

GREEN SHEET REDIGEST

HB 843 Reengrossed

2015 Regular Session

Hazel

Present law provides that three members of the board constitute a quorum for all purposes including the holding of examinations, the granting of licenses and permits, rulemaking and, except as provided in present law, the adjudication functions of the LSBME.

Proposed law increases the quorum to four.

Present law authorizes the LSBME to refuse to issue, or suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit for the certain causes.

Proposed law retains present law but clarifies the following causes: professional incompetency, medical incompetency, and unprofessional conduct.

Proposed law authorizes any staff member of the board, except the executive director, 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 requires the board to adopt rules to provide for the investigation of complaints against physicians and adjudication of alleged violations by physicians. Further requires the rules to satisfy the minimum due process requirements of the Constitution of Louisiana and the Constitution of the United States of America and to address certain issues such as notice, discovery, and hearing procedure. Proposed law requires that the rule provide for notice to be given to the licensee within five business days after the board's investigation is approved by a majority vote of board members present and voting. Proposed law provides that such notice shall include a brief summary of the facts constituting the alleged violation.

Proposed law requires any final decision of the board to be supported by a preponderance of the evidence presented at the adjudicatory hearing.

Proposed law requires the board to adopt the rules required by proposed law no later than Jan. 1, 2016. Further requires the board to report monthly on the progress of the promulgation of the required rules to the House and Senate committees on health and welfare.

Proposed law provides that the provisions of proposed law shall have prospective application only and shall not apply to any investigation pending on the effective date of proposed law.

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

(Amends R.S. 37:1267 and 1285(A)(12)-(14); Adds R.S. 37:1285.2)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make a technical change.
2. Correct the reference to the Constitution of Louisiana and the Constitution of the United States.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Removes provisions relative to the content of an initial complaint.
2. Removes the prohibition of the board acting on anonymous complaints.
3. Removes the statute of limitations on claims.
4. Requires the board to adopt a rule providing that the board, by a majority vote of board members present and voting, authorize claims to be investigated and that notice must be given to a licensee of such investigation.
5. Provides that proposed law shall have prospective application only and shall not apply to any investigation pending on the effective date of proposed law.