

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 843

2015 Regular Session

Hazel

BOARDS/COMMISSIONS: Provides for the investigation and adjudication of violations by the Louisiana State Board of Medical Examiners

Synopsis of Senate Amendments

1. Clarify that the list of acts qualifying as unprofessional conduct is illustrative and not exclusive.
2. Add intentionally falsifying or fraudulently altering records to the list of examples of unprofessional conduct.
3. Clarify that the list of acts qualifying as medical incompetency is illustrative and not exclusive.
4. Clarify that the La. State Board of Medical Examiners (LSBME) must have the required final rules adopted by the deadline of Jan. 1, 2016.
5. Remove provisions relative to the content of an initial complaint.
6. Remove the prohibition against the LSBME acting on anonymous complaints.
7. Remove the statute of limitations on claims.
8. Require a majority vote of the LSBME board members present and voting prior to commencing a formal investigation.
9. Clarify that proposed law applies only to investigations begun after the effective date of proposed law.
10. Make technical changes.

Digest of Bill as Finally Passed by Senate

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 notice, including a brief summary of the facts constituting the alleged violation, to be given to any physician who is the subject of an investigation by the board within five business days after the board's investigation is approved by a majority vote of board members present and voting.

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 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)