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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 483 Original

2018 Regular Session

Mizell

Present law relative to evidence and confidentiality of certain information provides for legislative findings that health care provider professionals and their insurers have risk management information that would facilitate identification of an underlying cause of an unanticipated, adverse patient outcome or a professional liability insurance loss. Present law provides that the purpose of present law is to encourage the use of risk management information to conduct studies, review data, and promote practice changes for the purpose of improving patient health care quality or reducing professional liability insurance claims.

Proposed law provides that the legislature finds and declares that early learning centers and their liability insurers may have video recordings which would facilitate risk management through the identification and reduction of potential risks, reduction of potentially adverse outcomes, and the reduction of liability losses.

Proposed law provides that the purpose of proposed law is to encourage owners of early learning centers to use video recordings to conduct studies, review data, train staff, and promote practical changes for the purpose of improving early learning centers, promoting staffing excellence, and reducing professional liability claims.

Proposed law provides that information in the form of video recordings created, generated, or compiled by an early learning center to be used as a management tool to identify and remedy potential problems, to facilitate staff training, or for utilization in risk management will be deemed confidential and will only be produced or released in either of the following circumstances:

- (1) Released to the parent of a child who requests the information contained in the video recordings.
- (2) Released pursuant to a search warrant or court order in connection with a lawsuit or other judicial proceeding.

Proposed law provides that, except in cases where a court order or search warrant is obtained, any department, office, division, agency, commission, board, committee, or other organizational unit of the state or local government requiring production or admissibility of any video recordings will be deemed to cause irreparable injury by deterring the future use of video recordings at the early learning center and at all other early learning centers across La.

Proposed law provides that when a department, office, division, agency, commission, board, committee, or other organizational unit of the state or local government issues any directive or requirement that any early learning center produce a video recording, except when a court order or

search warrant has been obtained, the early learning center may obtain a protective order to enforce the provisions of proposed law in a court of competent jurisdiction. Venue will be in the judicial district where the early learning center is located or domiciled or where the defendant is domiciled.

Effective August 1, 2018.

(Adds R.S. 13:3715.4.1)