HLS 25RS-672 ORIGINAL

2025 Regular Session

HOUSE BILL NO. 138

1

BY REPRESENTATIVE DEWITT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PHYSICIAN ASSISTANTS: Provides with respect to the Louisiana State Board of Medical Examiners

AN ACT

2	To amend and reenact R.S. 37:1263(B)(introductory paragraph) and (F) and 1270(B) and to
3	enact R.S. 37:1263(B)(9) and (E)(4) and 1270(A)(10) and (11), relative to the
4	Louisiana State Board of Medical Examiners; to increase the number of members on
5	the board; to require a member be selected from a list of nominees submitted by the
6	Louisiana Academy of Physician Assistants; to provide for terms for certain
7	members of the board; to add to the mandatory powers and duties of the board; to
8	provide for the removal or reappointment of members on the board; and to provide
9	for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 37:1263(B)(introductory paragraph) and (F) and 1270(B) are hereby
12	amended and reenacted and R.S. 37:1263(B)(9) and (E)(4) and 1270(A)(10) and (11) are
13	hereby enacted to read as follows:
14	§1263. Louisiana State Board of Medical Examiners; membership; qualifications;
15	appointment; removal; terms
16	* * *
17	B. The board shall consist of ten eleven voting members, all appointed by
18	the governor and subject to Senate confirmation as follows:
19	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(9) One member from a list submitted by the Louisiana Academy of
2	Physician Assistants.
3	* * *
4	E.
5	* * *
6	(4) The governor may remove and reappoint members at the beginning of
7	the governor's term in accordance with Subsection B of this Section.
8	F. Except as provided in Paragraph Paragraphs (D)(3) and (E)(4) of this
9	Section, members of the board shall be appointed for a term of four years, beginning
10	on July first of the year in which the appointment is made. No member shall serve
1	more than three two consecutive terms.
12	* * *
13	§1270. Duties and powers of the board
14	A. The board shall:
15	* * *
16	(10) Select officers and adopt rules and bylaws necessary for the efficient
17	operation of the board.
18	(11) Adopt rules in accordance with the Administrative Procedure Act to
19	carry out the board's duties, powers, and functions as provided for in this Part.
20	B. The board may:
21	(1) Select officers and adopt rules and bylaws necessary for the efficient
22	operation of the board;
23	(2) (1) Authorize any member of the board to make any affidavit necessary
24	to the issuance of any injunction or other legal process authorized under pursuant to
25	this Part; <u>.</u>
26	(3) (2) Employ counsel to carry out the provisions of this Part, if the fees of
27	the counsel and the costs of all proceedings except criminal prosecutions, are paid
28	by the board out of its own funds;.

25

1	(4)(3) Employ inspectors, special agents, and investigators; issue subpoenas
2	to require attendance and testimony and the production of documents and things for
3	the purpose of enforcing the laws relative to the practice of medicine and securing
4	evidence of violations thereof; employ necessary clerical assistance to carry out the
5	administrative work of the board, fix the compensation thereof; incur other necessary
6	expenses; and acquire, develop, maintain, expand, sell, lease, mortgage, borrow
7	funds or otherwise contract with respect to immovable property and improvements
8	thereon as it may deem necessary or appropriate to accomplish the provisions of this
9	Part. All revenue derived from the sale or lease of the land and improvements
10	thereon shall be retained by the board and shall not be subject to reversion to the
11	state general fund. Prior to a sale authorized by this Paragraph, the commissioner
12	of administration shall review the terms of the sale to ascertain that the sale amount
13	constitutes fair market value or greater for the property.
14	(5) (4) Appoint or designate an examining committee of physicians,
15	possessing appropriate qualifications, to conduct physical and mental examinations
16	on a physician, to otherwise inquire into the physician's fitness and ability to practice
17	medicine with reasonable skill and safety to patients, and to submit advisory reports
18	and recommendations to the board, when the board has reasonable cause to believe
19	that such physician's fitness and ability is affected by mental illness or deficiency,
20	or physical illness, including but not limited to deterioration through the aging
21	process or the loss of motor skills, and/or or excessive use or abuse of drugs,
22	including alcohol; and.
23	(6) Adopt rules, regulations, and standards necessary to carry out the board's
24	duties, powers, and functions provided for in this Part.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 138 Original

2025 Regular Session

Dewitt

**Abstract:** Provides for the membership, powers, and duties of the La. State Bd. of Medical Examiners.

<u>Present law</u> provides that the La. State Bd. of Medical Examiners (LSBME) shall have 10 voting members who are all appointed by the governor and subject to Senate confirmation.

<u>Proposed law</u> increases the membership of the LSBME <u>from</u> 10 to 11 voting members by adding one member from a list submitted by the La. Academy of Physician Assistants.

<u>Present law</u> provides grounds for removal from the LSBME.

<u>Proposed law</u> adds to those grounds that the governor may remove and reappoint members at the beginning of a governor's term.

<u>Present law</u> provides that LSBME members are appointed for four-year terms beginning on July 1<sup>st</sup> of the year in which the appointment is made. <u>Present law</u> prohibits LSBME members from serving more than three consecutive terms.

<u>Proposed law</u> changes <u>present law</u> by providing that no member shall serve more than two consecutive terms.

Present law provides for mandatory and discretionary powers and duties of the LSBME.

<u>Proposed law</u> adds to the mandatory powers and duties of the LSBME that the LSBME shall select officers and adopt rules and bylaws necessary for the efficient operation of the LSBME. <u>Proposed law</u> further adds that the LSBME is required to adopt rules in accordance with the APA to carry out the LSBME's duties, powers, and functions as provided in <u>present</u> law.

<u>Present law</u> provides that it is within the LSBME's discretion to select officers and adopt rules and bylaws necessary for the operation of the LSBME. <u>Present law</u> provides that it is also within the LSBME's discretion to adopt rules, regulations, and standards necessary to carry out the LSBME's duties, powers, and functions in <u>present law</u>.

Proposed law makes these powers and duties mandatory instead of discretionary.

(Amends R.S. 37:1263(B)(intro para) and (F) and 1270(B); Adds R.S. 37:1263(B)(9) and (E)(4) and 1270(A)(10) and (11))