## 2015 Regular Session

## **HCR 84**

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**

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.

### **SB 176** ACT 538

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 wished 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**

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

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

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

Makes the PCF an off-budget agency.

### ACT 950 HB 1453

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**

Exempts PCF Oversight Board from rate regulation by Commissioner of Insurance

### **ACT 888 SB528**

The information in this document is summary only. For further/more detailed information on any legislation, visit the Louisiana Legislature web site -- www.legis.state.la.us

## Effective: 08/15/2015

Effective: 08/01/2012

Effective: 06/05/2012

Effective: 08/15/2011

# Effective: 08/15/2011

Effective: 08/15/2010

## Effective: 08/15/2010

Effective: 07/01/2010

## Effective: 08/15/2010

## Effective: 08/15/2010

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

## 2009 Regular Session

### **SB 106** Act 231

Allows for immunity for health care providers and health care personnel who render services during a declared state of emergency. There is an exception for damages caused by gross negligence or willful and wanton misconduct.

### Act 14 HB 671

Added nurse practitioner and clinical nurse specialist to the definition of a health care provider. Nurses have always been included in the definition; however, it was felt the advanced nurses needed to be added.

### Act 40 HB 667

Contains the PCFOB's budget for fiscal year 2009-1010. The budget for administrative expenses is \$3,981,919 and the budget for the payment of claims and defense expenses associated with the claims is \$120,000,000.

## 2008 Regular Session

Act 558 **SB 652** Effective: 08/15/2008 Provides the following changes: 'Claimant' is defined as a singular party recovering damages. Requires the claimant to send the PCF a copy of the complaint filed in court and provide written notice of any trial date. Clarifies that the health care providers are liable for costs up to the time of judgment when the PCFOB was not a party to the trial. This applies to all complaints filed in court after 1/1/09. Allows the PCFOB to intervene in ongoing litigation involving specific issues such as PCF qualification status of the health care provider whether a claim is subject to the medical malpractice act, and if the health care provider or insurer is bankrupt or insolvent and not providing a defense. Stipulations by the health care provider and claimants of past medical bills greater than \$100,000, the parties are required to introduce the supporting documents into evidence in the trial court.

## 2006 Regular Session

Act 323 **SB 406** 

Provides for an expedited medical risk review panel process.

### HB 412 Act 694

Revises the definitions of 'patient', 'malpractice', and 'health care'; provides for the inclusion of blood donors; and provides for matters related to medical malpractice.

## 2005 First Extraordinary Session

### Act 6 **HB 90**

Provides suspensions and extensions of various legal and administrative deadlines during certain emergencies and disasters.

## 2005 Regular Session

Act 63 HB 485

called the 'I'm Sorry' bill as it provides for protection to health care providers that express sympathy, compassion, condolence to a patient as such statements/actions are not admissible as evidence of liability. It also provides for protection of information gathered for risk management purposes.

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## Effective: 07/01/2009

## Effective: 08/15/2006

Effective: 08/15/2006

# Effective: 08/15/2005

## Effective: 11/23/2005

## Effective: 07/01/2009

Effective: 08/15/2009

## 2005 Regular Session

### **SB 184** Act 127

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

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

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**

adds certain students to definition of Ambulance Service.

### **ACT 183 SB 382**

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

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

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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## Effective: 08/15/2005

## Effective: 08/15/2004

## Effective: 06/10/2004

## Effective: 08/15/2004

Effective: 08/15/2004

## Effective: 08/15/2004

Effective: 08/15/2004

## 2003 Regular Session

### Act 961 **HB1408**

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

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**

Allows interrogatories at the panel stage.

### Act 882 HB1549

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.

Further information can be found on the web site for the Louisiana Legislature

www.legis.state.la.us

## Effective: 08/15/2003

# Effective: 07/07/2003

## Effective: 08/15/2003

## Effective: 07/01/2003