

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)(17) and to enact R.S. 40:1231.8(B)(4), relative to
3 medical malpractice claims; to provide for definitions; to provide for proof of
4 financial responsibility; to provide for medical review panels; to provide for a stay
5 of proceedings; to provide for applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1231.1(A)(17) is hereby amended and reenacted and R.S.
8 40:1231.8(B)(4) is hereby enacted to read as follows:

9 §1231.1. Definitions and general applications

10 A. As used in this Part:

11 * * *

12 (17) "Proof of financial responsibility" as provided for in this Part shall be
13 determined by the board in accordance with regulations promulgated under the
14 Administrative Procedure Act, R.S. 49:950 et seq.

15 * * *

16 §1231.8. Medical review panel

17 * * *

18 B.

19 * * *

20 (4) Except as otherwise provided in this Subsection, upon a showing of good
21 cause, including but not limited to increased litigation expenses, the court shall stay

1 all proceedings in a suit filed in district court while there is a pending medical review
 2 panel proceeding pursuant to this Section involving the same alleged injuries to a
 3 patient.

4 * * *

5 Section 2. The provisions of this Act shall be given prospective application only.

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 850 Reengrossed

2022 Regular Session

Frieman

Abstract: Provides for a stay in civil proceedings while there is a pending medical review panel involving the same alleged injuries to a patient.

For purposes of the regulation of medical malpractice claims, present law authorizes the Patient's Compensation Fund Oversight Board to determine the meaning of the term "proof of financial responsibility" with regulations promulgated under the Administrative Procedure Act.

Proposed law maintains present law and provides a cross-reference to the Administrative Procedure Act.

Proposed law provides that upon a showing of good cause, including but not limited to increased litigation expenses, the court shall stay all proceedings in a suit filed in district court while there is a pending medical review panel proceeding involving the same alleged injuries to a patient.

Proposed law shall be given prospective application only.

(Amends R.S. 40:1231.1(A)(17); Adds R.S. 40:1231.8(B)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove provisions amending the definition of "malpractice".
2. Provide an amendment to the definition of "proof of financial responsibility".
3. Provide for a stay in civil proceedings while there is a pending medical review panel involving the same alleged injuries to a patient.

The House Floor Amendments to the engrossed bill:

1. Add a provision for prospective application.