

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 134

BY REPRESENTATIVE JACKSON

A CONCURRENT RESOLUTION

To urge and request 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request 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.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE