

Support HB 843

(formerly HB 573)

Rep. Chris Hazel

Reps. Katrina Jackson, Scott Simon, Steve Carter,
Julie Stokes, Patrick Connick, & Barry Ivey



Due Process Rights for Physicians

This legislation will put much needed due process rights in place for Louisiana physicians. It puts in place an organized process for filing, addressing and finalizing complaints with the Louisiana State Board of Medical Examiners (LSBME). Most other professions have their timelines and processes published. The LSMS is simply attempting to do the same for physicians.

Requires a quorum of the Board to take any action.

Mandates that four members of the seven-member board constitutes a quorum. Currently, a minority of two members is all that is needed to take formal action.

Requires appropriate separation of powers.

Precludes the executive director from also serving as the lead investigator for any complaint received by the Board. This simply provides appropriate checks and balances.

Requires notification of initial complaint.

Requires the board to notify a physician that a complaint has been filed and an investigation has begun after the majority of the board has voted to proceed with such an investigation.

Establishes a burden of proof.

Establishes that all allegations must be proven by the preponderance of the evidence against the physician.

Requires the Board of Medical Examiners to promulgate rules no later than January 1, 2016 to provide for the investigation of complaints and adjudication of alleged violations by physicians.

These shall include: notice of the investigation including a brief summary of the facts, time limits for initiating and completing a complaint investigation, notice of any adjudicatory hearing to be provided to the physician, role of an investigation supervising member, pleadings and other motions, discovery, subpoenas, representation of the physician by counsel of choice, prehearing conferences, procedure for conducting the adjudicatory hearing including examination of witnesses and the placement of evidence into the record, and notice of the final decision of the board to be provided to the physician.

The legislation also reiterates that the board may act swiftly in an emergency situation. This legislation does not preclude them from taking emergency steps and acting immediately when necessary.

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