
DIGEST

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HB 843 Original

2015 Regular Session

Hazel

Abstract: Requires the promulgation of procedures for the investigation and adjudication of alleged violations by the La. State Board of Medical Examiners (LSBME).

Present law provides that three members of the board constitute a quorum for all purposes including the holding of examinations, the granting of licenses and permits, rulemaking and, except as provided in present law, the adjudication functions of the LSBME.

Proposed law raises the quorum to four.

Present law authorizes the LSBME to refuse to issue, or suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit for the certain causes.

Proposed law retains present law but clarifies the following causes: professional incompetency, medical incompetency, and unprofessional conduct.

Proposed law authorizes any staff member of the board, except the executive director, 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 provides that an initial complaint may be made by any person or by the LSBME on its own initiative and requires the initial complaint, except in cases of egregious conduct, to be made in writing and dated and provides for the minimum required content for the complaint.

Proposed law prohibits the board, except in cases of egregious conduct, from taking any action upon receipt of an anonymous complaint or a complaint involving conduct that occurred more than three years from the date the complaint is received by the board.

Proposed law requires the board to promulgate rules to provide for the investigation of complaints against physicians and adjudication of alleged violations by physicians. Further requires the rules to satisfy the minimum due process requirements of the constitution of this state and the Constitution of the United States and to address certain issues such as notice, discovery, and hearing procedure.

Proposed law requires any final decision of the board to be supported by a preponderance of the evidence presented at the adjudicatory hearing.

Proposed law requires the board to promulgate the rules required by proposed law no later than Jan.

1, 2016. Further requires the board to report monthly on the progress of the promulgation of the required rules to the House and Senate committees on health and welfare.

Effective upon signature by the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1267 and 1285(A)(12)-(14); Adds R.S. 37:1285.2)