

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 134

BY REPRESENTATIVE JACKSON

BOARDS/COMMISSIONS: Directs the Louisiana State Board of Medical Examiners to study and make recommendations concerning a potential tiered approach for placing physicians on probation and a best practice for the reporting of the probationary status of a physician to patients

## 1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Board of Medical Examiners to study and make  
3 recommendations concerning a potential tiered approach for placing physicians on  
4 probation and a best practice for the reporting of the probationary status of a  
5 physician to patients.

6           WHEREAS, the physician-patient relationship is one in which the patient places an  
7   enormous amount of trust in the physician; and

8           WHEREAS, when prospective patients want to obtain information on a physician's  
9   record or bedside manner, they may seek out internet sites that offer patient reviews and  
10 ratings which do not include a physician's record with state medical boards or which may  
11 be hard to navigate or even misleading; and

12 WHEREAS, a recent report from Consumer Reports shows that patients want to  
13 know if their physician is on disciplinary probation; and

14 WHEREAS, the survey results indicated that eighty-two percent of American  
15 consumers would want to know if their physician was on probation as well as the basis for  
16 the probation; and

17 WHEREAS, the Louisiana State Board of Medical Examiners, hereinafter referred  
18 to as the "board", is the authority responsible for protecting the public by granting licenses  
19 only to qualified individuals and ensuring that disciplinary and competency standards are  
20 upheld; and

1           WHEREAS, the ongoing duty of the board goes far beyond the licensing of  
2 physicians; and

3           WHEREAS, the board also has the responsibility of determining when a physician's  
4 professional conduct or ability to practice medicine warrants modification, suspension, or  
5 revocation of a license to practice medicine; and

6           WHEREAS, by following up on complaints and disciplining physicians when  
7 appropriate, the board will ensure the public's trust in the basic standards of competence and  
8 ethical behavior in their physicians; and

9           WHEREAS, when the board receives a complaint about a physician, the board has  
10 the power to investigate, hold hearings, and impose discipline, including probation,  
11 suspension, or revocation of a physician's license, public reprimands, and fines; and

12           WHEREAS, the board may place restrictions on a physician's license or put a  
13 physician on probation to protect the public while a physician receives special training or  
14 rehabilitation aimed at an existing issue; and

15           WHEREAS, probation is a disciplinary action taken by the board that extends over  
16 a specified period of time during which the physician is monitored periodically by the board  
17 to assure compliance with the terms and conditions established in the board's order; and

18           WHEREAS, physicians may be placed on probation for a variety of reasons ranging  
19 from mild violations for failure to file paperwork to more serious violations such as their  
20 own addiction problems, overprescribing controlled substances, or even medical negligence;  
21 and

22           WHEREAS, if a licensee has ever been the subject of disciplinary action by the  
23 board, the type of discipline and current status will be noted on the verification page of the  
24 medical board's website; and

25           WHEREAS, if a patient checks a physician's history on the board's website, it is  
26 difficult for the patient to determine the severity of the underlying violation which led to the  
27 probation which may cause undue concern for the patient.

28           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
29 authorize and direct the Louisiana State Board of Medical Examiners to study and make

1 recommendations concerning a potential tiered approach for placing physicians on probation  
2 and a best practice for the reporting of the probationary status of a physician to patients.

3 BE IT FURTHER RESOLVED, the board shall report its findings and  
4 recommendations to the legislature no later than sixty days prior to the 2017 Regular Session  
5 of the Legislature of Louisiana.

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

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#### 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)]

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HCR 134 Engrossed

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