

Regular Session, 2010

HOUSE BILL NO. 264

BY REPRESENTATIVE WILLMOTT

MALPRACTICE/MEDICAL: Adds certain persons to the Medical Malpractice Act and the Medical Malpractice Act for State Services

1 AN ACT

2 To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and
3 1299.41(A)(10), relative to medical malpractice; to provide for certain persons to be
4 included in the definition of health care provider under the private and state medical
5 malpractice acts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10)
8 are hereby amended and reenacted to read as follows:

9 §1299.39. Definitions and general application

10 A. As used in this Part:

11 (1)(a) "State health care provider" or "person covered by this Part" means:

12 * * *

13 (ii) A person acting in a professional capacity in providing health care
14 services, by or on behalf of the state, including but not limited to a physician,
15 psychologist, coroner, and assistant coroner who is a licensed physician when acting
16 solely in accordance with the Mental Health Law as provided in R.S. 28:50 et seq.,
17 provided that the premium costs of such malpractice coverage shall be the
18 responsibility of the coroner's office, dentist, registered nurse, licensed practical
19 nurse, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist,
20 physical therapist, ~~laboratory or X-ray technician,~~ occupational therapist, licensed

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)]

Willmott

HB No. 264

Abstract: Adds licensed respiratory therapists, radiologic technologists, and clinical laboratory scientists to the definition of "health care provider" for the purposes of the medical malpractice acts for state and private services.

Present law defines "health care provider" for the purposes of the Medical Malpractice Act for both state and private services.

Proposed law adds licensed respiratory therapists, licensed radiologic technologists, and licensed clinical laboratory scientists to the definition of "health care provider" under both the state and private medical malpractice acts.

Present law includes occupational therapists in the definition of "health care provider" in the Medical Malpractice Act for private services.

Proposed law adds occupational therapists to the definition of "state health care provider".

(Amends R.S. 40:1299.39(A)(1)(a)(ii)(intro. para.) and 1299.41(A)(10))