

2015 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE HENRY BURNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MALPRACTICE/MEDICAL: Adds licensed dietitians/licensed nutritionists under the medical malpractice act

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 include licensed
4 dietitians/licensed nutritionists within the definitions of state health care provider
5 and health care provider; 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, licensed dietician/licensed nutritionist,
19 registered nurse, licensed practical nurse, nurse practitioner, clinical nurse specialist,
20 pharmacist, optometrist, podiatrist, physical therapist, occupational therapist,

1 licensed respiratory therapist, licensed radiologic technologist, licensed clinical
2 laboratory scientist, social worker, hospital administrator, or licensed professional
3 counselor, who is either:

4 * * *

5 §1299.41. Definitions and general applications

6 A. As used in this Part:

7 * * *

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

29 * * *

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 335 Engrossed

2015 Regular Session

Henry Burns

Abstract: Adds licensed dietitians/licensed nutritionists to the definitions of "state health care provider" and "health care provider" in order to include licensed dietitians/licensed nutritionists within the medical malpractice limitations of liability.

Present law provides a limitation of liability for state health care providers for state health care services and for health care providers for private health care services, each of which limits their malpractice liability to \$500,000, plus interest and costs, exclusive of future medical care and related benefits.

Present law provides definitions for "state health care provider" and for "health care provider", both of which include, in part, physicians, psychologists, dentists, registered nurses, pharmacists, optometrists, social workers, and physical and occupational therapists.

Proposed law adds licensed dietitians/licensed nutritionists to the definitions of "state health care provider" and "health care provider" in order to include licensed dietitians/licensed nutritionists within the medical malpractice limitations of liability.

(Amends R.S. 40:1299.39(A)(1)(a)(ii)(intro. para.) and 1299.41(A)(10))

Summary of Amendments Adopted by House

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

1. Change the reference from "licensed dietitian" to "licensed dietitians/licensed nutritionists".