

ACT No. 323

2015 Regular Session

HOUSE BILL NO. 335

BY REPRESENTATIVE HENRY BURNS

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AN ACT

To amend and reenact R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10), relative to medical malpractice; to include certain licensed dieticians/licensed nutritionists within the definitions of state health care provider and health care provider; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1299.39(A)(1)(a)(ii)(introductory paragraph) and 1299.41(A)(10) are hereby amended and reenacted to read as follows:

§1299.39. Definitions and general application

A. As used in this Part:

(1)(a) "State health care provider" or "person covered by this Part" means:

* * *

(ii) A person acting in a professional capacity in providing health care services, by or on behalf of the state, including but not limited to a physician, psychologist, coroner, and assistant coroner who is a licensed physician when acting solely in accordance with the Mental Health Law as provided in R.S. 28:50 et seq., provided that the premium costs of such malpractice coverage shall be the responsibility of the coroner's office, dentist, a licensed dietician or licensed nutritionist employed by, referred by, or performing work under contract for, a state health care provider or other person already covered by this Part, registered nurse, licensed practical nurse, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist, physical therapist, occupational therapist, licensed respiratory

1 therapist, licensed radiologic technologist, licensed clinical laboratory scientist,
2 social worker, hospital administrator, or licensed professional counselor, who is
3 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, a licensed
12 dietician or licensed nutritionist employed by, referred by, or performing work under
13 contract for, a health care provider or other person already covered by this Part,
14 registered or licensed practical nurse or certified nurse assistant, offshore health
15 service provider, ambulance service under circumstances in which the provisions of
16 R.S. 40:1299.39 are not applicable, certified registered nurse anesthetist, nurse
17 midwife, licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist,
18 optometrist, podiatrist, chiropractor, physical therapist, occupational therapist,
19 psychologist, social worker, licensed professional counselor, licensed perfusionist,
20 licensed respiratory therapist, licensed radiologic technologist, licensed clinical
21 laboratory scientist, or any nonprofit facility considered tax-exempt under Section
22 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis
23 and treatment of cancer or cancer-related diseases, whether or not such a facility is
24 required to be licensed by this state, or any professional corporation a health care
25 provider is authorized to form under the provisions of Title 12 of the Louisiana
26 Revised Statutes of 1950, or any partnership, limited liability partnership, limited
27 liability company, management company, or corporation whose business is
28 conducted principally by health care providers, or an officer, employee, partner,

1 member, shareholder, or agent thereof acting in the course and scope of his
2 employment.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____