House Bill 778 by Katrina Jackson (D-Monroe) increases the number of members of the Louisiana State Board of Medical Examiners (LSBME) from seven to 10 (and the quorum number to six) by adding the following members:

- One member from LSU Health Sciences Center Shreveport (distinguishing from the other member now coming from LSU Health Sciences Center New Orleans)
- One member from a list submitted by the Louisiana Hospital Association
- One consumer member who shall be a full voting member

At least every other member appointed from these four entities shall be a minority.

The board shall only initiate an investigation based upon one or more of the following causes:

- A complaint received from a person other than an employee of the board.
- Any report from a law enforcement or federal or state regulatory agency that contains information that supports a conclusion that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.
- The duly adopted motion in an executive session of the board by a two-thirds vote of the members of the board making an affirmative finding that sufficient evidence exists to conclude that a violation of present law, or any rule promulgated pursuant to present law, may have occurred.

This legislation also mandates that a physician is allowed to confront his accuser in connection with the notice of the filing of a formal administrative complaint – unless an
independent counsel deems that the complainant may remain anonymous. The board may overrule the independent counsel by 2/3 vote on this issue.

Prior to being offered a consent order, a person licensed by the board, shall have available to him all files and records which pertain to the case against him before the board, and which are not required by law to remain confidential or which are not otherwise privileged. Any files in question are ruled upon by the independent counsel.

Upon filing of a formal administrative complaint against a physician, all files of the board regarding the complaint which are not required by law to remain confidential or which are not otherwise privileged shall be made available to the physician through full discovery and shall be disclosed to the physician upon request.

If the board intends to use records from any prior investigation of a physician in the case against the physician before the board, then the board shall notify the physician and his counsel of this intention, and the records shall be deemed to be records of the case before the board and subject to all discovery provisions mentioned above.

**Final Action: Signed by the Governor (Act 599)**

[Click here to view Act 599.](#)