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 1237.2(A)(1)(c), relative to the filing
3	requirements for a medical review panel; to provide relative to the delay within
4	which to pay the required filing fee; to provide for commencement upon receipt of
5	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 1237.2(A)(1)(c) are hereby amended and
8	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	§1237.2. State medical review panel
18	A.(1)
19	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(c) A claimant shall have forty-five days from the date of the mailing receipt
2	by the claimant of the confirmation of receipt of the request for review in accordance
3	with Subparagraph (3)(a) of this Subsection to pay to the commissioner a filing fee
4	in the amount of one hundred dollars per named defendant state health care provider.
5	* * *

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)]

HB 195 Original	2016 Regular Session	Jenkins
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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.

<u>Present law</u> 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.

<u>Present law</u> 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.

<u>Present law</u> 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.

<u>Proposed law retains present law but changes the commencement of the period within which</u> 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.

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