

Office of the Governor
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



P.O. Box 94004
BATON ROUGE, LOUISIANA 70804-9004
(225) 342-7015
GOV.LA.GOV

July 1, 2021

VIA HAND DELIVERY

Honorable Clay J. Schexnayder
Speaker of the House
Louisiana House of Representatives
Post Office Box 94062
Baton Rouge, Louisiana 70804-9062

RE: Veto of House Bill 263 of the 2021 Regular Session

Dear Speaker Schexnayder:

Please be advised that I have vetoed House Bill 263 of the 2021 Regular Session.

This bill, as finally passed, would carve out an exception to the prohibition of a judge, magistrate, district attorney, or assistant district attorney being chosen to serve on a medical review panel for purposes of the review required for a medical malpractice lawsuit. This would establish the only carve out within the medical review panel process to date. Because this carve out would only exist until August 1, 2031, it can only be assumed that it is intentional and for a specific individual in the City of Shreveport. Best practices have always ensured the legislature pass laws for the general and not the specific.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bel Edwards".

John Bel Edwards
Governor

cc: Honorable Patrick Page Cortez
Louisiana Senate President

ENROLLED

2021 Regular Session

HOUSE BILL NO. 263

BY REPRESENTATIVE SEABAUGH

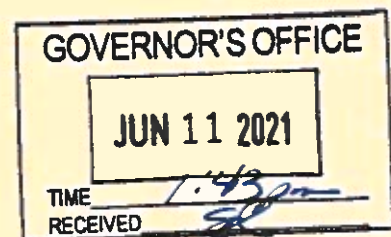
AN ACT

To amend and reenact R.S. 13:1875(7), R.S. 40:1231.8(C)(1)(a), and 1237.2(C)(1)(a), relative to judges of the City Court of Shreveport; to authorize judges of the City Court of Shreveport to serve on a medical review panel; to provide for a termination date; and to provide for related matters.

===== **ORIGINATED** =====

===== IN THE =====

House of Representatives



Michelle D. Fedorist
Clerk of the House of Representatives

2021 Regular Session

HOUSE BILL NO. 263

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 13:1875(7), R.S. 40:1231.8(C)(1)(a), and 1237.2(C)(1)(a),
3 relative to judges of the City Court of Shreveport; to authorize judges of the City
4 Court of Shreveport to serve on a medical review panel; to provide for a termination
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1875(7) is hereby amended and reenacted to read as follows:

8 §1875. Compensation of city judges; particular courts

9 The judges of the following city courts shall receive the salaries provided in
10 this Section:

11 * * *

12 (7)(a) The judges of the ~~Shreveport~~ City Court of Shreveport shall receive
13 the same salary and expenses as provided for district court judges, payable monthly
14 on their respective warrants. The state shall pay that portion of the salary specified
15 by R.S. 13:1874(E). The city of Shreveport shall pay the remaining portion of the
16 salary and expenses in an amount sufficient to equal the salary and expenses of the
17 district court judges. ~~The judges of the city court of Shreveport shall not engage in~~
18 ~~the practice of law.~~

19 (b) In addition to the salary specified by R.S. 13:1874(E) to be paid by the
20 state of Louisiana to the judges of the City Court of Shreveport, the state shall pay
21 to such judges an annual salary of six thousand eight hundred eleven dollars. In
22 addition to the salary paid such judges by the state, they shall be paid an annual
23 salary of twelve thousand dollars payable monthly on their respective warrants by

1 the city of Shreveport, and the governing authority of the city of Shreveport shall pay
2 such additional salary as they deem proper. ~~The judges of the City Court of~~
3 ~~Shreveport shall not engage in the practice of law.~~

4 (c) Notwithstanding any other provision of law to the contrary, the judges of
5 the City Court of Shreveport shall not engage in the practice of law, except any judge
6 may serve as the attorney member on a medical review panel pursuant to R.S.
7 40:1231.8 or 1237.2.

8 * * *

9 Section 2. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby amended and
10 reenacted to read as follows:

11 §1231.8. Medical Review Panel

12 * * *

13 C. The medical review panel shall consist of three health care providers who
14 hold unlimited licenses to practice their profession in Louisiana and one attorney.
15 The parties may agree on the attorney member of the medical review panel. If no
16 attorney for or representative of any health care provider named in the complaint has
17 made an appearance in the proceedings or made written contact with the attorney for
18 the plaintiff within forty-five days of the date of receipt of the notification to the
19 health care provider and the insurer that the required filing fee has been received by
20 the patient's compensation board as required by Subparagraph (A)(1)(c) of this
21 Section, the attorney for the plaintiff may appoint the attorney member of the
22 medical review panel for the purpose of convening the panel. Such notice to the
23 health care provider and the insurer shall be sent by registered or certified mail,
24 return receipt requested. If no agreement can be reached, then the attorney member
25 of the medical review panel shall be selected in the following manner:

26 (1)(a) The office of the clerk of the Louisiana Supreme Court, upon receipt
27 of notification from the board, shall draw five names at random from the list of
28 attorneys who reside or maintain an office in the parish which would be proper venue
29 for the action in a court of law. ~~The~~ Except as provided in R.S. 13:1875(7), the
30 names of judges, magistrates, district attorneys and assistant district attorneys shall

1 be excluded if drawn and new names drawn in their place. After selection of the
 2 attorney names, the office of the clerk of the supreme court shall notify the board of
 3 the names so selected. It shall be the duty of the board to notify the parties of the
 4 attorney names from which the parties may choose the attorney member of the panel
 5 within five days. If no agreement can be reached within five days, the parties shall
 6 immediately initiate a procedure of selecting the attorney by each striking two names
 7 alternately, with the claimant striking first and so advising the health care provider
 8 of the name of the attorney so stricken; thereafter, the health care provider and the
 9 claimant shall alternately strike until both sides have stricken two names and the
 10 remaining name shall be the attorney member of the panel. If either the plaintiff or
 11 defendant fails to strike, the clerk of the Louisiana Supreme Court shall strike for
 12 that party within five additional days.

13 * * *

14 §1237.2. State Medical Review Panel

15 * * *

16 C.(1) The state medical review panel shall consist of one attorney and three
 17 health care providers who hold unlimited licenses to practice their profession in
 18 Louisiana. The parties may agree on the attorney member of the state medical
 19 review panel. If no attorney for or a representative of any health care provider
 20 named in the complaint has made an appearance in the proceeding or made written
 21 contact with the attorney for the plaintiff within forty-five days of the date of receipt
 22 of the notification to the health care provider and the insurer that the required filing
 23 fee has been received by the commissioner or the patients compensation board as
 24 required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may
 25 appoint the attorney member of the state medical review panel for the purpose of
 26 convening the panel. Such notice to the health care provider and the insurer shall be
 27 sent by registered or certified mail, return receipt requested. If no agreement can be
 28 reached, then the attorney member of the state medical review panel shall be selected
 29 in the following manner:

1 (a) The office of the clerk of the Louisiana Supreme Court, upon receipt of
 2 notification from the commissioner, shall draw five names at random from the list
 3 of attorneys who reside or maintain an office in the parish which would be proper
 4 venue for the action in a court of law. ~~The~~ Except as provided in R.S. 13:1875(7),
 5 the names of judges, magistrates, district attorneys, and assistant district attorneys
 6 shall be excluded if drawn and new names drawn in their place. After selection of
 7 the attorney names, the office of the clerk shall notify the office of the commissioner
 8 of the names so selected. It shall be the duty of the office of the commissioner to
 9 notify the parties of the attorney names from which the parties may choose the
 10 attorney member of the panel within five days. If no agreement can be reached
 11 within five days, the parties shall immediately initiate a procedure of selecting the
 12 attorney by each striking two names alternately, with the claimant striking first and
 13 so advising the state or the person covered by this Part of the name of the attorney
 14 so stricken; thereafter, the state or the person covered by this Part and the claimant
 15 shall alternately strike until both sides have stricken two names and the remaining
 16 name shall be the attorney member of the panel. If either party fails to strike, the
 17 clerk shall strike for that party within five additional days.

18 Section 3. R.S. 13:1875(7) is hereby amended and reenacted to read as follows:

19 §1875. Compensation of city judges; particular courts

20 The judges of the following city courts shall receive the salaries provided in
 21 this Section:

22 * * *

23 (7)(a) The judges of the City Court of Shreveport shall receive the same
 24 salary and expenses as provided for district court judges, payable monthly on their
 25 respective warrants. The state shall pay that portion of the salary specified by R.S.
 26 13:1874(E). The city of Shreveport shall pay the remaining portion of the salary and
 27 expenses in an amount sufficient to equal the salary and expenses of the district court
 28 judges. The judges of the city court of Shreveport shall not engage in the practice
 29 of law.

(b) In addition to the salary specified by R.S. 13:1874(E) to be paid by the state of Louisiana to the judges of the City Court of Shreveport, the state shall pay to such judges an annual salary of six thousand eight hundred eleven dollars. In addition to the salary paid such judges by the state, they shall be paid an annual salary of twelve thousand dollars payable monthly on their respective warrants by the city of Shreveport, and the governing authority of the city of Shreveport shall pay such additional salary as they deem proper. The judges of the City Court of Shreveport shall not engage in the practice of law.

~~(c) The judges of the City Court of Shreveport shall not engage in the practice of law, except any judge may serve as the attorney member on a medical review panel pursuant to R.S. 40:1231.8 or 1237.2.~~

* * *

Section 4. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby amended and reenacted to read as follows:

§1231.8. Medical Review Panel

* * *

C. The medical review panel shall consist of three health care providers who hold unlimited licenses to practice their profession in Louisiana and one attorney. The parties may agree on the attorney member of the medical review panel. If no attorney for or representative of any health care provider named in the complaint has made an appearance in the proceedings or made written contact with the attorney for the plaintiff within forty-five days of the date of receipt of the notification to the health care provider and the insurer that the required filing fee has been received by the patient's compensation board as required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may appoint the attorney member of the medical review panel for the purpose of convening the panel. Such notice to the health care provider and the insurer shall be sent by registered or certified mail, return receipt requested. If no agreement can be reached, then the attorney member of the medical review panel shall be selected in the following manner:

1 (1)(a) The office of the clerk of the Louisiana Supreme Court, upon receipt
 2 of notification from the board, shall draw five names at random from the list of
 3 attorneys who reside or maintain an office in the parish which would be proper venue
 4 for the action in a court of law. ~~Except as provided in R.S. 13:1875(7), the~~ The
 5 names of judges, magistrates, district attorneys and assistant district attorneys shall
 6 be excluded if drawn and new names drawn in their place. After selection of the
 7 attorney names, the office of the clerk of the supreme court shall notify the board of
 8 the names so selected. It shall be the duty of the board to notify the parties of the
 9 attorney names from which the parties may choose the attorney member of the panel
 10 within five days. If no agreement can be reached within five days, the parties shall
 11 immediately initiate a procedure of selecting the attorney by each striking two names
 12 alternately, with the claimant striking first and so advising the health care provider
 13 of the name of the attorney so stricken; thereafter, the health care provider and the
 14 claimant shall alternately strike until both sides have stricken two names and the
 15 remaining name shall be the attorney member of the panel. If either the plaintiff or
 16 defendant fails to strike, the clerk of the Louisiana Supreme Court shall strike for
 17 that party within five additional days.

* * *

§1237.2. State Medical Review Panel

* * *

21 C.(1) The state medical review panel shall consist of one attorney and three
 22 health care providers who hold unlimited licenses to practice their profession in
 23 Louisiana. The parties may agree on the attorney member of the state medical
 24 review panel. If no attorney for or a representative of any health care provider
 25 named in the complaint has made an appearance in the proceeding or made written
 26 contact with the attorney for the plaintiff within forty-five days of the date of receipt
 27 of the notification to the health care provider and the insurer that the required filing
 28 fee has been received by the commissioner or the patients compensation board as
 29 required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may
 30 appoint the attorney member of the state medical review panel for the purpose of

1 convening the panel. Such notice to the health care provider and the insurer shall be
2 sent by registered or certified mail, return receipt requested. If no agreement can be
3 reached, then the attorney member of the state medical review panel shall be selected
4 in the following manner:

5 (a) The office of the clerk of the Louisiana Supreme Court, upon receipt of
6 notification from the commissioner, shall draw five names at random from the list
7 of attorneys who reside or maintain an office in the parish which would be proper
8 venue for the action in a court of law. ~~Except as provided in R.S. 13:1875(7), the~~
9 The names of judges, magistrates, district attorneys, and assistant district attorneys
10 shall be excluded if drawn and new names drawn in their place. After selection of
11 the attorney names, the office of the clerk shall notify the office of the commissioner
12 of the names so selected. It shall be the duty of the office of the commissioner to
13 notify the parties of the attorney names from which the parties may choose the
14 attorney member of the panel within five days. If no agreement can be reached
15 within five days, the parties shall immediately initiate a procedure of selecting the
16 attorney by each striking two names alternately, with the claimant striking first and
17 so advising the state or the person covered by this Part of the name of the attorney
18 so stricken; thereafter, the state or the person covered by this Part and the claimant
19 shall alternately strike until both sides have stricken two names and the remaining
20 name shall be the attorney member of the panel. If either party fails to strike, the
21 clerk shall strike for that party within five additional days.

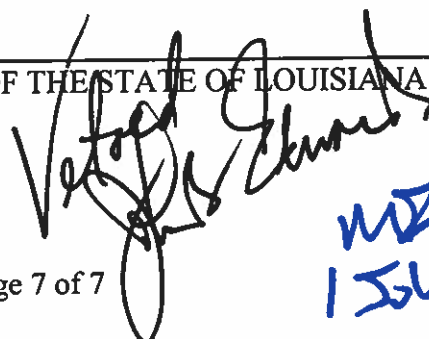
22 Section 5. Sections 3 and 4 shall become effective on August 1, 2031.


SPEAKER OF THE HOUSE OF REPRESENTATIVES


PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____


WZB
1 July 2021