

2022 Regular Session

HOUSE BILL NO. 705

BY REPRESENTATIVE SEABAUGH

CIVIL/PROCEDURE: Provides relative to additional medical examinations

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1464, relative to civil procedure; to
3 provide relative to additional medical opinions; to provide for submission to
4 examinations; to provide for multiple examinations in certain circumstances; to
5 provide relative to orders; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 1464 is hereby amended and reenacted
8 to read as follows:

9 Art. 1464. ~~Order for an~~ Submission to additional medical ~~opinion~~ opinions for
10 physical or mental examination of persons

11 A. When the mental or physical condition of a party, or of a person in the
12 custody or under the legal control of a party, is in controversy, ~~the court in which the~~
13 ~~action is pending may order the party to submit to an additional medical opinion~~
14 ~~regarding physical or mental examination by a physician or to produce for~~
15 ~~examination the person in his custody or legal control, except as provided by law that~~
16 party shall submit to an examination by a duly qualified medical practitioner
17 provided and paid for by the requesting party, as soon after the incident that caused
18 the action in controversy as demanded, and from time to time thereafter as often as
19 may be reasonably necessary and at reasonable hours and places. In addition, ~~the~~
20 ~~court may order~~ the party to shall submit to an additional medical opinion regarding

1 an examination by a vocational rehabilitation expert or a licensed clinical
 2 psychologist who is not a physician, provided the party has given notice of intention
 3 to use such an expert, as soon after the incident that caused the action in controversy
 4 as demanded and from time to time thereafter as often as may be reasonably
 5 necessary and at reasonable hours and places. ~~The order may be made only on~~
 6 ~~motion for good cause shown and upon notice to the person to be examined and to~~
 7 ~~all parties and shall specify the time, place, manner, conditions, and scope of the~~
 8 ~~examination and the person or persons by whom it is to be made.~~

9 B. Regardless of the number of defendants, a plaintiff shall not be ordered
 10 to submit to multiple examinations by multiple physicians within the same field of
 11 specialty for the same injury except for good cause shown. Notwithstanding this
 12 Paragraph of this Article, when the party has placed more than one mental or
 13 physical condition in controversy, or a person in the custody of or under the legal
 14 control of a party has had more than one mental or physical conditions placed in
 15 controversy, the court shall, upon motion of the opposing party, order separate
 16 examinations regarding each mental or physical condition placed in controversy.

17 C. A minor subject to examination under the provisions of this Article shall
 18 have the right to have a parent, tutor, or legal guardian present during the
 19 examination. If such person cannot be present, the court shall order the examination
 20 to be videotaped at the expense of the party being examined. The court shall
 21 consider the best interests of the minor and may impose conditions upon videotaping,
 22 including that it be done in a manner least harmful to the minor and without
 23 disclosure to the minor.

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)]

HB 705 Original

2022 Regular Session

Seabaugh

Abstract: Provides for the procedure and orders for additional medical opinions regarding physical or mental conditions in controversy.

Present law provides that when the mental or physical condition of a party is in controversy, the court may order the party submit to an additional medical opinion.

Proposed law changes present law and requires the party to submit to an examination as soon after the incident that caused the action in controversy as demanded and from time to time thereafter as often as reasonably necessary. Proposed law removes provision providing that the court may order the additional medical opinion.

Proposed law changes present law and provides that a party shall submit to additional medical opinion examinations by vocational rehabilitation or licensed clinical psychologist opinions if the party has been given notice.

Present law provides that regardless of the number of defendants, a plaintiff shall not be ordered to submit to multiple examinations by multiple physicians within the same field of specialty for the same injury except for good cause.

Proposed law supersedes present law in circumstances when the party has placed more than one mental or physical condition in controversy, where the court shall, upon motion of the opposing party, order separate examinations regarding each mental or physical condition placed in controversy.

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