

RÉSUMÉ DIGEST

ACT 441 (HB 843)

2015 Regular Session

Hazel

Prior law provided that three members of the La. State Board of Medical Examiners (LSBME) constitute a quorum for all purposes including the holding of examinations, the granting of licenses and permits, rulemaking and, except as provided in prior law, the adjudication functions of the LSBME.

New law increases the quorum to four.

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

New law clarifies the following causes: professional incompetency, medical incompetency, and unprofessional conduct.

New law authorizes any staff member of the LSBME, 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.

New law requires the LSBME to adopt 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 Louisiana and the Constitution of the United States of America and to address certain issues such as notice, discovery, and hearing procedure.

New law requires the LSBME to adopt the rules required by new 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.

New law requires notice, including a brief summary of the facts constituting the alleged violation, to be given to any physician who is the subject of an investigation by the LSBME within five business days after the board's investigation is approved by a majority vote of board members present and voting.

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

New law shall have prospective application only and shall not apply to any investigation pending on the effective date of new law.

Effective upon signature by governor (July 1, 2015).

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