
DIGEST

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HB 526 Original

2017 Regular Session

Reynolds

Abstract: Modifies deadlines and time periods included in the Medical Malpractice Act for both private and public services.

Present law requires that all medical malpractice claims be filed within three years from the date of the alleged act, omission, or neglect and within one year of the date of the alleged act, omission, or neglect, or within one year from the date of discovery of the alleged act, omission, or neglect.

Proposed law changes the time period within which any medical malpractice claim is filed from three years to five years, and extends the deadline from the act, omission, or neglect or the date of the discovery of the alleged act, omission, or neglect from 12 months to 18 months.

Present law allows a maximum of \$500,000 recovery plus interest and costs in medical malpractice claims, exclusive of future medical care and related benefits.

Proposed law separates economic and non-economic recoverable damages in medical malpractice claims with a \$350,000 cap on non-economic damages and economic damages limited to the actual cost of past and future medical care and related benefits.

Present law provides for a 90-day suspension of the prescriptive period to file a medical malpractice lawsuit from the date of notification after a request for review of a claim is filed.

Proposed law changes the suspension of the prescriptive period to file suit from 90 days to six months.

Present law requires that all of the medical review panelists, with the exception of the attorney, be individuals from the same class or specialty of practice as the defendant health care provider.

Proposed law changes the composition of the medical review panel to require that not more than one of the panelists be from the same class or specialty of practice as the defendant health care provider and that the other panelists have no previous association with the physician in question, including that they did not go to school with the defendant physician, have not worked with the defendant physician, and do not live within a 100 mile radius of the physician in question.

(Amends R.S. 40:1231.2(B)(1), 1231.8(A)(2)(a), (B)(3), (C)(3)(j), (L), (N)(1)(b)(iii), 1237.1(F)(intro. para.), (2), (3), (6), and (7), and 1237.2(A)(2)(a), (B)(3), and (C)(3)(f)(v), and R.S. 9:5628(A))