

2026 Regular Session

HOUSE BILL NO. 1227

BY REPRESENTATIVE DEWITT

PHYSICIANS: Provides with respect to the Louisiana State Board of Medical Examiners

1 AN ACT

2 To enact R.S. 37:1285.2(H), relative to the physician peer review panel; to provide for
3 physician peer review prior to formal disciplinary proceedings; to provide for the
4 escalation of formal disciplinary proceedings; to provide for the membership and
5 governing guidelines of the physician review panel; to provide for the authority of
6 the Louisiana State Board of Medical Examiners; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1285.2(H) is hereby enacted to read as follows:

9 §1285.2. Investigations and adjudications; staff; complaints; board procedure;
10 rulemaking authority

11 * * *

12 H.(1) Complaints in which the allegations require evaluation of clinical
13 decisionmaking, diagnosis, treatment, prescribing, supervision of clinical care,
14 documentation of care, or standard of care shall receive peer physician review before
15 escalation to formal disciplinary proceedings.

16 (2) No complaint against a physician in which the allegations require
17 evaluation of clinical decisionmaking, diagnosis, treatment, prescribing, supervision
18 of clinical care, documentation of care, or standard of care shall be escalated to
19 formal disciplinary proceedings unless and until the complaint has been reviewed by
20 a physician review panel in accordance with this Subsection.

1 (3) For purposes of this Subsection "escalated to formal disciplinary
2 proceedings" means any recommendation or action by the board to institute a formal
3 investigation intended to lead to formal administrative charges, the filing of a formal
4 administrative complaint, or other formal disciplinary action authorized by law.
5 Nothing in this Subsection shall prohibit the receipt of complaints, preliminary
6 administrative screening, collection of records, or other ministerial investigative
7 steps by board staff.

8 (4)(a) The physician review panel shall consist of three physicians licensed
9 to practice medicine in this state, appointed pursuant to rules of the board, each of
10 whom shall be in good standing, shall have no conflict of interest in the matter under
11 review, and shall be actively engaged in the clinical practice of medicine.

12 (b) No member of the physician review panel shall be an employee of the
13 board.

14 (c) When the complaint concerns specialty-specific issues the board shall
15 endeavor to appoint physicians in the same or a substantially similar field of practice.

16 (5) The physician review panel shall review the complaint, any written
17 response submitted by the physician if one has been obtained, records and materials
18 compiled by board staff, any such other information as may be permitted by rule.
19 The panel shall make a written recommendation to the board as to one or more of the
20 following:

21 (a) The information reviewed does not support a reasonable belief that a
22 violation may have occurred.

23 (b) An additional investigation is warranted before any determination is
24 made.

25 (c) The information reviewed supports a reasonable belief that a violation
26 may have occurred.

27 (d) The matter appears appropriate for informal non-disciplinary resolution
28 if otherwise authorized by law.

1 (6) The recommendation of the physician review panel shall be advisory
2 only. Final authority to determine whether to dismiss a complaint, require additional
3 investigation, initiate formal investigation, file formal administrative charges, or
4 otherwise proceed as authorized by law shall remain with the board.

5 (7) If the board declines to follow the recommendation of the physician
6 review panel, the board shall state its reasons in a confidential internal record
7 maintained in the investigative file.

8 (8) All records, deliberations, communications, work product, and written
9 recommendations of the physician review panel shall be confidential and shall be
10 afforded the same confidentiality protections as other investigative materials of the
11 board, except as otherwise required by law.

12 (9) Members of the physician review panel shall be subject to recusal for
13 conflict of interest, bias, competitive relationship, prior material involvement in the
14 matter, or any other grounds as may be established by rule. A recused or disqualified
15 member shall be replaced in the manner provided by rule.

16 (10) The board shall adopt rules in accordance with the Administrative
17 Procedure Act to implement this Subsection, including but not limited to all of the
18 following:

19 (a) Qualifications, appointment, rotation, and terms of physician review
20 panel members.

21 (b) Procedures and deadlines for review.

22 (c) Standards for recusal, disqualification, and replacement.

23 (d) The form and content of panel recommendations.

24 (e) Confidentiality safeguards.

25 (f) Procedures for submission of materials to the panel.

26 (g) Procedures by which a physician who is the subject of a complaint may
27 submit a written response for panel consideration.

1 (h) Criteria for determining whether allegations require evaluation of clinical
2 decisionmaking, diagnosis, treatment, prescribing, supervision of clinical care,
3 documentation of care, or standard of care.

4 (11)(a) In emergency circumstances involving an imminent threat to public
5 health or patient safety, the board may take immediate temporary action otherwise
6 authorized by law without first obtaining physician review panel consideration.

7 (b) Any action taken pursuant to this Paragraph shall be narrowly tailored
8 to the emergency presented, and the matter shall be submitted to a physician review
9 panel as soon as practicable if further disciplinary escalation is pursued.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1227 Original

2026 Regular Session

Dewitt

Abstract: Provides with respect to investigations and adjudications by the La. State Board of Medical Examiners.

Proposed law provides that complaints that require evaluation of clinical decisionmaking, diagnosis, treatment, prescribing, supervision of clinical care, documentation of care, or standard of care receive peer physician review prior to formal disciplinary proceedings.

Proposed law provides that the complaint shall only be escalated to formal disciplinary proceedings after review by the physician review panel.

Proposed law defines "escalated to formal disciplinary proceedings".

Proposed law provides for the membership of the physician review panel and the guidelines in which the panel may or may not serve for a peer review complaint.

Proposed law provides the guidelines of how peer reviews are to be conducted and what materials are permissible.

Proposed law provides that the physician review panel is advisory only and final authority for complaints remains with the board.

Proposed law provides for the confidentiality of records and materials that are a part of peer reviews.

Proposed law provides that the board may take immediate temporary action authorized by law when there is an imminent threat to public health.

(Adds R.S. 37:1285.2(H))