The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 185 Original 2017 Regular Session Luneau

Present law provides that when the mental or physical condition of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by a physician or to produce for examination the person in his custody or legal control, except as otherwise provided by present law. Present law further provides that the court may order the party to submit to an examination by a vocational rehabilitation expert or a licensed clinical psychologist who is not a physician, provided the party has given notice of intention to use such an expert. Present law further provides that the order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and must specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.

Proposed law retains present law and adds that the physical or mental examination provided for by present law cannot be referred to as an "independent" examination in the presence of a jury.

Proposed law provides that regardless of the number of defendants, a plaintiff cannot be ordered to submit to multiple examinations by multiple physicians within the same field of specialty.

Proposed law provides that the party to be examined has the right to have a person of his choosing present during the examination. Proposed law further provides that if the party to be examined is under the age of 18 years, the party has the right to have the entire examination videotaped. Proposed law further provides that the party requesting the examination must pay all costs associated with the examination, including but not limited to the cost of the videographer.

Effective August 1, 2017.

(Amends C.C.P. Art. 1464)