

2017 Regular Session

HOUSE BILL NO. 137

BY REPRESENTATIVE JENKINS

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

MALPRACTICE/MEDICAL: Provides relative to the filing of requests for medical review panels

1 AN ACT

2 To amend and reenact R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b), relative to medical
3 malpractice claims; to provide for the date of filing of a request for a medical review
4 panel; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b) are hereby amended and
7 reenacted to read as follows:

8 §1231.8. Medical review panel

9 A.

10 * * *

11 (2)

12 * * *

13 (b) The request for review of a malpractice claim under this Section shall be
14 deemed electronically filed on the date of receipt of the request is sent, as provided
15 by R.S. 9:2615(A), which shall then be stamped and certified by the division of
16 administration, or The request shall be deemed filed on the date of mailing of the
17 request if mailed to the division of administration by certified or registered mail,
18 Filing of the request shall be complete only upon timely compliance with the
19 provisions of Subparagraph (1)(c) or (d) of this Subsection. Upon receipt of any

any request, the division of administration shall forward a copy of the request to the board within five days of receipt.

Proposed law retains present law and specifies that the request for a medical review panel shall be deemed electronically filed on the date the request is sent, under present law (R.S. 9:2615(A)), which shall then be stamped and certified by the division of administration.

The provisions of proposed law address the ambiguity of electronically filed requests identified by the La. Supreme Court in the case of *In re Tillman*, 187 So.3d 445 (La. 2016).

(Amends R.S. 40:1231.8(A)(2)(b) and 1237.2(A)(2)(b))