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April 10, 2018

Senators, Louisiana Senate
Members, Louisiana House of Representatives
State Capitol
900 North Third Street
Baton Rouge, Louisiana 70804

RE: Louisiana Senate Bill No. 286 by Senator John Milkovich

Dear Senator/Representative:

Public Citizen, a consumer advocacy group with 400,000 members and supporters nationwide, calls on the Louisiana State Legislature to reject Senate Bill No. 286 (SB 286) because it would seriously compromise patient safety in Louisiana. In particular, multiple provisions of the proposed legislation would substantially impede the Louisiana State Board of Medical Examiners' (LSBME's) ability to appropriately investigate allegations of physician incompetence or unprofessional conduct and thereby to protect the public from dangerous doctors.

Of particular concern, the bill appears to prohibit the LSBME from accepting and investigating anonymous complaints (see §§1293(1) and (11)) and requires that names of complainants be provided to the physician about whom the complaint is submitted. Many individuals who are in a position to witness physician misconduct are afraid to use their names when reporting serious concerns about physicians. This is particularly true when physician impairment, incompetence, or unprofessional conduct is witnessed by a spouse, family member, colleague, nurse, or employee of the physician. Precluding the acceptance of anonymous complaints and the maintenance of confidentiality of persons who submit non-anonymous complaints will endanger the public and serve to protect impaired, incompetent, or unprofessional physicians.

Moreover, the bill includes several provisions that would hinder the conduct of LSBME investigations by inappropriately prohibiting communications between LSBME investigators and the LSBME Executive Director or other members of the board (see §§1293(3), (4), (6), and (8)).

The bill also includes a provision that would give a physician being investigated by the LSBME the right to claim that an investigator is biased, hostile, or unfair to the physician and to request that the investigator be replaced (§1293(2)). If exercised repeatedly, this could be used as a means to stall investigations and delay necessary disciplinary action against impaired, incompetent, or unprofessional physicians.

Therefore, Public Citizen urges the Louisiana State Legislature to place the health interests of patients above the protection of incompetent and unprofessional physicians by rejecting SB 286.

Sincerely,



Michael Carome, M.D.
Director
Public Citizen's Health Research Group



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Founder and Senior Adviser
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