

## Summary Of Medical Malpractice Legislation 2003 - Current

### 2015 Regular Session

#### HCR 84

**Effective: 08/15/2015**

Authorizes and directs the La. State Law Institute to reorganize and recodify prior law, R.S. 40:1061-1300.426, which comprised the Miscellaneous Health Provisions chapter of Title 40 (Public Health and Safety) of the La. Revised Statutes, in accordance with the recodification plan proposed in this Resolution.

### 2012 Regular Session

#### ACT 802      HB 766

**Effective: 08/01/2012**

Reduces the number of days from 45 to 30 for an insurer to remit the provider's PCF payment to the PCF. Includes the need to send a copy of the petition for damages with the dilatory exception of prematurity the defense is mandated to send to the PCF; clarifies that a panel should be for only one patient; that an untimely remitted filing fee is to be returned/refunded; allows providers to raise peremptory exceptions of no right of action during the panel stage; and allows for dissolving the panel if court grants a no right of action.

#### ACT 538      SB 176

**Effective: 06/05/2012**

Amends definition of malpractice to include legal responsibility of a health care provider arising from acts or omissions related to the existence, validity, or applicability of previously expressed wish of the patient or the patient's surrogate concerning life-sustaining procedures and the validity and applications of a Declaration Concerning Life-Sustaining Procedures, Louisiana Physician Order for Scope of Treatment, or a Do Not Resuscitate order.

### 2011 Regular Session

#### ACT 160      HB 69

**Effective: 08/15/2011**

Allows the Patient's Compensation Fund (PCF) to hire a money manager to invest its funds in the same manner as the Louisiana State Employees' Retirement System (LASERS).

#### ACT 263      HB 287 and HB 341

**Effective: 08/15/2011**

Protect the funds of the PCF from being appropriated and prevent the state from being liable for the debts of the fund.

### 2010 Regular Session

#### ACT 568      HB 264

**Effective: 08/15/2010**

Adds licensed respiratory therapist, radiologic technologist, clinical laboratory scientist in the definition of health care provider in both the private (PCF) and public medical malpractice acts.

#### ACT 411      HB 1286

**Effective: 07/01/2010**

Makes the PCF an off-budget agency.

#### ACT 950      HB 1453

**Effective: 08/15/2010**

Excludes elective abortions from coverage under medical malpractice acts. It does not prohibit coverage of health care providers who perform the procedures, it only excludes those claims involving the procedure from coverage under the state and PCF medical malpractice acts. (defined in the act as performing the elective termination of an uncomplicated viable pregnancy)

#### ACT 78      SB 514

**Effective: 08/15/2010**

Exempts PCF Oversight Board from rate regulation by Commissioner of Insurance

#### ACT 888      SB528

**Effective: 08/15/2010**

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requires an obstetric ultrasound be performed prior to an abortion. requires the pregnant woman have an opportunity to view the screens and be provided a copy of the ultrasound print. requires explanation of options and written certification of compliance with the statute



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### 2005 Regular Session

**Act 127      SB 184**

**Effective: 08/15/2005**

requires the PCF to send most panel notices by certified mail and if returned unclaimed, by regular mail. Also changed the timeframe for filing of a suit following the notice of an opinion or notice that a named defendant is not qualified from 60 to 90 days.

### 2004 Regular Session

**ACT 306      SB 302**

**Effective: 08/15/2004**

states medical review panel requests shall not be reportable for credentialing purposes to state licensing boards, credentialing agencies, committees of hospitals or clinics, health insurers, HMOs.

**ACT 311      SB 370**

**Effective: 08/15/2004**

states that the plaintiff or his attorney may select the Attorney Chairman without agreement from the defendant if no representative of the named provider notifies the plaintiff of their involvement within 45 days of notice from PCF of payment of the required filing fee (or waiver).

**ACT 182      SB 381**

**Effective: 08/15/2004**

adds certain students to definition of Ambulance Service.

**ACT 183      SB 382**

**Effective: 06/10/2004**

Calls for one panel process when both state and PCF providers involved in same claim for the same injury, unless parties have agreed otherwise.

**ACT 181      SB 371**

**Effective: 08/15/2004**

refines the definition for future medicals as those incurred prior to the date of settlement or judgment and those incurred after a settlement of judgment.

**ACT 309      SB 359**

**Effective: 08/15/2004**

Reduces mandated funded liability to 30% (from 50%), states proof of underlying coverage for corporations must be provided to PCF for qualification to be established, provides for a filing fee for amendments filed to pending actions even if original complaint filed prior to 8/15/03, mandates that amendments to existing panels must also be filed with DOA, allows the PCF Oversight Board to set the penalty amount for late surcharge payments, and states that in order for a physician to serve on a medical review panel he/she must hold an unrestricted Louisiana license.

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### 2003 Regular Session

**Act 961     HB1408**

**Effective: 08/15/2003**

Establishes items necessary in filing a request for a panel and a filing fee of \$100 per named defendant and reimbursement of fee to plaintiff should the panel rule in their favor.

**Act 1263     HB2014**

**Effective: 07/07/2003**

Shortens the time to appoint an attorney chairperson to 1 year and requires the posting of a surety bond equal to the panel costs when a suit is filled following the rendering of an opinion of the medical review panel.

**Act 644     HB682**

**Effective: 08/15/2003**

Allows interrogatories at the panel stage.

**Act 882     HB1549**

**Effective: 07/01/2003**

States the PCF has a right to conduct discovery following a primary's settlement, a right to jury trial and a right to allocate fault under certain conditions. Also requires health care providers to give advance notice to the PCF of any settlement in which the plaintiff intends to seek additional sums for the PCF.

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