

2025 Regular Session

HOUSE RESOLUTION NO. 252

BY REPRESENTATIVE BAMBURG

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and recommend legislation for a reversionary medical trust in an award for damages in personal injury claims and to submit a report of its findings and recommendations to the legislature no later than February 1, 2026.

WHEREAS, reversionary medical trusts are designed to provide payment for ongoing medical care and related benefits to a claimant and ensure that medical bills are paid directly to providers as the medical bills are incurred; and

WHEREAS, when there is any suit for personal injury against a political subdivision, a court shall order that a reversionary trust be established for the benefit of a claimant and that all medical care and related benefits incurred subsequent to judgment be paid pursuant to the reversionary trust instrument pursuant to R.S. 13:5106; and

WHEREAS, any suit for personal injury against the state or a state agency where the court determines that a claimant is entitled to medical care and related benefits that may be incurred subsequent to judgment shall be paid from the Future Medical Care Fund as provided in R.S. 39:1533.2; and

WHEREAS, in medical malpractice cases, a claimant's medical care and related expenses are paid directly by the Patient Compensation Fund pursuant to R.S. 40:1231.4; and

WHEREAS, when a claimant receives an award for medical expenses, it is essential that funds are applied directly to medical costs and are safeguarded against misuse; and

WHEREAS, Louisiana has an interest in providing these protections for a claimant and to facilitate a process that ensures an award of damages is making a claimant whole.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and recommend legislation for a reversionary medical trust in an award for damages in personal injury claims and to submit a report of its findings and recommendations to the legislature no later than February 1, 2026.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES