

2017 Regular Session

HOUSE BILL NO. 51

BY REPRESENTATIVE PUGH

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

MALPRACTICE/MEDICAL: Increases the medical malpractice cap in certain circumstances

1 AN ACT

2 To amend and reenact R.S. 40:1231.2(B)(1) and 1237.1(F)(introductory paragraph), relative
3 to medical malpractice; to provide relative to limitations of recovery for certain
4 claims; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1231.2(B)(1) and 1237.1(F)(introductory paragraph) are hereby
7 amended and reenacted to read as follows:

8 §1231.2. Limitation of recovery

9 * * *

10 B.(1)(a) ~~The~~ Except as provided in Subparagraph (b) of this Paragraph, the
11 total amount recoverable for all malpractice claims for injuries to ~~or death of a~~ a
12 patient, exclusive of future medical care and related benefits as provided in R.S.
13 40:1231.3, shall not exceed five hundred thousand dollars plus interest and cost.

14 (b) The total amount recoverable for all malpractice claims for the death of
15 a patient shall not exceed one million dollars plus interest and costs.

16 * * *

17 §1237.1. Definitions and general application

18 * * *

19 F. Notwithstanding any other provision of the law to the contrary, ₂ no
20 judgment shall be rendered and no settlement or compromise shall be entered into

1 for ~~the any injury or death of any~~ to a patient not resulting in death in any action or
 2 claim for an alleged act of malpractice in excess of five hundred thousand dollars
 3 plus interest and costs, exclusive of future medical care and related benefits valued
 4 in excess of such five hundred thousand dollars. For any action or claim for an
 5 alleged act of malpractice resulting in the death of a patient, no judgment shall be
 6 rendered and no settlement or compromise shall be entered into in excess of one
 7 million dollars plus interest and costs. In claims which may include future medical
 8 care and related benefits, the following procedures shall apply:

9 * * *

10 Section 2. This Act shall be referred to as "The Hannah Kraft Act".

11 Section 3. This Act shall become effective upon signature by the governor or, if not,
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

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 51 Original

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Pugh

ABSTRACT: Increases the total amount recoverable for medical malpractice claims when a patient dies from \$500,000 to \$1,000,000.

Present law, relative to medical malpractice, limits the total amount recoverable for all malpractice claims for injuries to or death of a patient, exclusive of future medical care and related benefits, to a maximum of \$500,000 plus interest and costs.

Proposed law creates an exception to present law by providing that the total amount recoverable for all malpractice claims for the death of a patient shall not exceed \$1,000,000 plus interest and costs.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1231.2(B)(1) and 1237.1(F)(intro. para.))