

2021 Regular Session

HOUSE BILL NO. 263

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 13:1875(7), R.S. 40:1231.8(C)(1)(a), and 1237.2(C)(1)(a),
3 relative to judges of the City Court of Shreveport; to authorize judges of the City
4 Court of Shreveport to serve on a medical review panel; to provide for a termination
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1875(7) is hereby amended and reenacted to read as follows:

8 §1875. Compensation of city judges; particular courts

9 The judges of the following city courts shall receive the salaries provided in
10 this Section:

11 * * *

12 (7)(a) The judges of the ~~Shreveport~~ City Court of Shreveport shall receive
13 the same salary and expenses as provided for district court judges, payable monthly
14 on their respective warrants. The state shall pay that portion of the salary specified
15 by R.S. 13:1874(E). The city of Shreveport shall pay the remaining portion of the
16 salary and expenses in an amount sufficient to equal the salary and expenses of the
17 district court judges. ~~The judges of the city court of Shreveport shall not engage in~~
18 ~~the practice of law.~~

19 (b) In addition to the salary specified by R.S. 13:1874(E) to be paid by the
20 state of Louisiana to the judges of the City Court of Shreveport, the state shall pay
21 to such judges an annual salary of six thousand eight hundred eleven dollars. In
22 addition to the salary paid such judges by the state, they shall be paid an annual
23 salary of twelve thousand dollars payable monthly on their respective warrants by

1 the city of Shreveport, and the governing authority of the city of Shreveport shall pay
2 such additional salary as they deem proper. ~~The judges of the City Court of~~
3 ~~Shreveport shall not engage in the practice of law.~~

4 (c) Notwithstanding any other provision of law to the contrary, the judges of
5 the City Court of Shreveport shall not engage in the practice of law, except any judge
6 may serve as the attorney member on a medical review panel pursuant to R.S.
7 40:1231.8 or 1237.2.

8 * * *

9 Section 2. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby amended and
10 reenacted to read as follows:

11 §1231.8. Medical Review Panel

12 * * *

13 C. The medical review panel shall consist of three health care providers who
14 hold unlimited licenses to practice their profession in Louisiana and one attorney.
15 The parties may agree on the attorney member of the medical review panel. If no
16 attorney for or representative of any health care provider named in the complaint has
17 made an appearance in the proceedings or made written contact with the attorney for
18 the plaintiff within forty-five days of the date of receipt of the notification to the
19 health care provider and the insurer that the required filing fee has been received by
20 the patient's compensation board as required by Subparagraph (A)(1)(c) of this
21 Section, the attorney for the plaintiff may appoint the attorney member of the
22 medical review panel for the purpose of convening the panel. Such notice to the
23 health care provider and the insurer shall be sent by registered or certified mail,
24 return receipt requested. If no agreement can be reached, then the attorney member
25 of the medical review panel shall be selected in the following manner:

26 (1)(a) The office of the clerk of the Louisiana Supreme Court, upon receipt
27 of notification from the board, shall draw five names at random from the list of
28 attorneys who reside or maintain an office in the parish which would be proper venue
29 for the action in a court of law. ~~The~~ Except as provided in R.S. 13:1875(7), the
30 names of judges, magistrates, district attorneys and assistant district attorneys shall

1 be excluded if drawn and new names drawn in their place. After selection of the
 2 attorney names, the office of the clerk of the supreme court shall notify the board of
 3 the names so selected. It shall be the duty of the board to notify the parties of the
 4 attorney names from which the parties may choose the attorney member of the panel
 5 within five days. If no agreement can be reached within five days, the parties shall
 6 immediately initiate a procedure of selecting the attorney by each striking two names
 7 alternately, with the claimant striking first and so advising the health care provider
 8 of the name of the attorney so stricken; thereafter, the health care provider and the
 9 claimant shall alternately strike until both sides have stricken two names and the
 10 remaining name shall be the attorney member of the panel. If either the plaintiff or
 11 defendant fails to strike, the clerk of the Louisiana Supreme Court shall strike for
 12 that party within five additional days.

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§1237.2. State Medical Review Panel

* * *

16 C.(1) The state medical review panel shall consist of one attorney and three
 17 health care providers who hold unlimited licenses to practice their profession in
 18 Louisiana. The parties may agree on the attorney member of the state medical
 19 review panel. If no attorney for or a representative of any health care provider
 20 named in the complaint has made an appearance in the proceeding or made written
 21 contact with the attorney for the plaintiff within forty-five days of the date of receipt
 22 of the notification to the health care provider and the insurer that the required filing
 23 fee has been received by the commissioner or the patients compensation board as
 24 required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may
 25 appoint the attorney member of the state medical review panel for the purpose of
 26 convening the panel. Such notice to the health care provider and the insurer shall be
 27 sent by registered or certified mail, return receipt requested. If no agreement can be
 28 reached, then the attorney member of the state medical review panel shall be selected
 29 in the following manner:

1 (b) In addition to the salary specified by R.S. 13:1874(E) to be paid by the
 2 state of Louisiana to the judges of the City Court of Shreveport, the state shall pay
 3 to such judges an annual salary of six thousand eight hundred eleven dollars. In
 4 addition to the salary paid such judges by the state, they shall be paid an annual
 5 salary of twelve thousand dollars payable monthly on their respective warrants by
 6 the city of Shreveport, and the governing authority of the city of Shreveport shall pay
 7 such additional salary as they deem proper. The judges of the City Court of
 8 Shreveport shall not engage in the practice of law.

9 ~~(c) The judges of the City Court of Shreveport shall not engage in the~~
 10 ~~practice of law, except any judge may serve as the attorney member on a medical~~
 11 ~~review panel pursuant to R.S. 40:1231.8 or 1237.2.~~

12 * * *

13 Section 4. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby amended and
 14 reenacted to read as follows:

15 §1231.8. Medical Review Panel

16 * * *

17 C. The medical review panel shall consist of three health care providers who
 18 hold unlimited licenses to practice their profession in Louisiana and one attorney.
 19 The parties may agree on the attorney member of the medical review panel. If no
 20 attorney for or representative of any health care provider named in the complaint has
 21 made an appearance in the proceedings or made written contact with the attorney for
 22 the plaintiff within forty-five days of the date of receipt of the notification to the
 23 health care provider and the insurer that the required filing fee has been received by
 24 the patient's compensation board as required by Subparagraph (A)(1)(c) of this
 25 Section, the attorney for the plaintiff may appoint the attorney member of the
 26 medical review panel for the purpose of convening the panel. Such notice to the
 27 health care provider and the insurer shall be sent by registered or certified mail,
 28 return receipt requested. If no agreement can be reached, then the attorney member
 29 of the medical review panel shall be selected in the following manner:

1 (1)(a) The office of the clerk of the Louisiana Supreme Court, upon receipt
2 of notification from the board, shall draw five names at random from the list of
3 attorneys who reside or maintain an office in the parish which would be proper venue
4 for the action in a court of law. ~~Except as provided in R.S. 13:1875(7), the~~ The
5 names of judges, magistrates, district attorneys and assistant district attorneys shall
6 be excluded if drawn and new names drawn in their place. After selection of the
7 attorney names, the office of the clerk of the supreme court shall notify the board of
8 the names so selected. It shall be the duty of the board to notify the parties of the
9 attorney names from which the parties may choose the attorney member of the panel
10 within five days. If no agreement can be reached within five days, the parties shall
11 immediately initiate a procedure of selecting the attorney by each striking two names
12 alternately, with the claimant striking first and so advising the health care provider
13 of the name of the attorney so stricken; thereafter, the health care provider and the
14 claimant shall alternately strike until both sides have stricken two names and the
15 remaining name shall be the attorney member of the panel. If either the plaintiff or
16 defendant fails to strike, the clerk of the Louisiana Supreme Court shall strike for
17 that party within five additional days.

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§1237.2. State Medical Review Panel

* * *

21 C.(1) The state medical review panel shall consist of one attorney and three
22 health care providers who hold unlimited licenses to practice their profession in
23 Louisiana. The parties may agree on the attorney member of the state medical
24 review panel. If no attorney for or a representative of any health care provider
25 named in the complaint has made an appearance in the proceeding or made written
26 contact with the attorney for the plaintiff within forty-five days of the date of receipt
27 of the notification to the health care provider and the insurer that the required filing
28 fee has been received by the commissioner or the patients compensation board as
29 required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may
30 appoint the attorney member of the state medical review panel for the purpose of

1 convening the panel. Such notice to the health care provider and the insurer shall be
2 sent by registered or certified mail, return receipt requested. If no agreement can be
3 reached, then the attorney member of the state medical review panel shall be selected
4 in the following manner:

5 (a) The office of the clerk of the Louisiana Supreme Court, upon receipt of
6 notification from the commissioner, shall draw five names at random from the list
7 of attorneys who reside or maintain an office in the parish which would be proper
8 venue for the action in a court of law. ~~Except as provided in R.S. 13:1875(7), the~~
9 The names of judges, magistrates, district attorneys, and assistant district attorneys
10 shall be excluded if drawn and new names drawn in their place. After selection of
11 the attorney names, the office of the clerk shall notify the office of the commissioner
12 of the names so selected. It shall be the duty of the office of the commissioner to
13 notify the parties of the attorney names from which the parties may choose the
14 attorney member of the panel within five days. If no agreement can be reached
15 within five days, the parties shall immediately initiate a procedure of selecting the
16 attorney by each striking two names alternately, with the claimant striking first and
17 so advising the state or the person covered by this Part of the name of the attorney
18 so stricken; thereafter, the state or the person covered by this Part and the claimant
19 shall alternately strike until both sides have stricken two names and the remaining
20 name shall be the attorney member of the panel. If either party fails to strike, the
21 clerk shall strike for that party within five additional days.

22 Section 5. Sections 3 and 4 shall become effective on August 1, 2031.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____