
DIGEST

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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.