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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

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DIGEST

SB 286 Original

2018 Regular Session

Milkovich

Proposed law enacts the Physician's Bill of Rights to provide for notice of complaints within 10 days of receipt by the Louisiana State Board of Medical Examiners (LSBME), including the name of the person making the complaint and identification of the LSBME staff member making the complaint if it originated with the board staff member. Proposed law requires the notice to the physician to include a detailed description of the complaint.

Proposed law provides an opportunity for the executive director to remove any investigator alleged to be biased, hostile, or unfair to the physician from an investigation upon request of the physician.

Proposed law prohibits the LSBME investigator from having communications with the board or executive director unless the physician subject to the complaint is present.

Proposed law requires the LSBME investigator to make a written recommendation to the executive director regarding the outcome of the investigation. Proposed law requires the recommendation to be presented only to the executive director and not to any member of the board.

Proposed law provides that a case against a physician shall be dismissed if the investigator, witness, prosecutor, or executive director discuss the case with any board member regarding the facts of the case prior to or during a hearing.

Proposed law provides that all files of the LSBME regarding the complaint and investigation shall be available to the physician that is subject to the complaint through full discovery and that all relevant facts of the case shall be included in the record.

Proposed law prevents the use of anonymous hearsay testimony during a hearing and grants the physician the right to confront witnesses.

Proposed law requires LSBME to give 10 days notice to any physician before suspending or terminating his license. Proposed law allows LSBME to seek a temporary restraining order to terminate the physician's license sooner than the 10 days if LSBME believes the 10 days will be a threat to the public.

Proposed law requires LSBME to conclude all investigations within 30 days or give notice to the physician that the investigation is ongoing.

Proposed law grants a physician the right to an attorney, right to a prompt hearing on the matter, and right to a de novo review in district court of any action taken by the LSBME.

Proposed law prohibits LSBME from entering into any contract with a physician that requires the physician to waive any legal or constitutional rights.

Proposed law allows a physician to have his case.

Proposed law is retroactive to any investigation that commenced prior to the effective date of proposed law, any investigation that continues after the effective date of proposed law, and to any hearing that occurs after the effective date of proposed law based on an investigation that concluded prior to the effective date of proposed law.

Effective August 1, 2018.

(Adds R.S. 37:1293)