

2018 Regular Session

ACT No. 463

HOUSE BILL NO. 724 (Substitute for House Bill No. 420 by Representative Dustin Miller)

BY REPRESENTATIVE DUSTIN MILLER

1 AN ACT

2 To enact R.S. 42:1123.2, relative to the Code of Governmental Ethics; to provide an
3 exception to certain provisions of the code to allow a licensed physician to perform
4 the duties of certain positions at the Louisiana Department of Health and to practice
5 medicine outside of the performance of such duties; to require certain disclosure; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1123.2 is hereby enacted to read as follows:

9 §1123.2. Exception; certain positions at the Louisiana Department of Health

10 A.(1) The provisions of R.S. 42:1111(C), 1112, and 1113 shall not apply to
11 an exempted physician in the performance of the functions and duties of a position
12 listed in Subsection D of this Section or to the practice of medicine by the exempted
13 physician outside of the performance of such functions and duties.

14 (2) The provisions of R.S. 42:1111(E) shall not apply to an exempted
15 physician but only to the extent that the transaction with the Louisiana Department
16 of Health is limited to and necessary for the physician's medical care of patients.

17 B. The provisions of R.S. 42:1121 shall not apply to a former exempted
18 physician who served in the position described in Paragraph (D)(4) of this Section.

19 C. Prior to being employed by or contracting with the Louisiana Department
20 of Health or an agency thereof to serve in a position listed in Subsection D of this
21 Section, a licensed Louisiana physician shall disclose to the secretary of the
22 Louisiana Department of Health any possible conflicts of interest that could arise in
23 performing the functions and duties of the position, including outside employment

1 and business interests. All such disclosures shall be written and shall be a public
2 record.

3 D. For purposes of this Section, "exempted physician" means a licensed
4 Louisiana physician who is employed by or who has contracted with the Louisiana
5 Department of Health or an agency thereof to serve in any of the following positions:

6 (1) Assistant secretary for the office of public health.

7 (2) Medicaid medical director.

8 (3) Medical director of the office of behavioral health.

9 (4) Physician, Eastern Louisiana Mental Health System, competency
10 restoration program.

11 (5) Cancer policy director.

12 E.(1) The compensation paid by the Louisiana Department of Health to each
13 physician in a position listed in Subsection D of this Section shall be commensurate
14 with the number of hours worked in such position by the physician.

15 (2) Each physician in a position listed in Paragraph (D)(1), (2), (3), or (5) of
16 this Section shall be required to work full-time in the position.

17 F. The Louisiana Department of Health shall submit a quarterly report to the
18 legislature containing the name of the physician in a position listed in Subsection D
19 of this Section, the position, the number of hours worked by the physician during the
20 previous quarter, and the amount of compensation received by the physician from
21 the department during the previous quarter.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____