LOUISIANA STATE UNIVERSITY
HEALTH CARE SERVICES DIVISION
BATON ROUGE, LOUISIANA

POLICY NUMBER:	7001-13
CATEGORY:	Legal
CONTENT:	HCSD Policy And Procedure On Disposition Of Medical Bills In The Settlement Of A Medical Malpractice Claim Or Suit
EFFECTIVE DATE:	Issued: March 18, 2002 Reviewed: June 12, 2008 Reviewed: June 28, 2010 Reviewed: October 1, 2011 Reviewed: January 23, 2013
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Interim Chief Executive Officer
LSU Health Care Services Division

2/13/13
Date

Deputy Chief Executive Officer
LSU Health Care Services Division

1/25/13
Date

Senior Attorney
LSU Health Care Services Division

01/23/13
Date

LSU HCSD POLICY AND PROCEDURE ON DISPOSITION OF MEDICAL BILLS IN THE SETTLEMENT OF A MEDICAL MALPRACTICE CLAIM OR SUIT

Policy

Upon the request and advice of the Attorney General of Louisiana, attorneys acting on the Attorney General's behalf, or attorneys assigned to defend medical malpractice claims against LSU HCSD, its hospitals, or personnel, the Chief Executive Officer or his designee may waive the medical bills owed by a patient, who is claiming medical malpractice, in exchange for amicably settling the claim. The request shall be in written form and signed by the requesting attorney. The Chief Executive Officer or a designee may seek the advice of in-house counsel, hospital administrator, and employees involved in the matter. However, the Chief Executive Officer or designee is not required to consult these parties prior to waiving bills to settle a medical malpractice claim. Either the Chief Executive Officer or the designee may authorize the waiver and one is not preferential to the other. When neither Chief Executive Officer nor the designee is available, and there is an emergency, another person may be designated to act on their behalf and shall have authority to authorize a waiver during the absence.

Procedure

Requests for a waiver of medical bills to settle a medical malpractice claim should be made in writing by the Attorney General of Louisiana, attorneys acting on the Attorney General's behalf, or attorneys assigned to defend medical malpractice claims against LSU HCSD, its hospitals, and personnel. The request should briefly indicate the facts of the case.

The request should be referred to LSU HCSD's Legal Section for evaluation and possible consultations with the requesting attorney who is defending LSU HCSD, its hospitals, or personnel, and LSUHCSD employees.

The Legal Section should forward a brief written evaluation and suggestion, with the written request for a waiver, to the Chief Executive Officer or a designee for review and approval or denial. The approval or denial should be written on the evaluation and suggestion document submitted by the LSU HCSD's Legal Section.

Once approved or denied, the Legal Section should inform the requesting attorney of the decision. If the request has been granted (agreement to waive the medical bills to settle the medical malpractice claim) and the medical malpractice claimant accepts the settlement, the attorney who requested the waiver will be required to advise the hospital Chief Financial Officer (where the medical bill is to be waived) in writing that the medical bills are to be waived. If there is more than one hospital, the requesting attorney must advise each hospital's Chief Financial Officer.

Waiver of Medical Charges in a
Medical Malpractice Claim

LSU HEALTH CARE SERVICES DIVISION
OFFICE OF LEGAL SERVICES

DATE: **(DATE)**

TO: **(NAME)**
Chief Executive Officer or Designee

FROM: **(NAME)**
General Counsel/Senior Attorney

RE: **Waiver of Medical Bills for (PATIENT'S NAME)**
Claiming Medical Malpractice

(FACTS – MAY SIMPLY REFER TO LETTER AND MATERIALS FROM AG's LAWYER)

(REASONING – MAY SIMPLY REFER TO LETTER AND MATERIALS FROM AG's LAWYER)

(SUGGESTION)

_____
(NAME)
General Counsel/Senior Attorney

I concur / I do not concur (circle one)

_____
(NAME)
Chief Executive Officer or Designee

Comments: