

2016 Regular Session

HOUSE BILL NO. 195

BY REPRESENTATIVE JENKINS

MALPRACTICE/MEDICAL: Provides relative to transmittal of certain notices required pursuant to medical malpractice law

1 AN ACT

2 To amend and reenact R.S. 40:1231.8(A)(1)(c) and (5) and 1237.2(A)(1)(c) and (5), relative  
3 to the filing requirements for a medical review panel; to provide relative to the delay  
4 within which to pay the required filing fee; to provide for commencement upon  
5 receipt of certain notices; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1231.8(A)(1)(c) and (5) and 1237.2(A)(1)(c) and (5) are hereby  
8 amended and reenacted to read as follows:

9 §1231.8. Medical review panel

10 A.(1)

11 \* \* \*

12 (c) A claimant shall have forty-five days from the ~~mailing~~ date of receipt by  
13 the claimant of the confirmation of receipt of the request for review in accordance  
14 with Subparagraph (3)(a) of this Subsection to pay to the board a filing fee in the  
15 amount of one hundred dollars per named defendant qualified under this Part.

16 \* \* \*

17 (5) In the event that ~~any~~ the board is unable to determine after forty-five days  
18 from the date of mailing of the notification, whether notification by certified mail,  
19 return receipt requested, provided for in Paragraphs (3) and (4) of this Subsection has  
20 been received by the claimant, or the notification is not claimed or is returned

1 undeliverable, the board shall provide such notification by regular first class mail,  
2 which date of mailing shall have the effect of receipt of notice by certified mail for  
3 purposes of Subparagraphs (1)(c) and (d) of this Subsection.

4 §1237.2. State medical review panel

5 A.(1)

6 \* \* \*

7 (c) A claimant shall have forty-five days from the date of ~~the mailing receipt~~  
8 by the claimant of the confirmation of receipt of the request for review in accordance  
9 with Subparagraph (3)(a) of this Subsection to pay to the commissioner a filing fee  
10 in the amount of one hundred dollars per named defendant state health care provider.

11 \* \* \*

12 (5) In the event that ~~any~~ the commissioner is unable to determine after forty-  
13 five days from the date of mailing of the notification, whether notification by  
14 certified mail, return receipt requested, provided for in Paragraphs (3) and (4) of this  
15 Subsection has been received by the claimant, or the notification is not claimed or  
16 is returned undeliverable, the ~~board~~ commissioner shall provide such notification by  
17 regular first class mail, which date of mailing shall have the effect of receipt of  
18 notice by certified mail for purposes of Subparagraphs (1)(c) and (d) of this  
19 Subsection.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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HB 195 Engrossed

2016 Regular Session

Jenkins

**Abstract:** Relative to medical malpractice review panels, changes the commencement of the period within which to pay the filing fee from 45 days from the date of mailing the confirmation to 45 days from the date of receipt of the confirmation by the claimant.

Present law provides that all medical malpractice claims shall be reviewed by a medical review panel, and further provides all procedures for the filing and hearing of malpractice claims by the medical review panel.

Present law requires that a request for review shall contain certain information, including the name of the patient, the names of the claimants, the names of the defendants, and the dates and a brief description of the alleged malpractice.

Present law requires notice of confirmation of receipt to the claimant by certified mail, return receipt requested, within 30 days of receipt of the claim, and provides that the claimant shall have 45 days from the date of mailing of the confirmation of receipt of the request for review to pay a \$100 filing fee for each named defendant.

Proposed law retains present law but changes the commencement of the period within which to pay the filing fee from 45 days from the date of mailing the confirmation to 45 days from the date of receipt of the confirmation by the claimant.

Present law provides that if any notification by certified mail, return receipt requested, is not claimed or is returned undeliverable, the board shall provide such notification by regular first class mail, which date of mailing shall have the effect of receipt of notice by certified mail.

Proposed law specifies that if the board or commission is unable to determine after 45 days from the date of mailing of the notification, whether notification by certified mail, return receipt requested, has been received by the claimant, or the notification is not claimed or is returned undeliverable, the board shall provide such notification by regular first class mail, which date of mailing shall have the effect of receipt of notice by certified mail.

(Amends R.S. 40:1231.8(A)(1)(c) and (5) and 1237.2(A)(1)(c) and (5))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add provisions specifying that if the board or commission is unable to determine receipt after 45 days from the date of mailing the notification, it shall mail the notification by regular first class mail.