

SENATE BILL NO. 134

BY SENATORS PRESSLY AND SEABAUGH

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

1 AN ACT

2 To amend and reenact R.S. 40:1151.1(6) and 1231.1(A)(9), (10), and (13), relative to health
3 care definitions; to provide for definitions relative to medical malpractice; to provide
4 for definitions relative to declarations concerning life-sustaining procedures; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1151.1(6) and 1231.1(A)(9), (10), and (13) are hereby amended
8 and reenacted to read as follows:

9 §1151.1. Definitions

10 As used in this Subpart, the following words shall have the meanings
11 ascribed to them unless the context clearly states otherwise:

12 * * *

13 (6) "Health care provider" means any health maintenance organization, home
14 health agency, hospice, hospital, ~~or~~ nursing facility, **or any entity listed in R.S.**
15 **40:1231.1(10).**

16 * * *

17 §1231.1. Definitions and general applications

18 A. As used in this Part:

19 * * *

20 (9) "Health care" means any act, ~~or~~ treatment, **administration, service, or**
21 **care related to policies and procedures and the administration thereof, staffing,**
22 **custodial services by licensed or certified staff,** performed or furnished, or which
23 should have been performed or furnished, by any health care provider for, to, or on
24 behalf of a patient during the patient's medical care, treatment, or confinement, or
25 during or relating to or in connection with the procurement of human blood or blood
26 components. **This includes all acts associated with the medical treatment of an**

1 individual, whether directly related to clinical care or performed in an
2 administrative or managerial capacity necessary for the delivery of such care.

3 (10) "Health care provider" means a person, partnership, limited liability
4 partnership, limited liability company, corporation, facility, or institution licensed
5 or certified by this state, state agencies, or a state board to provide health care or
6 professional services as a physician, hospital, nursing home, community blood
7 center, tissue bank, dentist, a licensed dietician or licensed nutritionist employed by,
8 referred by, or performing work under contract for, a health care provider or other
9 person already covered by this Part, registered or licensed practical nurse or certified
10 nurse assistant, offshore health service provider, ambulance service under
11 circumstances in which the provisions of R.S. 40:1237.1 are not applicable, certified
12 registered nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner,
13 clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical
14 therapist, occupational therapist, psychologist, social worker, licensed professional
15 counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic
16 technologist, licensed clinical laboratory scientist, or any nonprofit facility
17 considered tax-exempt under Section 501(c)(3), Internal Revenue Code, pursuant to
18 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or cancer-related
19 diseases, whether or not such a facility is required to be licensed by this state, or any
20 professional corporation a health care provider is authorized to form under the
21 provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any partnership,
22 limited liability partnership, limited liability company, management company, or
23 corporation ~~whose business is conducted principally by health care providers~~ which
24 may provide any kind of health care whatsoever, or an officer, employee, partner,
25 member, shareholder, or agent thereof acting in the course and scope of his
26 employment.

27 * * *

28 (13) "Malpractice" means any unintentional tort or any breach of contract
29 based on health care or professional services rendered, or which should have been
30 rendered, by a health care provider, to a patient, including but not limited to failure

1 to render services timely and the handling of a patient, ~~including~~ loading and
 2 unloading of a patient, and ~~also includes~~ all legal responsibility of a health care
 3 provider arising from acts or omissions during the procurement of blood or blood
 4 components, in the staffing, training, or supervision of health care providers, or from
 5 defects in blood, tissue, transplants, drugs, and medicines, or from defects in or
 6 failures of prosthetic devices implanted in or used on or in the person of a patient.
 7 **This includes all acts associated with the medical treatment of an individual,**
 8 **whether directly related to clinical care or performed in an administrative or**
 9 **managerial capacity necessary for the delivery of such care.**
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 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____