five days. If no agreement can be reached  
45 within five days, the parties shall immediately initiate a procedure of selecting the

1 attorney by each striking two names alternately, with the claimant striking first  
2 and so advising the health care provider of the name of the attorney so stricken;  
3 thereafter, the health care provider and the claimant shall alternately strike until  
4 both sides have stricken two names and the remaining name shall be the attorney  
5 member of the panel. If either the plaintiff or defendant fails to strike, the clerk of  
6 the Louisiana Supreme Court shall strike for that party within five additional  
7 days.

8 \* \* \*

9 §1237.2. State Medical Review Panel

10 \* \* \*

11 C.(1) The state medical review panel shall consist of one attorney  
12 and three health care providers who hold unlimited licenses to practice  
13 their profession in Louisiana. The parties may agree on the attorney  
14 member of the state medical review panel. If no attorney for or a  
15 representative of any health care provider named in the complaint has  
16 made an appearance in the proceeding or made written contact with the  
17 attorney for the plaintiff within forty-five days of the date of receipt of the  
18 notification to the health care provider and the insurer that the required  
19 filing fee has been received by the commissioner or the patients  
20 compensation board as required by Subparagraph (A)(1)(c) of this  
21 Section, the attorney for the plaintiff may appoint the attorney member of  
22 the state medical review panel for the purpose of convening the panel.  
23 Such notice to the health care provider and the insurer shall be sent by  
24 registered or certified mail, return receipt requested. If no agreement can  
25 be reached, then the attorney member of the state medical review panel  
26 shall be selected in the following manner:

27 (a) The office of the clerk of the Louisiana Supreme Court, upon receipt of  
28 notification from the commissioner, shall draw five names at random from the list  
29 of attorneys who reside or maintain an office in the parish which would be proper  
30 venue for the action in a court of law. ~~The~~ Except as provided in R.S. 13:1875(7),  
31 the names of judges, magistrates, district attorneys, and assistant district attorneys  
32 shall be excluded if drawn and new names drawn in their place. After selection of  
33 the attorney names, the office of the clerk shall notify the office of the  
34 commissioner of the names so selected. It shall be the duty of the office of the  
35 commissioner to notify the parties of the attorney names from which the parties  
36 may choose the attorney member of the panel within five days. If no agreement  
37 can be reached within five days, the parties shall immediately initiate a procedure  
38 of selecting the attorney by each striking two names alternately, with the claimant  
39 striking first and so advising the state or the person covered by this Part of the  
40 name of the attorney so stricken; thereafter, the state or the person covered by this  
41 Part and the claimant shall alternately strike until both sides have stricken two  
42 names and the remaining name shall be the attorney member of the panel. If  
43 either party fails to strike, the clerk shall strike for that party within five  
44 additional days.

45 Section 3. R.S. 13:1875(7) is hereby amended and reenacted to read as  
46 follows:

47 §1875. Compensation of city judges; particular courts

48 The judges of the following city courts shall receive the salaries provided  
49 in this Section:

50 \* \* \*

51 (7)(a) The judges of the City Court of Shreveport shall receive the same  
52 salary and expenses as provided for district court judges, payable monthly on  
53 their respective warrants. The state shall pay that portion of the salary specified  
54 by R.S. 13:1874(E). The city of Shreveport shall pay the remaining portion of the  
55 salary and expenses in an amount sufficient to equal the salary and expenses of  
56 the district court judges. The judges of the city court of Shreveport shall not  
57 engage in the practice of law.

(b) In addition to the salary specified by R.S. 13:1874(E) to be paid by the state of Louisiana to the judges of the City Court of Shreveport, the state shall pay to such judges an annual salary of six thousand eight hundred eleven dollars. In addition to the salary paid such judges by the state, they shall be paid an annual salary of twelve thousand dollars payable monthly on their respective warrants by the city of Shreveport, and the governing authority of the city of Shreveport shall pay such additional salary as they deem proper. The judges of the City Court of Shreveport shall not engage in the practice of law.

~~(c) The judges of the City Court of Shreveport shall not engage in the practice of law, except any judge may serve as the attorney member on a medical review panel pursuant to R.S. 40:1231.8 or 1237.2.~~

\* \* \*

Section 4. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby amended and reenacted to read as follows:

§1231.8. Medical Review Panel

\* \* \*

C. The medical review panel shall consist of three health care providers who hold unlimited licenses to practice their profession in Louisiana and one attorney. The parties may agree on the attorney member of the medical review panel. If no attorney for or representative of any health care provider named in the complaint has made an appearance in the proceedings or made written contact with the attorney for the plaintiff within forty-five days of the date of receipt of the notification to the health care provider and the insurer that the required filing fee has been received by the patient's compensation board as required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may appoint the attorney member of the medical review panel for the purpose of convening the panel. Such notice to the health care provider and the insurer shall be sent by registered or certified mail, return receipt requested. If no agreement can be reached, then the attorney member of the medical review panel shall be selected in the following manner:

(1)(a) The office of the clerk of the Louisiana Supreme Court, upon receipt of notification from the board, shall draw five names at random from the list of attorneys who reside or maintain an office in the parish which would be proper venue for the action in a court of law. ~~Except as provided in R.S. 13:1875(7), the~~ The names of judges, magistrates, district attorneys and assistant district attorneys shall be excluded if drawn and new names drawn in their place. After selection of the attorney names, the office of the clerk of the supreme court shall notify the board of the names so selected. It shall be the duty of the board to notify the parties of the attorney names from which the parties may choose the attorney member of the panel within five days. If no agreement can be reached within five days, the parties shall immediately initiate a procedure of selecting the attorney by each striking two names alternately, with the claimant striking first and so advising the health care provider of the name of the attorney so stricken; thereafter, the health care provider and the claimant shall alternately strike until both sides have stricken two names and the remaining name shall be the attorney member of the panel. If either the plaintiff or defendant fails to strike, the clerk of the Louisiana Supreme Court shall strike for that party within five additional days.

\* \* \*

§1237.2. State Medical Review Panel

\* \* \*

C.(1) The state medical review panel shall consist of one attorney and three health care providers who hold unlimited licenses to practice their profession in Louisiana. The parties may agree on the attorney member of the state medical review panel. If no attorney for or a representative of any health care provider named in the complaint has made an appearance in the proceeding or made written contact with the attorney for the plaintiff within forty-five days of the date of receipt of the

1 notification to the health care provider and the insurer that the required  
2 filing fee has been received by the commissioner or the patients  
3 compensation board as required by Subparagraph (A)(1)(c) of this  
4 Section, the attorney for the plaintiff may appoint the attorney member of  
5 the state medical review panel for the purpose of convening the panel.  
6 Such notice to the health care provider and the insurer shall be sent by  
7 registered or certified mail, return receipt requested. If no agreement can  
8 be reached, then the attorney member of the state medical review panel  
9 shall be selected in the following manner:

10 (a) The office of the clerk of the Louisiana Supreme Court, upon receipt of  
11 notification from the commissioner, shall draw five names at random from the list  
12 of attorneys who reside or maintain an office in the parish which would be proper  
13 venue for the action in a court of law. ~~Except as provided in R.S. 13:1875(7), the~~  
14 The names of judges, magistrates, district attorneys, and assistant district  
15 attorneys shall be excluded if drawn and new names drawn in their place. After  
16 selection of the attorney names, the office of the clerk shall notify the office of  
17 the commissioner of the names so selected. It shall be the duty of the office of the  
18 commissioner to notify the parties of the attorney names from which the parties  
19 may choose the attorney member of the panel within five days. If no agreement  
20 can be reached within five days, the parties shall immediately initiate a procedure  
21 of selecting the attorney by each striking two names alternately, with the claimant  
22 striking first and so advising the state or the person covered by this Part of the  
23 name of the attorney so stricken; thereafter, the state or the person covered by this  
24 Part and the claimant shall alternately strike until both sides have stricken two  
25 names and the remaining name shall be the attorney member of the panel. If  
26 either party fails to strike, the clerk shall strike for that party within five  
27 additional days.

28 Section 5. Sections 3 and 4 shall become effective on August 1, 2031."