
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

SB 36 Engrossed DIGEST Gatti
2016 Regular Session

Proposed law provides that in addition to the definition of malpractice in present law, it shall also be considered malpractice if a health care provider misrepresents his education, training or experience in a particular specialty of medicine or with a particular surgery or procedure.

Proposed law adds provisions to the limitation of recovery section of present law to include any health care provider who misrepresents his education training or experience in a particular specialty of medicine or with a particular surgery or procedure is not subject to the medical malpractice liability limitation.

Proposed law adds provisions to the limitation of recovery section of present law to include any health care provider who knowingly grants privileges to, advertises for or profits from another health care provider's misrepresentation of his education, training or experience and makes the two solidarily liable is not subject to the medical malpractice liability limitation.

Proposed law establishes a process to present law for the medial review panel to review and issue an opinion on a claimant's allegation that a health care provider misrepresented his education, training or experience in a particular specialty of medicine or with a particular surgery or procedure.

Effective August 1, 2016.

(Amends R.S. 40:1231.1(A)(13), 1231.2(B)(2), and 1231.8(A)(1)(b), (G), and (N)(6))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Revises definition of "malpractice" to include when a health care provider misrepresents his education, training or experience in a particular specialty of medicine or with a particular surgery or procedure.
2. Includes provisions that when a health care provider misrepresents his education training or experience in a particular specialty of medicine or with a particular surgery or procedure he is not subject to the medical malpractice liability limitation.
3. Includes provisions that any health care provider who knowingly grants privileges to, advertises for or profits from another health care provider's misrepresentation of his

education, training or experience is not subject to the medical malpractice liability limitation and makes the two solidarily liable.

4. Includes process for the medical review panel to review and issue an opinion on a claimant's allegation that a health care provider misrepresented his education, training or experience in a particular specialty of medicine or with a particular surgery or procedure.
5. Makes technical corrections.