

2026 Regular Session

HOUSE BILL NO. 984

BY REPRESENTATIVE KERNER

MALPRACTICE/MEDICAL: Provides relative to medical malpractice and the limitation of recovery

1 AN ACT

2 To amend and reenact R.S. 40:1231.2(B)(1), 1231.3(D), and 1237.1(F)(introductory
3 paragraph), (2), (3), (6), and (7), relative to medical malpractice; to provide for the
4 Medical Malpractice Act and Malpractice Liability for State Services; to provide
5 limitations of recovery; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1231.2(B)(1), 1231.3(D), and 1237.1(F)(introductory paragraph),
8 (2), (3), (6), and (7) are hereby amended and reenacted to read as follows:

9 §1231.2. Limitation of recovery

10 * * *

11 B.(1) The total amount recoverable for all malpractice claims for injuries to
12 or death of a patient, exclusive of future medical care and related benefits as
13 provided in R.S. 40:1231.3, shall not exceed ~~five hundred~~ seven hundred fifty
14 thousand dollars plus interest and cost.

15 * * *

16 §1231.3. Future medical care and related benefits

17 * * *

18 D. Payments for medical care and related benefits shall be paid by the
19 patient's compensation fund without regard to the ~~five hundred~~ seven hundred fifty
20 thousand dollar limitation imposed in R.S. 40:1231.2.

21 * * *

1 §1237.1. Definitions and general application

2 * * *

3 F. Notwithstanding any other provision of the law to the contrary, no
4 judgment shall be rendered and no settlement or compromise shall be entered into
5 for the injury or death of any patient in any action or claim for an alleged act of
6 malpractice in excess of ~~five hundred~~ seven hundred fifty thousand dollars plus
7 interest and costs, exclusive of future medical care and related benefits valued in
8 excess of such ~~five hundred~~ seven hundred fifty thousand dollars. In claims which
9 may include future medical care and related benefits, the following procedures shall
10 apply:

11 * * *

12 (2) If the total amount of the value of the judgment or settlement or
13 compromise is for ~~five hundred~~ seven hundred fifty thousand dollars, plus interest
14 and costs, exclusive of the value of future medical care and related benefits, all
15 future medical care and related benefits shall be paid in accordance ~~herewith~~ with
16 this Subsection.

17 (3) If the total amount of recovery, excluding interest and costs but including
18 the amount of future medical care and related benefits does not exceed ~~five hundred~~
19 seven hundred fifty thousand dollars, judgment may be rendered for the total amount
20 and paid by the state as provided by Subsection I of this Section.

21 * * *

22 (6) If the total amount of recovery awarded against the state, excluding
23 interest and costs but including the amount of future medical care and related
24 benefits, exceeds ~~five hundred~~ seven hundred fifty thousand dollars, the claimant
25 may make a claim to the office of risk management for all future medical care and
26 related benefits.

27 (7) Payments for medical care and related benefits shall be paid by the office
28 of risk management pursuant to Subsection L of this Section, without regard to the

