

GREEN SHEET REDIGEST

HB 778

2018 Regular Session

Jackson

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

BOARDS/COMMISSIONS: Provides relative to investigations of physicians conducted by the La. State Board of Medical Examiners

DIGEST

Present law creates the seven-member La. State Board of Medical Examiners (hereafter, the "board"). Provides, generally, for powers and duties of the board with respect to regulation of the practice of medicine in this state.

Proposed law increases the number of members of the board from seven to nine by adding to the board the following members:

- (1) One member from a list submitted by the La. Hospital Association. The La. Hospital Association member shall be a minority appointment in alternate appointed terms.
- (2) One consumer member who shall be a full voting member.

Proposed law establishes the qualifications of the consumer member who is to be added to the board's membership.

Present law provides that any staff member of the La. State Board of Medical Examiners, except the executive director, may be appointed 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 repeals present law.

Proposed law requires the board to appoint a director of investigations, who shall be a La.-licensed physician and who has engaged in the active practice of medicine for at least five years, 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 in accordance with present law. Provides that the director of investigations shall serve at the pleasure of the board and be answerable directly to the board. Prohibits the director of investigations from concurrently serving as the executive director of the board.

Proposed law stipulates that the board shall only initiate an investigation based upon one or more of the following causes:

- (1) A complaint received from a person other than an employee of the board.
- (2) Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
- (3) The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.

Proposed law requires the executive director to request approval from the board, and get a two-thirds vote of approval by the board, before conducting any site visitor requesting medical records from a licensee who is not the subject of an active investigation. Proposed law requires the executive director to provide specific information to the board regarding the sought after approval to conduct a site visit. Proposed law prohibits the disclosing of the identification regarding any individual included in the request for approval.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law requiring that the lead investigator for any complaint regarding a physician received by the La. State Board of Medical Examiners (hereafter, the "board"), or any investigation regarding a physician initiated by the board upon its own motion, shall be an attorney.
2. Increase the number of members of the board from seven to nine by adding to the board the following members:
 - a. One member from a list submitted by the La. Hospital Association.
 - b. One consumer member who shall be a full voting member, except that he shall not participate in any adverse licensure action initiated by the board.
3. Establish the qualifications of the consumer member who is to be added to the board's membership.
4. Require the board to appoint a director of investigations, who shall be a La.-licensed physician and has engaged in the active practice of medicine for at least five years, 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. Provide that the director of investigations shall serve at the pleasure of the board and be answerable directly to the board. Prohibit the director of investigations from concurrently serving as the executive director of the board.
5. Require that the board shall only initiate an investigation based upon a complaint received from a person other than an employee of the board, or upon the duly adopted motion of the board making a finding that probable cause exists to conclude that a violation of any provision of present law or present administrative code may have occurred.

The House Floor Amendments to the engrossed bill:

1. Delete proposed law establishing causes for which the La. State Board of Medical Examiners may initiate an investigation and provide instead that such causes shall include the following, exclusively:
 - a. A complaint received from a person other than an employee of the board.
 - b. Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
 - c. The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
2. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the engrossed bill

1. Requires the La. Hospital Association member to be a minority appointment in alternate appointed terms.
2. Removes restrictions on the authority of the consumer member.
3. Requires the executive director to request approval from the board, and get a two-thirds vote of approval by the board, before conducting any site visit or requesting medical records from a licensee who is not the subject of an active investigation.
4. Requires the executive director to provide specific information to the board regarding the need for and anticipated duration of the sought after site visit.
5. Prohibits the disclosing of the identification regarding any individual included in the request for approval.