

2017 Regular Session

SENATE BILL NO. 194

BY SENATOR CORTEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/HOSPITALS DEPT. Provides relative to regulation of advertising by the Louisiana State Board of Medical Examiners. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 37:1285(A)(32), relative to physician advertising; to provide for
3 allowable advertising; to provide for board responsibilities; to provide for an
4 effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:1285(A)(32) is hereby amended and reenacted to read as follows:

7 §1285. Causes for nonissuance; suspension; revocation; or the imposition of
8 restrictions; fines; reinstatement; publication of action; stays

9 A. The board may refuse to issue, or may suspend or revoke any license or
10 permit, or impose probationary or other restrictions on any license or permit issued
11 pursuant to this Part for the following causes:

12 * * *

13 (32)(a) Holding oneself out to the public in any manner as being certified by
14 a public or private board including but not limited to a multidisciplinary board or
15 "board certified", unless all of the following criteria are satisfied:

16 ~~(a)~~(i) The full name of the board from which the physician is certified and the
17 name of the specialty or subspecialty is included in the advertisement.

1 ~~(b)(ii)~~ The board meets any of the following qualifications: **The board can**
2 **be verified as existing and the physician's standing with the board can be**
3 **verified by the Louisiana State Board of Medical Examiners.**

4 ~~(i)~~ The board is an American Board of Medical Specialties member board or
5 ~~an American Osteopathic Association certifying board.~~

6 ~~(ii)~~ The board has been approved by the Louisiana State Board of Medical
7 Examiners.

8 ~~(iii)~~ The board requires an Accreditation Council for Graduate Medical
9 Education or American Osteopathic Association approved postgraduate training
10 ~~program that provides complete training in that specialty or subspecialty.~~

11 ~~(e)(iii)~~ If the physician advertises and does not meet any of the criteria
12 articulated in this Paragraph, the physician shall list his qualifications for performing
13 the advertised medical procedures in the advertisement.

14 **(b) The Louisiana State Board of Medical Examiners shall have**
15 **authority to verify that a board advertised by a physician does exist and that the**
16 **physician holds the advertised standing.**

17 **(c) The Louisiana State Board of Medical Examiners shall not restrict**
18 **in any way a physician's right to advertise any board certification he may have**
19 **obtained through a verifiable entity.**

20 * * *

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 194 Original

2017 Regular Session

Cortez

Present law gives the Louisiana State Board of Medical Examiners (LSBME) the authority to regulate physician advertising of board membership or certification. Present law gives LSBME the authority to determine which boards they will allow a physician to advertise.

Proposed law repeals the provisions in present law that limit which boards a physician may advertise his membership in and authorizes LSBME to verify that the board advertised does indeed exist and that the physician does have the advertised standing.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:1285(A)(32))