

SENATE BILL NO. 429

BY SENATOR BARROW

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AN ACT

To amend and reenact R.S. 37:1263 and to repeal R.S. 37:1264 and 1265, relative to the board of medical examiners; to provide for membership; to provide for qualifications; to provide for an appointment process; to provide for removal; to provide for terms; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1263 is hereby amended and reenacted to read as follows:

§1263. Louisiana State Board of Medical Examiners; **membership; qualifications; appointment; removal; terms**

A. The Louisiana State Board of Medical Examiners is hereby created within the Department of Health and Hospitals and is subject to the provisions of R.S. 36:803.

~~B.(1) Until January 1, 2000, the board shall consist of seven members, all appointed by the governor from lists of names submitted by the Louisiana State Medical Society and the Louisiana Medical Association. At least one of the members appointed to the board shall be a physician practicing in a parish or municipality with a population of less than twenty thousand people, and at least one member shall be appointed from the list submitted by the Louisiana Medical Association.~~

(2) Beginning on ~~January 1, 2000~~, **January 1, 2017**, the board shall consist of seven voting members, all appointed by the governor and subject to Senate confirmation as follows:

~~(a) Four~~ **(1) Two** members from a list of names submitted by the Louisiana State Medical Society. One of the members so appointed shall practice in a parish or municipality with a population of less than twenty thousand people.

**(2) One member from a list of names submitted by the Louisiana State**

1 University Health Sciences Center at New Orleans and the Louisiana State  
 2 University Health Sciences Center at Shreveport.

3 (3) One member from a list of names submitted by the Tulane Medical  
 4 School.

5 ~~(b)~~ (4) Two members from a list submitted by the Louisiana Medical  
 6 Association.

7 ~~(c)~~ (5) One member from a list submitted by the Louisiana Academy of  
 8 Family Practice Physicians.

9 ~~C. All voting members of the board shall be graduate physicians or surgeons~~  
 10 ~~and practitioners.~~ Each physician member of the board shall at the time of  
 11 appointment:

12 (1) Be a resident of this state for not less than six months.

13 (2) Be currently licensed and in good standing to engage in the practice  
 14 of medicine in this state.

15 (3) Be actively engaged in the practice of medicine in this state.

16 (4) Have five years of experience in the practice of medicine in this state  
 17 after licensure.

18 (5) Have not been convicted of a felony.

19 (6) Have not been placed on probation by the board.

20 D.(1) The governor shall appoint the members of the board in  
 21 accordance with other provisions of this Section and the state constitution.

22 (2) When a vacancy occurs in the membership of the board for any  
 23 reason, including expiration of term, removal, resignation, death, disability, or  
 24 disqualification, the vacancy shall be filled in the same manner as the original  
 25 appointment.

26 (3) Each member of the board appointed to fill a vacancy occurring by  
 27 death, resignation, inability to act, or other cause, shall serve for the remainder  
 28 of the term of his predecessor.

29 E.(1) A board member may be removed upon one or more of the  
 30 following grounds:

1                    (a) The refusal or inability for any reason to perform his duties as a  
2                    member of the board in an efficient, responsible, and professional manner.

3                    (b) The misuse of office to obtain personal, pecuniary, or material gain  
4                    or advantage for himself or another through such office.

5                    (c) The violation of the laws governing the practice of medicine.

6                    (2) Removal of a member of the board shall be in accordance with the  
7                    Administrative Procedure Act or other applicable laws.

8                    (3) The governor may remove any member of the board for good cause.

9                    F. Except as provided in Subsection D of this Section, members of the  
10                   board shall be appointed for a term of four years, beginning on July first of the  
11                   year in which the appointment is made.

12                   Section 2. R.S. 37:1264 and 1265 are hereby repealed.

13                   Section 3. This Act shall become effective on August 1, 2016; if vetoed by the  
14                   governor and subsequently approved by the legislature, this Act shall become effective on  
15                   August 1, 2016, or on the day following such approval by the legislature, whichever is later.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_