

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - LOUISIANA**

### **Billeaudeau v. Opelousas General Hospital Authority**

**Court of Appeal of Louisiana, Third Circuit - February 7, 2018 - So.3d - 2018 WL 738316 - 2017-735 (La.App. 3 Cir. 2/7/18)**

Patient's mother, individually and as curatrix of patient, and patient's father brought negligence action against hospital, asserting that hospital negligently credentialed emergency room physician, who failed to provide a treatment for stroke victims to patient, who was subsequently diagnosed as having suffered stroke and who survived stroke but suffered severe, irreversible brain damage.

The District Court found that Louisiana Governmental Claims Act was controlling with respect to claim of negligent credentialing and granted hospital's motion for partial summary judgment, and denied mother's and father's motion to declare section of Act defining "political subdivision" unconstitutional. Mother and father appealed.

The Court of Appeal held that:

- Hospital was "political subdivision" for purposes of Louisiana Governmental Claims Act, and thus section of Act concerning limitation of liability applied to negligent credentialing claim, and
- Section of Act defining "political subdivision" was not unconstitutional as applied to mother and father.

Hospital was "political subdivision" for purposes of Louisiana Governmental Claims Act, and thus section of Act concerning limitation of liability applied to patient's claim against hospital for negligent credentialing of physician; hospital service district was created as political subdivision of State, pursuant to statute which governed hospital service districts, and hospital was created as public trust for benefit of hospital service district under Public Trust Act, which provided that "[a]ll public trusts...shall constitute public corporations of the beneficiary[.]"

Statute defining "political subdivision" for purposes of Louisiana Governmental Claims Act was not unconstitutional as applied to mother and father of patient, who brought action against public hospital for negligent credentialing based on physician's allegedly negligent treatment of patient; mother and father failed to actually explain how their rights were violated by statute in order to overcome presumption that statute was constitutional, and, further, Louisiana Constitution directed legislature to provide both procedure for suits against entities such as hospital and for limitation on effect of judgments against it, and legislature clearly expressed its purpose in enacting Act, which limited recovery of damages from political subdivisions of State as defined by statute.