

2025 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE MIKE JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MALPRACTICE/MEDICAL: Expands application of medical malpractice to include physical therapist assistants and occupational therapist assistants

1 AN ACT

2 To amend and reenact R.S. 40:1231.1(A)(10) and 1237.1(A)(9)(a)(ii)(introductory
3 paragraph), relative to medical malpractice; to expand the application of medical
4 malpractice to physical therapist assistants and occupational therapist assistants; to
5 add to the definition of "health care provider" and "state healthcare provider"; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1231.1(A)(10) and 1237.1(A)(9)(a)(ii)(introductory paragraph)
9 are hereby amended and reenacted to read as follows:

10 §1231.1. Definitions and general applications

11 A. As used in this Part:

12 * * *

13 (10) "Health care provider" means a person, partnership, limited liability
14 partnership, limited liability company, corporation, facility, or institution licensed
15 or certified by this state to provide health care or professional services as a physician,
16 hospital, nursing home, community blood center, tissue bank, dentist, a licensed
17 dietician or licensed nutritionist employed by, referred by, or performing work under
18 contract for, a health care provider or other person already covered by this Part,
19 registered or licensed practical nurse or certified nurse assistant, offshore health
20 service provider, ambulance service under circumstances in which the provisions of

1 R.S. 40:1237.1 are not applicable, certified registered nurse anesthetist, nurse
 2 midwife, licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist,
 3 optometrist, podiatrist, chiropractor, physical therapist, physical therapist assistant,
 4 occupational therapist, occupational therapist assistant, psychologist, social worker,
 5 licensed professional counselor, licensed perfusionist, licensed respiratory therapist,
 6 licensed radiologic technologist, licensed clinical laboratory scientist, or any
 7 nonprofit facility considered tax-exempt under Section 501(c)(3), Internal Revenue
 8 Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or
 9 cancer-related diseases, whether or not such a facility is required to be licensed by
 10 this state, or any professional corporation a health care provider is authorized to form
 11 under the provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any
 12 partnership, limited liability partnership, limited liability company, management
 13 company, or corporation whose business is conducted principally by health care
 14 providers, or an officer, employee, partner, member, shareholder, or agent thereof
 15 acting in the course and scope of his employment.

16 * * *

17 §1237.1. Definitions and general application

18 A. As used in this Part:

19 * * *

20 (9)(a) "State health care provider" or "person covered by this Part" means:

21 * * *

22 (ii) A person acting in a professional capacity in providing health care
 23 services, by or on behalf of the state, including but not limited to a physician,
 24 psychologist, coroner, and assistant coroner who is a licensed physician when acting
 25 solely in accordance with the Behavioral Health Law as provided in R.S. 28:50 et
 26 seq., provided that the premium costs of such malpractice coverage shall be the
 27 responsibility of the coroner's office, dentist, a licensed dietician or licensed
 28 nutritionist employed by, referred by, or performing work under contract for, a state
 29 health care provider or other person already covered by this Part, registered nurse,

1 licensed practical nurse, nurse practitioner, clinical nurse specialist, pharmacist,
 2 optometrist, podiatrist, physical therapist, physical therapist assistant, occupational
 3 therapist, occupational therapist assistant, licensed respiratory therapist, licensed
 4 radiologic technologist, licensed clinical laboratory scientist, social worker, hospital
 5 administrator, or licensed professional counselor, who is either:

6 * * *

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 197 Original

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Mike Johnson

Abstract: Adds "physical therapist assistant" and "occupational therapist assistant" to the definition of "health care provider" and "state healthcare provider" for the purposes of medical malpractice.

Present law (R.S. 40:1231.1(A)(10)) provides the definition of "health care provider" for the purposes of medical malpractice.

Proposed law retains present law and adds "physical therapist assistant" and "occupational therapist assistant" to the definition of "health care provider".

Present law (R.S. 40:1237.1(A)(9)(a)(ii)) provides the definition of "state health care provider" for the purposes of medical malpractice for state services.

Proposed law retains present law and adds "physical therapist assistant" and "occupational therapist assistant" to the definition of "state health care provider".

(Amends R.S. 40:1231.1(A)(10) and 1237.1(A)(9)(a)(ii)(intro. para.))