
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)]

Lorusso

HB No. 273

Abstract: Provides relative to reports, records, and adjudicatory functions of the La. State Board of Medical Examiners.

Present law creates the La. State Board of Medical Examiners (board) and authorizes this body to regulate the practice of medicine in the state. Proposed law retains present law and revises or adds to various provisions addressing reports, records, and adjudicatory functions of the board.

Present law requires the board to submit an annual report to the governor on the condition of the practice of medicine in the state which includes recommendations for the improvement of the practice, a record of the proceedings of the board during the year, and the names of all physicians to whom the board issued licenses during the year. Proposed law retains present law and adds the legislative committees on health and welfare as entities to which the board shall also provide the annual report.

Proposed law changes the number of members which constitutes a quorum of the board from three to four.

Proposed law provides that the board shall only act with the concurrence of a majority of board members, provided at least four board members participate and vote.

Proposed law provides that in the event a board decision concerning the fitness of a person to practice medicine is based upon a medical finding, the board may include the finding in the written decision.

Proposed law stipulates that a public report of a final decision by the board shall only include a statement of the basis and reasons for the decision. Further provides that any other parts of the record other than those which are disclosed in a public report of the final decision shall not constitute a public record unless the physician seeks judicial review of the board adjudication.

Proposed law provides that no informal disposition of adjudication by the board shall constitute a public record, but that the board may report the disposition to the National Practitioner Data Bank if required by federal law. Further provides that before entering into any informal disposition with a physician, the board shall ensure that the physician fully understands all terms and conditions required by the informal disposition.

Present law provides that at the direction of the board, a hearing panel consisting of one or more

board members and totaling less than a quorum may hear charges and submit written findings, conclusions, and recommendations to the board to consider in arriving at its decision. Proposed law makes the following changes relative to hearing panels:

- (1) Changes the number of board members which may comprise a hearing panel from one or more to two or more.
- (2) Adds a prohibition on convening a hearing panel if more than one year has elapsed since the date the initial administrative complaint was lodged with the board.
- (3) Deletes provision stipulating that pursuant to consideration of a hearing panel's findings, the decision of a majority of a quorum shall be adopted as the final decision of the board.
- (4) Adds provision stipulating that pursuant to consideration of a hearing panel's findings, the board shall only adopt a final decision with the concurrence of a majority of the board members, provided at least four board members participate and vote.

Proposed law stipulates that in no case shall more than one year elapse from the date an administrative complaint is filed to when a final decision is rendered by the board.

Proposed law requires the board to destroy all records and other evidence of the existence of complaints terminated by dismissals after five years from the date of the dismissal.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1267, 1278(B), 1283, 1285(E)-(I), and 1285.1(B) and (D); Adds R.S. 37:1285(J) and 1285.1(E))