
DIGEST

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SB 277 Reengrossed

2018 Regular Session

Claitor

Present law creates the seven-member La. State Board of Medical Examiners (hereafter, the "board"). Provides, generally, for powers and duties of the board with respect to regulation of the practice of medicine in this state.

Proposed law increases the number of members of the board from seven to nine by adding to the board the following members:

- (1) One member from a list submitted by the La. Hospital Association.
- (2) One consumer member who shall be a full voting member, except that he shall not participate in any adverse licensure action initiated by the board.

Proposed law establishes the qualifications of the consumer member who is to be added to the board's membership.

Present law provides that any staff member of the La. State Board of Medical Examiners, except the executive director, may be appointed to act as the lead investigator for any complaint regarding a physician received by the board or any investigation regarding a physician initiated by the board upon its own motion. Proposed law repeals present law.

Proposed law requires the board to appoint a director of investigations, who shall be a La.-licensed physician and who has engaged in the active practice of medicine for at least five years, to act as the lead investigator for any complaint regarding a physician received by the board or any investigation regarding a physician initiated by the board upon its own motion in accordance with present law. Provides that the director of investigations shall serve at the pleasure of the board and be answerable directly to the board. Prohibits the director of investigations from concurrently serving as the executive director of the board.

Proposed law stipulates that the board shall only initiate an investigation based upon one or more of the following causes:

- (1) A complaint received from a person other than an employee of the board.
- (2) Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
- (3) The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.

Proposed law provides that prior to the board conducting any site visit or requesting medical records from an individual licensed by the board who is not subject to an active investigation initiated pursuant to proposed law, the board's executive director shall request approval of the board through a duly adopted motion by 2/3 vote of the board, meeting in executive session, to conduct the site visit or records request. Requires that the executive director include in the request for approval the basis upon which the site visit or records request is warranted, the number of records to be requested, if applicable, the date, time, and anticipated length of the proposed site visit, and the dates of any previous site visits. Prohibits the board from disclosing the identity of any individual included in the request for approval.

(Amends R.S. 37:1263 and 1285.2(A) and (D); Adds R.S. 37:1270(A)(9))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Replaces the physician member appointed to the board from a list of names submitted by Tulane Medical School with a non-physician member appointed from a list of names submitted by the chairmen of the senate and house committees on health and welfare and limits that appointment to a one-year term.

Senate Floor Amendments to engrossed bill

1. Increases LSBME membership from seven to nine.
2. Adds one member appointed from a list of names submitted by the LSU Health Sciences Center at Shreveport.
3. Removes provision that the non-physician member serve only one term.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill:

1. Revise present law and proposed law relative to the membership of the La. State Board (hereafter, the "board") to increase the number of members of the board from seven to nine by adding to the board the following members:
 - a. One member from a list submitted by the La. Hospital Association.
 - b. One consumer member who shall be a full voting member, except that he shall not participate in any adverse licensure action initiated by the board.
2. Delete proposed law relative to initiation of disciplinary proceedings by the board.
3. Delete present law providing that any staff member of the board, except the executive director, may be appointed to act as the lead investigator for any complaint regarding a physician received by the board or any investigation regarding a physician initiated by the board upon its own motion.
4. Require the board to appoint a director of investigations, who shall be a La.-licensed physician and who has engaged in the active practice of medicine for at least five years, to act as the lead investigator for any complaint regarding a physician received by the board or any investigation regarding a physician initiated by the board upon its own motion in accordance with present law.
5. Provide that the director of investigations shall serve at the pleasure of the board and be answerable directly to the board, and prohibit the director of investigations from concurrently serving as the executive director of the board.
6. Stipulate that the board shall only initiate an investigation based upon one or more of the following causes:
 - a. A complaint received from a person other than an employee of the board.

- b. Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
 - c. The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
7. Provide that prior to the board conducting any site visit or requesting medical records from an individual licensed by the board who is not subject to an active investigation initiated pursuant to proposed law, the board's executive director shall request approval of the board through a duly adopted motion by 2/3 vote of the board, meeting in executive session, to conduct the site visit or records request. Require that the executive director include in the request for approval the basis upon which the site visit or records request is warranted and certain other information relative to the site visit or records request. Prohibit the board from disclosing the identity of any individual included in the request for approval.