

SENATE CONCURRENT RESOLUTION NO. 36

BY SENATOR FOIL

A CONCURRENT RESOLUTION

To urge and request the division of administration, the Patient's Compensation Fund, and the Patient's Compensation Fund Oversight Board to study the feasibility and potential costs of implementing an e-filing system for medical review panel requests and an e-payment system for filing fees.

WHEREAS, R.S. 40:1231.8 requires that all malpractice claims against health care providers covered by statute, other than claims validly agreed upon for submission to a lawfully binding arbitration procedure, shall be reviewed by a medical review panel; and

WHEREAS, R.S. 40:1237.2 requires that all malpractice claims against the state, its agencies, or other persons covered by statute, shall be reviewed by a state medical review panel, administered by the commissioner of administration; and

WHEREAS, requests for review of a malpractice claim must be submitted to the division of administration; and

WHEREAS, the procedures for both private and state malpractice claims provide that requests for review are deemed filed if sent by authorized electronic means; and

WHEREAS, within forty-five days of receipt of confirmation of filing a claim, a claimant must pay a filing fee in the amount of one hundred dollars per named defendant health care provider; and

WHEREAS, claim requests must currently be filed via postal mail, in person, or via facsimile and filing fees must be paid via postal mail, in person, or via bank wire transfer; and

WHEREAS, implementation of an e-filing and e-payment solution for the process would create a safe, secure, and reliable means of filing time-sensitive requests and ensuring filing fees are paid as required; and

WHEREAS, any costs associated with accepting e-filings and processing e-payments can potentially be added as a convenience fee to applicable filing fees; and

WHEREAS, electronic transmittal of requests for review of malpractice claims, along with filing fees, will allow for more efficient and expeditious processing; and

WHEREAS, consideration of technology solutions to optimize the process will benefit claimants, defendant health care providers, employers, insurers, attorneys, the division of administration, the Patient's Compensation Fund, and the Patient's Compensation Fund Oversight Board; and

WHEREAS, the study should include a determination of the ability to implement these improvements under current legislative authority and the costs, if any, of implementing recommended improvements.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the division of administration, the Patient's Compensation Fund, and the Patient's Compensation Fund Oversight Board to study the feasibility of implementing an e-filing system for medical review panel requests and an e-payment system for filing fees.

BE IT FURTHER RESOLVED that the division of administration shall submit a written report of the findings, conclusions, and recommendations to the legislature no later than December 31, 2025.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the commissioner of administration, the executive director of the Patient's Compensation Fund, and the chairman of the Patient's Compensation Fund Oversight Board.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES