

2026 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 114

BY REPRESENTATIVE DEWITT

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Board of Medical Examiners to study the feasibility and advisability of establishing a physician review panel process for certain complaints against physicians prior to escalation to formal disciplinary proceedings, with respect to the scope of the study, for consultation with interested parties, for a report of findings and recommendations, and to provide for related matters.

WHEREAS, House Bill No. 1227 of the 2026 Regular Session proposed the creation of a physician peer review panel process for complaints involving clinical decision making, diagnosis, treatment, prescribing, supervision of clinical care, documentation of care, and standard of care; and

WHEREAS, complaints involving medical judgment may present issues distinct from complaints primarily involving billing disputes, fee disputes, other financial complaints, or allegations of sexual misconduct; and

WHEREAS, creating a physician review panel process should be carefully studied with respect to physician qualifications, board certification requirements, specialty matching, selection procedures, timing, confidentiality protections, compensation, costs, and the interaction of such a process with existing investigative deadlines and disciplinary authority of the Louisiana State Board of Medical Examiners (LSBME); and

WHEREAS, a study is necessary over a two-year period before determining whether to enact a statutory physician review panel process.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby direct the Louisiana State Board of Medical Examiners to conduct, or cause to be conducted, a two-year study of the feasibility and advisability of establishing a physician review panel process for certain complaints against physicians prior to escalation to formal disciplinary proceedings.

BE IT FURTHER RESOLVED that the study shall examine all of the following issues:

(1) Whether complaints involving clinical decision making, diagnosis, treatment, prescribing, supervision of clinical care, documentation of care, or standard of care should be eligible for physician review panel consideration, and whether complaints primarily involving billing disputes, fee disputes, other financial complaints, or allegations of sexual misconduct should be excluded.

(2) Whether physician review panel consideration should be mandatory or optional at the election of the physician who is the subject of the complaint.

(3) Whether the time limitation provided in R.S. 37:1285.2(A)(2) should be tolled during physician review panel consideration.

(4) Appropriate qualifications for panel members, including active clinical practice requirements, board certification in a specialty recognized by the American Board of Medical Specialties when reasonably available, use of physicians in the same specialty or a substantially similar field of practice, and use of non-board-certified physicians when board certification is unavailable and the physician has substantial experience in the area of practice under review.

(5) Appropriate procedures for empaneling physician review panels, including deadlines for designation of members, methods of resolving deadlocks in the selection of a third member, and procedures for filling vacancies or resolving recusals and disqualifications.

(6) The proper role and legal effect of a physician review panel recommendation, including whether such a recommendation should be advisory only or entitled to greater weight in the disciplinary process.

(7) Appropriate confidentiality protections for records, notes, data, studies, analyses, exhibits, written recommendations, findings, determinations, and proceedings of the physician review panel, including whether protections similar to those found in R.S. 13:3715.3 should apply.

(8) Appropriate compensation for panel members and the advisability of imposing a fee on a physician who elects physician review panel consideration, including whether any such fee should be capped.

(9) The effect such a process would have on administrative efficiency, physician participation, due process, protection of the public, and the timely resolution of complaints.

BE IT FURTHER RESOLVED that, in conducting the study, the LSBME shall consult with representatives of the Louisiana State Medical Society, physicians from a variety of specialties, and such other stakeholders as the board deems appropriate.

BE IT FURTHER RESOLVED that the LSBME shall submit an initial progress report on the study not later than December 1, 2027, and shall submit a final written report of its findings, conclusions, and recommendations not later than February 1, 2028, to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the executive director of the Louisiana State Board of Medical Examiners and to the president of the Louisiana State Medical Society.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE