

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

LIABILITY. Limits civil liability of the members of the Workers' Compensation Advisory Council

DIGEST

Present law creates the Medical Advisory Council and provides for its membership and duties.

Present law creates the Workers' Compensation Advisory Council and provides for its membership and duties.

Proposed law provides that no member of the Medical Advisory Council or the Workers' Compensation Advisory Council acting within the scope of his official functions and duties shall be held individually liable for a policy recommendation or policy action by the council, unless the member's willful or wanton misconduct caused damage or injury.

Proposed law further provides that no member of the Medical Advisory Council or the Workers' Compensation Advisory Council shall be subject to civil or administrative subpoena for testimony or subpoena duces tecum for documents concerning his recommendations or exercise of judgment as a member of the council.

(Adds R.S. 23:1203.1(O) and 1294(C))

Summary of Amendments Adopted by House

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

- 1. Broadened subpoena prohibition from depositions and interrogatories to all discovery mechanisms.

House Floor Amendments to the engrossed bill.

- 1. Extended civil immunity to members of the Medical Advisory Council.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

- 1. Limited the civil immunity granted to apply only in the context of a council member's potential individual liability for any policy recommendation or exercise of his judgment when he is acting within the scope of his official functions and duties as a member of either council.