

2016 Regular Session

HOUSE BILL NO. 946

BY REPRESENTATIVES CONNICK AND JACKSON

PHYSICIANS: Provides relative to the investigation and adjudication of complaints against physicians

1 AN ACT

2 To amend and reenact R.S. 37:1285.2(D) and Section 2 of Act No. 441 of the 2015 Regular
3 Session of the Louisiana Legislature, relative to investigations and adjudications of
4 complaints against physicians by the Louisiana State Board of Medical Examiners;
5 to provide for retroactive and prospective application of procedural rules
6 promulgated by the Louisiana State Board of Medical Examiners to all complaints
7 pending before the board; to provide for an effective date; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1285.2(D) is hereby amended and reenacted to read as follows:

11 §1285.2. Investigations and adjudications; staff; complaints; board procedure;
12 rulemaking authority

13 * * *

14 ~~D. The board shall adopt the rules required by this Section no later than~~
15 ~~January 1, 2016. Beginning July 1, 2015, the board shall report monthly on the~~
16 ~~progress of the promulgation of the required rules to the House and Senate~~
17 ~~committees on health and welfare.~~

18 Any rule promulgated by the board pursuant to this Section, and any
19 subsequent amendment to or revision of the rule, shall have both retroactive and
20 prospective application and shall apply to any investigation pending before the

1 board, regardless of the date the complaint forming the basis of the investigation was
 2 received by the board or the status of the investigation, on the effective date of the
 3 rule, amendment, or revision.

4 Section 2. Section 2 of Act No. 441 of the 2015 Regular Session of the Louisiana
 5 Legislature is hereby amended and reenacted to read as follows:

6 Section 2. The provisions of this Act shall have both retroactive and
 7 prospective application ~~only~~ and shall ~~not~~ apply to any investigation pending before
 8 the Louisiana State Board of Medical Examiners, regardless of the date the
 9 complaint forming the basis of the investigation was received by the board or the
 10 status of the investigation, on the effective date of this Act.

11 Section 3. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

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 946 Original

2016 Regular Session

Connick

Abstract: Provides that procedural rules promulgated by the La. State Board of Medical Examiners (LSBME) shall apply to all complaints pending before the board.

Present law requires the LSBME to promulgate rules for the investigation of complaints against physicians and adjudication of alleged violations by physicians. Further provides that the rules shall only apply prospectively to complaints received by the board after the effective date of present law.

Proposed law retains present law but provides that any rule promulgated by the LSBME pursuant to present law, and any subsequent amendment to or revision of the rule, shall have both retroactive and prospective application and shall apply to any investigation pending before the LSBME, regardless of the date the complaint forming the basis of the investigation was received by the board or the status of the investigation, on the effective date of the rule, amendment, or revision.

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

(Amends R.S. 37:1285.2(D) and §2 of Act No. 441 of the 2015 R.S.)