
DIGEST

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HB 137 Engrossed

2017 Regular Session

Jenkins

Abstract: Provides that a request for a medical review panel shall be deemed filed on the date sent, if the request is electronically sent, the date mailed, if the request is delivered by certified or registered mail, or the date received, if the request is delivered by any other means.

Present law provides the procedures for the filing of a request for review of a medical malpractice claim with the division of administration.

Present law provides that the filing of the request for a review of a claim shall suspend the time within which suit must be instituted and shall suspend the running of prescription against all joint and solidary obligors, and all joint tortfeasors, including but not limited to health care providers, both qualified and not qualified, to the same extent that prescription is suspended against the party or parties that are the subject of the request for review.

Present law provides that the request for review of a malpractice claim shall be deemed filed on the date of receipt of the request stamped and certified by the division of administration or on the date of mailing of the request if mailed to the division of administration by certified or registered mail only upon timely compliance with present law, and that upon receipt of 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 filed on the date:

- (1) Sent, if the request is electronically sent.
- (2) Mailed, if the request is delivered by certified or registered mail.
- (3) Received, if the request is delivered by any other means.

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Delete provisions addressing only requests for review of a malpractice claim which are filed electronically.
2. Add provisions specifying the filing date for requests for review of a malpractice claim which are filed electronically, filed by certified or registered mail, or filed by any other method.