

Regular Session, 2008

HOUSE BILL NO. 887

BY REPRESENTATIVE LABRUZZO

MALPRACTICE/MEDICAL: Provides relative to limiting medical malpractice recovery in certain circumstances

1 AN ACT

2 To enact R.S. 40:1299.39(O) and 1299.42(F), relative to limitations on medical malpractice
3 claims; to provide for the reduction in the amount recoverable in certain
4 circumstances; to limit certain causes of action filed by certain persons; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1299.39(O) and 1299.42(F) are hereby enacted to read as follows:

8 §1299.39. Definitions and general application

9 * * *

10 O.(1) A patient who is over eighteen years of age, who is not a citizen of the
11 United States, and who is not lawfully admitted to temporarily visit or lawfully
12 admitted for permanent or temporary residence and accorded the privilege of
13 lawfully visiting or residing in the United States, as verified by the United States
14 Citizenship and Immigration Services or other appropriate federal agency or court,
15 shall have no cause of action against a health care provider for any damages or injury
16 resulting from malpractice other than a cause of action for future medical care as
17 otherwise authorized by this Section. The provisions of this Subsection shall not
18 apply to a cause of action resulting from damage or injury caused by the willful or
19 wanton misconduct or gross negligence of the health care provider.

Proposed law provides that proposed law shall not apply to a cause of action resulting from damage or injury caused by the willful or wanton misconduct or gross negligence of the health care provider.

Proposed law provides that the provisions of proposed law shall not apply to a patient who pays for his health care services, whether by cash, insurance, or otherwise.

(Adds R.S. 40:1299.39(O) and 1299.42(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deletes all provisions of proposed law in original bill and adds provisions prohibiting certain persons not legally admitted into the U.S. from bringing an action for medical malpractice other than an action for future medical care.

House Floor Amendments to the engrossed bill.

1. Adds provision requiring verification of immigrant status.
2. Adds exception for patients who have paid for their health care.