Regular Session, 2010

HOUSE BILL NO. 264

BY REPRESENTATIVE WILLMOTT

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
21	respiratory therapist, licensed radiologic technologist, licensed clinical laboratory

ENROLLED

ACT No. 568

Page 1 of 3

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

1	scientist, social worker, hospital administrator, or licensed professional counselor,
2	who is either:
3	* * *
4	§1299.41. Definitions and general applications
5	A. As used in this Part:
6	* * *
7	(10) "Health care provider" means a person, partnership, limited liability
8	partnership, limited liability company, corporation, facility, or institution licensed
9	or certified by this state to provide health care or professional services as a physician,
10	hospital, nursing home, community blood center, tissue bank, dentist, registered or
11	licensed practical nurse or certified nurse assistant, offshore health service provider,
12	ambulance service under circumstances in which the provisions of R.S. 40:1299.39
13	are not applicable, certified registered nurse anesthetist, nurse midwife, licensed
14	midwife, nurse practitioner, clinical nurse specialist, pharmacist, optometrist,
15	podiatrist, chiropractor, physical therapist, occupational therapist, psychologist,
16	social worker, licensed professional counselor, licensed perfusionist, licensed
17	respiratory therapist, licensed radiologic technologist, licensed clinical laboratory
18	scientist, or any nonprofit facility considered tax-exempt under Section 501(c)(3),
19	Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis and
20	treatment of cancer or cancer-related diseases, whether or not such a facility is
21	required to be licensed by this state, or any professional corporation a health care
22	provider is authorized to form under the provisions of Title 12 of the Louisiana
23	Revised Statutes of 1950, or any partnership, limited liability partnership, limited
24	liability company, management company, or corporation whose business is
25	conducted principally by health care providers, or an officer, employee, partner,

member, shareholder, or agent thereof acting in the course and scope of his employment.
* * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____