
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 778 by Representative Jackson

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 37:1285.2(A)," and insert in lieu thereof "R.S. 37:1263 and 1285.2(A) and to enact R.S. 37:1270(A)(9),"

AMENDMENT NO. 2

On page 1, at the beginning of line 3, insert the following:

"to provide for the membership, powers, and duties of the Louisiana State Board of Medical Examiners;"

AMENDMENT NO. 3

On page 1, delete line 7 in its entirety and insert in lieu thereof the following:

"Section 1. R.S. 37:1263 and 1285.2(A) are hereby amended and reenacted and R.S. 37:1270(A)(9) is hereby enacted 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 Louisiana Department of Health and is subject to the provisions of R.S. 36:803.

B. ~~Beginning on January 1, 2017, the~~ The board shall consist of ~~seven~~ nine voting members, all appointed by the governor and subject to Senate confirmation as follows:

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

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

(4) Two members from a list submitted by the Louisiana Medical Association.

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

(6) One member from a list submitted by the Louisiana Hospital Association.

(7) One consumer member. The consumer shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in any adverse licensure action initiated by the board.

C. Each physician member of the board shall at the time of appointment:

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

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

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

- 1 (4) Have five years of experience in the practice of medicine in this state
- 2 after licensure.
- 3 (5) Have not been convicted of a felony.
- 4 (6) Have not been placed on probation by the board.

5 D. The consumer member shall, at the time of his appointment, meet all of

6 the following qualifications:

- 7 (1) He has been a resident of this state for not less than six months.
- 8 (2) He has attained the age of majority.
- 9 (3) He has never been licensed by the board, nor shall he have a spouse who
- 10 has ever been licensed by the board.
- 11 (4) He has never been convicted of a felony.
- 12 (5) He does not have, nor has he ever had, a material financial interest in any
- 13 healthcare profession licensed by the board.

14 E.(1) The governor shall appoint the members of the board in accordance

15 with other provisions of this Section and the state constitution.

- 16 (2) When a vacancy occurs in the membership of the board for any reason,
- 17 including expiration of term, removal, resignation, death, disability, or
- 18 disqualification, the vacancy shall be filled in the same manner as the original
- 19 appointment.
- 20 (3) Each member of the board appointed to fill a vacancy occurring by death,
- 21 resignation, inability to act, or other cause, shall serve for the remainder of the term
- 22 of his predecessor.

23 E. F.(1) A board member may be removed upon one or more of the

24 following grounds:

- 25 (a) The refusal or inability for any reason to perform his duties as a member
- 26 of the board in an efficient, responsible, and professional manner.
- 27 (b) The misuse of office to obtain personal, pecuniary, or material gain or
- 28 advantage for himself or another through such office.
- 29 (c) The violation of the laws governing the practice of medicine.
- 30 (2) Removal of a member of the board shall be in accordance with the
- 31 Administrative Procedure Act or other applicable laws.
- 32 (3) The governor may remove any member of the board for good cause.

33 F. G. Except as provided in Paragraph ~~(D)(3)~~ (E)(3) of this Section, members

34 of the board shall be appointed for a term of four years, beginning on July first of the

35 year in which the appointment is made. No member shall serve more than three

36 consecutive terms.

37 * * *

38 §1270. Duties and powers of the board

39 A. The board shall:

40 * * *

41 (9) Appoint a director of investigations to act as the lead investigator for any

42 complaint regarding a physician received by the board or any investigation regarding

43 a physician initiated by the board upon its own motion in accordance with R.S.

44 37:1285.2(A). The director of investigations shall serve at the pleasure of the board

45 and be answerable directly to the board. The director of investigations shall be

46 prohibited from concurrently serving as the executive director of the board. Any

47 person appointed by the board to serve as director of investigations shall be a

48 Louisiana-licensed physician who maintains board certification and has engaged in

49 the active practice of medicine for at least five years.

50 * * *"

1 AMENDMENT NO. 4

2 On page 1, delete lines 10 through 19 in their entirety and on page 2 delete lines 1 and 2 in
3 their entirety and insert in lieu thereof the following:

4 "A. ~~Any staff member of the board, except the executive director, may be~~
5 ~~appointed to act as the lead investigator for any complaint regarding a physician~~
6 ~~received by the board or any investigation regarding a physician initiated by the~~
7 ~~board upon its own motion. The board shall only initiate an investigation based upon~~
8 a complaint received from a person other than an employee of the board, or upon the
9 duly adopted motion of the board making a finding that probable cause exists to
10 conclude that a violation of any provision of this Part, or any rule promulgated
11 pursuant to this Part, may have occurred."