The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 366 Original | 2026 Regular Session | Harris

Present law provides that the maximum amount recoverable for a claim is $500,000 plus interest and cost.

Proposed law raises the amount recoverable per claim to $1,000,000 plus interest and cost and excludes economic damages.

Present law allows a qualified healthcare provider to be liable for up to $100,000 in damages plus interest and costs.

Proposed law raises a qualified healthcare provider's potential liability from $100,000 plus interest and costs to $250,000 plus interest and costs.

Proposed law requires a court or fact finder to find a specific amount of future medical expenses and related benefits for a claimant.

Proposed law allows a court, after determining that a total award exceeds the $1,000,000 cap, to hold excess damages in a trust with the Patient Compensation Fund to be paid in reimbursement to a patient or to his provider for future medical care.

Proposed law defines future medical care and benefits.

Proposed law changes the present law requirement that all medical malpractice claims against healthcare providers be heard by a medical review panel, and offers a claimant an alternative to initiate a claim through an affidavit by a board certified doctor. The affidavit shall certify that the doctor has reviewed the necessary records and that there was a breach of the standard of care which caused or contributed to the injury or death of a patient.

Proposed law provides a prescriptive period for actions initiated by the affidavit process.

Effective August 1, 2026.

(Amends R.S. 40:1231.2(B)(1) and (2) and (D)(5), 1231.3(A)(1), (2), and (3), and 1231.8(A)(1)(a) and (B)(1)(a)(i); adds R.S. 40:1231.3(B)(3) and (4); repeals R.S. 40:1231.3(G) and (H))