
~~Section 2. This Act shall become effective upon signature by the governor or, if not~~
signed by the governor, upon expiration of the time for bills to become law without signature by
the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by
the governor and subsequently approved by the legislature, this Act shall become effective on the
day following such approval.

The original instrument and the following digest, which constitutes no part of the
legislative instrument, were prepared by Angela L. De Jean.

DIGEST

Present law defines "malpractice" under the Medical Malpractice Act as any unintentional tort or any breach of contract based on health care or professional services rendered, or which should have been rendered, by a health care provider, to a patient, including failure to render services timely and the handling of a patient, including loading and unloading of a patient, and also includes all legal responsibility of a health care provider arising from acts or omissions during the procurement of blood or blood components, in the training or supervision of health care providers, or from defects in blood, tissue, transplants, drugs, and medicines, or from defects in or failures of prosthetic devices implanted in or used on or in the person of a patient.

Proposed law retains present law definition of "malpractice" but includes transporting and monitoring to the list of activities included under the definition of "malpractice".

Proposed law also adds to the definition of "malpractice" all legal responsibility of a health care provider arising from acts or omissions in the credentialing or re-credentialing of a health care provider.

Present law defines "health care" as any act or treatment performed or furnished, or which should have been performed or furnished, by any health care provider for, to, or on behalf of a patient during the patient's medical care, treatment, or confinement, or during or relating to or in connection with the procurement of human blood or blood components.

Proposed law retains present law definition of "health care" but includes other patient-related services or professional services performed or furnished by a health care provider.

Proposed law defines "patient-related service" as any act or service rendered or which should have been rendered to a patient relating to supervision, assistance with daily living and hygiene, or risk of falling.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1299.41(A)(8) and (9); adds R.S. 40:1299.41(A)(22))