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**LEGISLATIVE UPDATE**  
**May 9, 2008**

During the Regular Session, weekly updates will be available on the LAFP website at [www.lafp.org](http://www.lafp.org). Information on legislators, bill text, status of bills, and legislative committee membership, can be found on the website of the Louisiana State Legislature <http://www.legis.state.la.us>. Contact with individual legislators may be made by using the information below:

The Public Update Legislative Service (PULS) line 225.342.2456 in Baton Rouge and 800.256.3793 from elsewhere, gives you the status of a bill over the phone.

Contact Senate Switchboard: 225.342.2040 or 225.342.0617 fax  
Contact House Switchboard: 225.342.6945 or 225.342.8336 fax

Below are issues that were followed the week of May 5<sup>th</sup> thru 9<sup>th</sup>. Please contact the LAFP office if you have any questions.

**MEDICAL MALPRACTICE**

HB 555 by Rep. Kleckly chairman of the House Insurance Committee, clarifies the definition and requirements for PCF qualification under a “claims-made” professional liability insurance policy. HB 555 is part of the Medical Malpractice Coalition’s Legislative Package.. **This bill was to be heard by the House Committee on Insurance on 05-06-08 but was cancelled.**

*LAFP Position: Monitor*

HB 689 by Rep. Edwards excludes economic loss from medical malpractice cap. **This bill was to be heard by the House Committee on Civil Law on 05-05-08 but was cancelled.**

*LAFP Position: Strongly Oppose*

HB 1186 by Rep. Labruzzo reduces the amount of malpractice claims for uninsured patients. **This bill is scheduled to be on 05-12-08 at 9:30 am by the House Committee on Civil Law in Room 2.**

*LAFP Position: Monitor*

SB 320 by Sen. Cassidy provides a constitutional amendment be submitted to Louisiana citizens codifying the establishment of a medical malpractice liability “cap” by the legislature. Such a constitutional provision would prevent the continuous expensive defense of constitutional challenges to the Medical Malpractice Act’s limitations of liability. The amount of the total “cap” would be established legislation and may be periodically changed by legislature, but the long established judicial constitutionality of the “cap” would be permanently enshrined in the constitution. **This bill was to be heard on 05-06-08.**

*LAFP Position: Lite Support*

SB 509 by Sen. Michot revises definitions under the private Medical Malpractice Act. **This bill was scheduled to be heard 05-06-08 by the Senate Judiciary.**

*LAFP Position: Oppose*

SB 652 by Sen. Michot provides relative to the definitions and general applications of medical malpractice. **This bill was scheduled to be heard 05-06-08 by the Senate Judiciary.**

*LAFP Position: Monitor*

### **MEDICAID**

HB 271 by Rep. Katz allows the Dept. of Health and Hospitals to use the market value of certain annuities to determine eligibility to participate in the Medicaid Long-Term Care Program. **This bill was returned to the House calendar on 5-8-08 and is subject to be called.**

*LAFP Position: Monitor*

HB 362 by Rep. Geymann directs DHH to seek a Medicaid waiver exempting certain nursing homes from paying a provider fee. **This bill was scheduled to be heard on 05-05-08 in Committee but was cancelled.**

*LAFP Position: Monitor*

SB 401 by Sen. Cassidy provides that Louisiana Medicaid use the same guidelines as employed by Centers of Medicaid and Medicare Services with regard to eligibility of newly formed organ transplant centers for payment for transplanted patients. **This bill was referred to House Committee on Health and Welfare 05-07-08.**

*LAFP Position: Monitor*

SB 402 by Sen. Cassidy provides for the allocation of uncompensated care payments. **This bill is to be heard by Senate Special Order on 05-12-08.**

*LAFP Position: Monitor*

### **WORKERS COMPENSATION**

HB 275 by Rep. Ligi provides relative to rules of evidence and procedure in workers' compensation hearings. **This bill is scheduled to be heard in the House Labor and Industrial Relations Committee at 9:00 am in Room 5.**

*LAFP Position: Monitor*

### **HOSPITALS**

HB 856 by Rep. Armes conditions the issuance of a license to an acute care hospital on providing emergency room services in certain rural areas. **This bill is scheduled to be heard by the House Committee on Health and Welfare on 05-08-08 in Committee Room 5 at 9:00 am.**

*LAFP Position: Monitor*

SB 309 by Sen. Gray creates and provides for the "Hospital Care Incentive Program." **This bill the Senate recommitted on 05-08-08 to Senate Finance.**

*LAFP Position: Monitor*

## **HEALTH CARE/RECORDS**

**HB 895** by Rep. Greene provides relative to certification of completeness of health care records. **This bill was referred on 05-07-08 to the Senate Committee on Health and Welfare.**

*LAFP Position: Monitor*

## **PHYSICIANS**

**HB 1071** by Rep. Ellington establishes a program to fund forgiveness of student loans for physicians in rural areas. **This bill was recommitted on 05-08-08 to the House Appropriations.**

*LAFP Position: Support*

## **HEALTH SERVICES**

**SB 43** by Sen. Mount provides for alternative remedies against health care providers. **This bill was set on the Senate Order on 05-08-08.**

*LAFP Position: Monitor*

## **SCHOOLS**

**SB 126** by Sen. Nevers requires school administrators to check students' immunization records to ensure compliance. **This bill was referred by the House to the House Committee on House Education.**

*LAFP Position: Light Support*

## **PRESCRIPTION**

**SB 186** by Sen. Marionneaux extends the one year prescription for civil actions generally to two years. **This bill was scheduled to be heard on 05-06-08 at 9:30 am in John J. Hainkel Room. The bill was not heard.**

*LAFP Position: Strongly Oppose*

## **LIABILITY**

**SB 222** by Sen. Quinn creates the Asbestos and Silica Claims Medical Criteria Act. **This bill was scheduled to be heard on 05-06-08 at 9:30 am in John J. Hainkel Room. The bill was not heard.**

*LAFP Position: Monitor*

**SB 301** by Sen. Chaisson provides for qualified immunity for certain medical personnel during evacuation or treatment of patients in a declared state of emergency. **This bill was scheduled to be heard on 05-09-08 by House Committee on Civil Law but was cancelled.**

*LAFP Position: Lite Support*

**SB 330** by Sen. Chaisson provides relative to limitation of liability for medical services during a declared state of emergency. **This bill was referred on 05-07-08 to the House Committee on Civil Law.**

*LAFP Position: Monitor*

**SB 353** by Sen. Gautreaux limits liability of volunteer supervisory physicians at certain nonprofit centers. **This bill is scheduled to be heard by House Civil Law on 05-12-08 at 9:30 am in Room 2.**

*LAFP Position: Monitor*

## **HEALTH CARE**

**SB 229** by Sen. Mount provides for health care facilities violations and penalties. **This bill was set by the Senate on the Senate Orders.**

*LAFP Position: Monitor\*

**SB 261** by Sen. Jackson extends the sunset date of the Interagency Task Force on Family Medicine. **This bill was referred by the House on 05-07-08 to the House Committee on Health and Welfare.**

*LAFP Position: Strongly Support*

**SB 269** by Sen. McPherson reorganizes the Louisiana Health Works Commission. **This bill was referred by the House on 05-07-08 to the House Committee on Education.**

*LAFP Position: Monitor*

**SB 323** by Sen. Thompson expands the definition of consent to medical treatment. **This bill was referred by the House on 05-05-08 to the House Committee on Civil Law.**

*LAFP Position: Lite Support*

## **CIVIL PROCEDURE**

**SB 307** by Sen. Donahue prohibits recovery for loss of enjoyment of life as a separate element of damages apart from pain and suffering damages and prohibits an instruction to the jury which separates loss of enjoyment of life from pain and suffering. **This bill was to be heard by the Senate Judiciary on 05-06-08 at 9:30 am. This bill was not heard and rescheduled.**

*LAFP Position: Strong Support\*

## **HEALTH/HOSPITALS DEPT.**

**SB 332** by Sen. Thompson creates the Health Care Information Technology and Infrastructure Advisory Collaborative. **This bill was set on Senate Orders 05-08-08.**

*LAFP Position: Monitor*

## **HEALTH/ACC. INSURANCE**

**SB 464** by Sen. Murray provides relative to health care arrangements provided to a health care consumer. **This bill was heard on 05-07-08 by the Senate Insurance Committee.**

*LAFP Position: Strongly Oppose*