

2016 Regular Session

SENATE BILL NO. 429

BY SENATOR BARROW

HEALTH/HOSPITALS DEPT. Provides for the Louisiana State Board of Medical Examiners. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 37:1263 and 1267, and to repeal R.S. 37:1264 and 1265, relative  
3 to the board of medical examiners; to provide for membership; to provide for  
4 physician districts; to provide for qualifications; to provide for an appointment  
5 process; to provide for removal; to provide for terms; to provide for an effective  
6 date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:1263 and 1267 are hereby amended and reenacted to read as  
9 follows:

10 §1263. Louisiana State Board of Medical Examiners; **membership; physician**  
11 **districts; qualifications;** appointment; **removal; terms**

12 A. The Louisiana State Board of Medical Examiners is hereby created within  
13 the Department of Health and Hospitals and is subject to the provisions of R.S.  
14 36:803.

15 B.~~(1) Until January 1, 2000, the board shall consist of seven members, all~~  
16 ~~appointed by the governor from lists of names submitted by the Louisiana State~~  
17 ~~Medical Society and the Louisiana Medical Association. At least one of the members~~

1 appointed to the board shall be a physician practicing in a parish or municipality with  
2 a population of less than twenty thousand people, and at least one member shall be  
3 appointed from the list submitted by the Louisiana Medical Association.

4 (2) ~~Beginning on January 1, 2000, the board shall consist of seven voting~~  
5 ~~members, all appointed by the governor and subject to Senate confirmation as~~  
6 ~~follows:~~

7 (a) ~~Four members from a list of names submitted by the Louisiana State~~  
8 ~~Medical Society. One of the members so appointed shall practice in a parish or~~  
9 ~~municipality with a population of less than twenty thousand people.~~

10 (b) ~~Two members from a list submitted by the Louisiana Medical~~  
11 ~~Association.~~

12 (c) ~~One member from a list submitted by the Louisiana Academy of Family~~  
13 ~~Practice Physicians.~~

14 **B.(1) The board shall consist of seventeen members appointed by the**  
15 **governor, including two licensed physicians from each of the physician districts**  
16 **provided in Subsection C of this Section and one representative of the**  
17 **consumers of Louisiana from the state at-large who possesses the qualifications**  
18 **specified in Paragraph (D)(2) of this Section.**

19 **(2) Each appointment by the governor shall be subject to Senate**  
20 **confirmation.**

21 **C. The board membership shall be made up of representatives from**  
22 **physician districts comprised of the following parishes:**

23 **(1) District One shall be comprised of the parishes of Jefferson and St.**  
24 **Tammany.**

25 **(2) District Two shall be comprised of the parishes of Orleans,**  
26 **Plaquemines, and St. Bernard.**

27 **(3) District Three shall be comprised of the parishes of Ascension,**  
28 **Assumption, Iberia, Iberville, Lafourche, St. Charles, St. James, St. John the**  
29 **Baptist, St. Martin, St. Mary, Terrebonne, and West Baton Rouge.**

1                   **(4) District Four shall be comprised of the parishes of Bienville, Bossier,**  
2                   **Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster.**

3                   **(5) District Five shall be comprised of the parishes of Caldwell, East**  
4                   **Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland,**  
5                   **Tensas, Union, West Carroll, and Winn.**

6                   **(6) District Six shall be comprised of the parishes of East Baton Rouge,**  
7                   **East Feliciana, Livingston, St. Helena, Tangipahoa, Washington, and West**  
8                   **Feliciana.**

9                   **(7) District Seven shall be comprised of the parishes of Acadia, Calcasieu,**  
10                   **Cameron, Jefferson Davis, Lafayette, and Vermilion.**

11                   **(8) District Eight shall be comprised of the parishes of Allen, Avoyelles,**  
12                   **Beauregard, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee,**  
13                   **Rapides, St. Landry, and Vernon.**

14                   **D.(1) The qualifications of each physician member of the board shall at**  
15                   **the time of appointment:**

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

17                   **(b) Be currently licensed and in good standing to engage in the practice**  
18                   **of medicine in this state.**

19                   **(c) Be actively engaged in the practice of medicine in this state.**

20                   **(d) Have five years of experience in the practice of medicine in this state**  
21                   **after licensure.**

22                   **(e) Shall not have been convicted of a felony.**

23                   **(f) Shall not have been placed on probation by the board.**

24                   **(2) The consumer member of the board shall be a resident of this state**  
25                   **who has attained the age of majority and shall not have nor shall ever have had**  
26                   **material financial interest in the providing of medical services or who has**  
27                   **engaged in any activity directly related to the practice of medicine. The**  
28                   **consumer representative shall not have been convicted of a felony.**

29                   **E.(1) The governor shall appoint the members of the board in**

1 accordance with other provisions of this Section and the state constitution.

2 (2) When a vacancy occurs in the membership of the board representing  
3 one of the eight physician districts for any reason, including expiration of term,  
4 removal, resignation, death, disability, or disqualification, the following  
5 nominating process shall be satisfied:

6 (a) The physician making the nomination shall be a resident of the  
7 physician district where the vacancy occurs.

8 (b) The physician nominee shall be a resident of the physician district  
9 where the vacancy occurs.

10 (c) Nomination ballots shall be returned to the board office at least sixty  
11 days prior to a vacancy occurring by an expiring term.

12 (d) Nomination ballots shall be returned to the board office at least thirty  
13 days following a vacancy occurring by death, resignation, inability to act, or  
14 other cause.

15 (e) The nominee shall not have been convicted of a felony.

16 (f) The nominee shall not have been placed on probation by the board.

17 (3) When the vacancy in question involves the consumer representative,  
18 the governor shall fill the vacancy at his pleasure without following the  
19 procedure set forth in Paragraph 2 of this Subsection, provided the consumer  
20 representative meets the requirements for such member specified in this  
21 Section.

22 (4) The secretary of the board shall be charged with the duty of  
23 forwarding to each licensed physician, by United States mail, to the last known  
24 address indicated in the board's records, a nomination ballot. The ballot, or an  
25 accompanying communication, shall indicate the date, time, and place, for the  
26 counting of ballots. At a gathering open to the public, the ballots shall be  
27 counted openly by the secretary or by one or more individuals designated by the  
28 president. The secretary shall certify to the governor the names of the three  
29 nominees receiving the highest number of nominations. From the names

1 submitted to him in this manner, the governor may select and appoint one  
2 eligible individual to fill the vacancy in question. The governor should ensure  
3 that several disciplines in physician specialty are included among those  
4 appointed.

5 (5) In the absence of the secretary, or in the event of his inability or  
6 failure to act, the duties of the secretary with respect to the mailing and  
7 counting of ballots and the certification to the governor shall be performed by  
8 the president of the board.

9 (6) The successor to each member of the board appointed from a  
10 physician district shall be appointed from the physician district having the same  
11 number designation as the physician district from which the member who is  
12 being replaced was appointed.

13 (7) Each member of the board appointed from a physician district to fill  
14 a vacancy occurring by death, resignation, inability to act, or other cause, shall  
15 serve for the remainder of the term of his predecessor.

16 F.(1) A board member may be removed upon one or more of the  
17 following grounds:

18 (a) The refusal or inability for any reason to perform his duties as a  
19 member of the board in an efficient, responsible, and professional manner.

20 (b) The misuse of office to obtain personal, pecuniary, or material gain  
21 or advantage for himself or another through such office.

22 (c) The violation of the laws governing the practice of medicine.

23 (2) Removal of a member of the board shall be in accordance with the  
24 Administrative Procedure Act or other applicable laws.

25 (3) The governor may remove any member of the board for good cause.

26 G.(1) Except as provided in Subsection E of this Section, physician  
27 members of the board shall be appointed for a term of six years, beginning on  
28 July first of the year in which the appointment is made.

29 (2) The terms of the physician members of the board shall be staggered,



physicians and one consumer. The physicians shall be from physician districts established as follows:

- (1) District One shall be comprised of the parishes of Jefferson and St. Tammany.
- (2) District Two shall be comprised of the parishes of Orleans, Plaquemines, and St. Bernard.
- (3) District Three shall be comprised of the parishes of Ascension, Assumption, Iberia, Iberville, Lafourche, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, Terrebonne, and West Baton Rouge.
- (4) District Four shall be comprised of the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, and Webster.
- (5) District Five shall be comprised of the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, and Winn.
- (6) District Six shall be comprised of the parishes of East Baton Rouge, East Feliciana, Livingston, St. Helena, Tangipahoa, Washington, and West Feliciana.
- (7) District Seven shall be comprised of the parishes of Acadia, Calcasieu, Cameron, Jefferson Davis, Lafayette, and Vermilion.
- (8) District Eight shall be comprised of the parishes of Allen, Avoyelles, Beauregard, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides, St. Landry, and Vernon.

Proposed law provides the following specific qualifications for physicians to be eligible for 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.
- (4) Have five years of experience in the practice of medicine in this state after licensure.
- (5) Shall not have been convicted of a felony.
- (6) Shall not have been placed on probation by the board.

Proposed law provides for procedure for appointment, filling of vacancies, removal and duration of terms.

Present law provides that a quorum of the board is four members. Proposed law increases the quorum to nine members.

Effective August 1, 2016.

(Amends R.S. 37:1263 and 1267; repeals R.S. 37:1264 and 1265)