

2022 Regular Session

HOUSE BILL NO. 850

BY REPRESENTATIVE FRIEMAN

MALPRACTICE/MEDICAL: Provides relative to medical malpractice claims

1 AN ACT

2 To amend and reenact R.S. 40:1231.1(A)(13), relative to medical malpractice claims; to  
3 provide for definitions; to provide for the administration of a health care provider;  
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1231.1(A)(13) is hereby amended and reenacted to read as  
7 follows:

8 §1231.1. Definitions and general applications

9 A. As used in this Part:

10 \* \* \*

11 (13) "Malpractice" means any unintentional tort or any breach of contract  
12 based on health care, administration of a health care provider, or professional  
13 services rendered, or which should have been rendered, by a health care provider, to  
14 a patient, including failure to render services timely and the handling of a patient,  
15 including loading and unloading of a patient, and also includes all legal  
16 responsibility of a health care provider arising from acts or omissions during the  
17 procurement of blood or blood components, in the training or supervision of health  
18 care providers, or from defects in blood, tissue, transplants, drugs, and medicines,  
19 or from defects in or failures of prosthetic devices implanted in or used on or in the  
20 person of a patient.

21 \* \* \*

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**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)]

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HB 850 Original

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Frieman

**Abstract:** Includes administration of a health care provider in the definition of malpractice.

For purposes of the regulation of medical malpractice claims, present law defines "malpractice" as any unintentional tort or any breach of contract based on health care or professional services rendered, or which should have been rendered, by a health care provider, to a patient, including failure to render services timely and the handling of a patient, including loading and unloading of a patient, and also includes all legal responsibility of a health care provider arising from acts or omissions during the procurement of blood or blood components, in the training or supervision of health care providers, or from defects in blood, tissue, transplants, drugs, and medicines, or from defects in or failures of prosthetic devices implanted in or used on or in the person of a patient.

Proposed law adds administration of a health care provider to the definition of malpractice.

(Amends R.S. 40:1231.1(A)(13))