

2022 Regular Session

SENATE BILL NO. 34

BY SENATOR FRED MILLS AND REPRESENTATIVES BUTLER, CHARLES OWEN
AND BAGLEY

PHYSICIANS. Allows advisory committees of the Louisiana State Board of Medical
Examiners to meet using electronic platforms. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 37:1270.1(F), 1314(G), 1357.1(B), 1360(5), 1360.63(E),

3 1360.102(F), 2864(D), and 3356(E) and to enact R.S. 37:629, 1164(39)(c), 1270(D),

4 1340(7), 3015, 3303(E), and 3434 and R.S. 42:17.2, relative to meetings of statewide

5 advisory committees of the Louisiana State Board of Medical Examiners; to

6 authorize certain meetings to be conducted electronically; to provide for public

7 notice and participation requirements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1270.1(F), 1314(G), 1357.1(B), 1360(5), 1360.63(E),

10 1360.102(F), 2864(D), and 3356(E) are hereby amended and reenacted and R.S. 37:629,

11 1164(39)(c), 1270(D), 1340(7), 3015, 3303(E), and 3434 are enacted to read as follows:

12 **§629. Advisory committee; meetings**

13 **A statewide advisory committee established by the board in carrying out**

14 **its duties pursuant to this Chapter may conduct and its members may attend**

15 **and participate in a meeting via electronic means in accordance with R.S.**

16 **42:17.2.**

17 * * *

1 §1164. Definitions

2 As used in this Chapter, the following terms have the meaning ascribed to
3 them by this Section:

4 * * *

5 (39) * * *

6 (c) A statewide advisory committee established by the Louisiana State
7 Board of Medical Examiners in carrying out its duties relative to collaborative
8 drug therapy management may conduct and its members may attend and
9 participate in a meeting via electronic means in accordance with R.S. 42:17.2.

10 * * *

11 §1270. Duties and powers of the board

12 * * *

13 D. Any statewide advisory committee established by the board in
14 carrying out its duties pursuant to this Chapter or any other provision of law
15 may conduct and its members may attend and participate in a meeting via
16 electronic means in accordance with R.S. 42:17.2.

17 §1270.1. Physician assistants advisory committee

18 * * *

19 F.(a) The advisory committee shall meet at least twice each year or more
20 frequently as necessary as determined by the chairman or a majority of the members
21 of the advisory committee.

22 (b) The advisory committee may conduct and its members may attend
23 and participate in a meeting via electronic means in accordance with R.S.
24 42:17.2.

25 * * *

26 §1314. Clinical Laboratory Personnel Committee; creation; membership;
27 qualification; appointment; term; vacancy; officers; meetings;
28 reimbursement

29 * * *

1 G.(a) The committee shall meet at least semi-annually, on a date and at a
 2 time and place as it may designate. The committee may meet at such other times as
 3 deemed necessary by the chairman or by the majority of its members. Reasonable
 4 notice of all meetings shall be given in the manner prescribed by the committee.
 5 Seven voting members of the committee shall constitute a quorum at any meeting for
 6 the transaction of business.

7 **(b) The committee may conduct and its members may attend and**
 8 **participate in a meeting via electronic means in accordance with R.S. 42:17.2.**

9 * * *

10 §1340. Advisory Committee on Perfusion; duties; **powers**

11 Under the authority of the Louisiana State Board of Medical Examiners, the
 12 committee shall:

13 * * *

14 **(7) Have the authority to conduct and its members to attend and**
 15 **participate in a meeting via electronic means in accordance with R.S. 42:17.2.**

16 * * *

17 §1357.1. Practice of acupuncture detoxification; certification; promulgation of rules;
 18 public health emergency

19 * * *

20 B.(1) Pursuant to the provisions of this Section, the board shall promulgate
 21 rules and regulations in collaboration with its Integrative and Complementary
 22 Medicine Committee that it deems necessary to regulate the certification of
 23 acupuncture detoxification specialists and the practice of acupuncture detoxification
 24 in the state. Such rules and regulations shall include but not be limited to the
 25 following:

26 ~~(1)~~(a) Provisions regarding the adoption of fees.

27 ~~(2)~~(b) Provisions regarding the action to deny, suspend, revoke, or place on
 28 probation individuals who act beyond the scope of practice or engage in
 29 unprofessional conduct.

1 ~~(3)~~**(c)** Provisions regarding the general supervision of acupuncture
2 detoxification specialists.

3 **(2) The Integrative and Complementary Medicine Committee may**
4 **conduct and its members may attend and participate in a meeting for the**
5 **purposes of carrying out its duties pursuant to this Subsection or any other**
6 **provision of law via electronic means in accordance with R.S. 42:17.2.**

7 * * *

8 §1360. Powers and duties of the Louisiana State Board of Medical Examiners

9 In addition to the powers and duties established in R.S. 37:1270, the
10 Louisiana State Board of Medical Examiners may do any of the following:

11 * * *

12 (5)**(a)** Establish an advisory committee on acupuncture to provide such
13 assistance as the board may deem necessary or request in the administration of this
14 Part.

15 **(b) The advisory committee may conduct and its members may attend**
16 **and participate in a meeting via electronic means in accordance with R.S.**
17 **42:17.2.**

18 * * *

19 §1360.63. Medical Psychology Advisory Committee

20 * * *

21 E.**(1)** The committee may meet as needed but shall meet at least twice a year.
22 A majority of the members of the committee shall constitute a quorum for the
23 transaction of all business.

24 **(2) The committee may conduct and its members may attend and**
25 **participate in a meeting via electronic means in accordance with R.S. 42:17.2.**

26 * * *

27 §1360.102. Louisiana Genetic Counselor Advisory Committee; creation; purpose;
28 membership; duties and functions

29 * * *

1 F.(1) The committee shall meet at least semiannually and shall hold
2 additional meetings at the call of the chair or at such times as may be determined by
3 the committee.

4 (2) The committee may conduct and its members may attend and
5 participate in a meeting via electronic means in accordance with R.S. 42:17.2.

6 * * *

7 §2864. Advisory Committee on Polysomnography; creation

8 * * *

9 D.(1) The committee shall meet no less than annually at a time and place to
10 be determined by the chairman of the committee. A majority of the members of the
11 committee shall constitute a quorum for the transaction of all business.

12 (2) The committee may conduct and its members may attend and
13 participate in a meeting via electronic means in accordance with R.S. 42:17.2.

14 * * *

15 §3015. Advisory committee; meetings

16 A statewide advisory committee established by the board in carrying out
17 its duties pursuant to this Chapter may conduct and its members may attend
18 and participate in a meeting via electronic means in accordance with R.S.
19 42:17.2.

20 * * *

21 §3303. Louisiana State Board of Medical Examiners; powers and duties

22 * * *

23 E. A statewide advisory committee established by the board in carrying
24 out its duties pursuant to this Chapter may conduct and its members may
25 attend and participate in a meeting via electronic means in accordance with R.S.
26 42:17.2.

27 * * *

28 §3356. Respiratory Care Advisory Committee; creation; duties

29 * * *

1 E.(1) The committee shall meet no less than quarterly at a time and place to
2 be determined by the chairman of the committee. A majority of the members of the
3 committee shall constitute a quorum for the transaction of all business.

4 (2) The committee may conduct and its members may attend and
5 participate in a meeting via electronic means in accordance with R.S. 42:17.2.

6 * * *

7 §3434. Advisory committee; meetings

8 A statewide advisory committee established by the board in carrying out
9 its duties pursuant to this Chapter may conduct and its members may attend
10 and participate in a meeting via electronic means in accordance with R.S.
11 42:17.2.

12 Section 2. R.S. 42:17.2 is hereby enacted to read as follows:

13 §17.2 Exception for meetings of statewide advisory committees of the Louisiana
14 State Board of Medical Examiners

15 A. Notwithstanding any other provision of this Chapter to the contrary,
16 an advisory committee of the Louisiana State Board of Medical Examiners
17 which is comprised of members from various locations statewide, and which
18 acts only in an advisory capacity, may conduct and its members may attend and
19 participate in a meeting via electronic means provided that the board and the
20 advisory committee and its presiding officer comply with all the requirements
21 of this Section.

22 B. No later than twenty-four hours prior to a meeting conducted
23 pursuant to the provisions of this Section, the Louisiana State Board of Medical
24 Examiners and the advisory committee shall provide for all the following:

25 (1) The notice and agenda for the meeting, which shall be posted on the
26 website of the Louisiana State Board of Medical Examiners, emailed to any
27 member of the public or the news media who requests notice of meetings of the
28 public body, and widely distributed to every known news media outlet that
29 broadcasts or publishes news within the geographic area within the jurisdiction

1 of the public body.

2 (2) Detailed information regarding how members of the public may
3 participate in the meeting and submit comments regarding matters on the
4 agenda, which information shall be posted on the website of the Louisiana State
5 Board of Medical Examiners, emailed to any member of the public or the news
6 media who requests notice of meetings of the public body, and widely
7 distributed to every known news media outlet that broadcasts or publishes news
8 within the geographic area within the jurisdiction of the public body.

9 C. For each meeting conducted pursuant to this Section, the following
10 requirements shall apply:

11 (1) The advisory committee shall provide a mechanism to receive public
12 comment electronically both prior to and during the meeting.

13 (2) The advisory committee shall properly identify and acknowledge all
14 public comments during the meeting and shall maintain those comments in its
15 record of the meeting.

16 (3) The presiding officer of the advisory committee shall ensure both of
17 the following:

18 (a) That each person participating in the meeting is properly identified.

19 (b) That all parts of the meeting, excluding any matter discussed in
20 executive session, are clear and audible to all participants in the meeting
21 including the public.

22 D. For the purposes of this Section, the following definitions apply:

23 (1) "Meeting via electronic means" shall mean a meeting occurring via
24 teleconference or video conference.

25 (2) "Teleconference" shall mean a method of communication which
26 enables persons in different locations to participate in a meeting and to hear
27 and otherwise communicate with each other.

28 (3) "Video conference" shall mean a method of communication which
29 enables persons in different locations to participate in a meeting and to see,

1 **hear, and otherwise communicate with each other.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 34 Original 2022 Regular Session Fred Mills

Present law provides for advisory committees to the La. State Board of Medical Examiners (LSBME) relative to occupations regulated by the board including acupuncture, clinical laboratory personnel, genetic counselors, medical psychology, perfusion, physician assistant, polysomnography, and respiratory therapy.

Proposed law provides that an advisory committee of the LSBME which is comprised of members from various locations statewide, and which acts only in an advisory capacity, may conduct and its members may attend and participate in a meeting via electronic means if the board and the advisory committee and its presiding officer comply with all the requirements of proposed law.

Proposed law provides for public notice and participation requirements including the publication, no later than 24 hours prior to a meeting conducted via electronic means, of a notice and agenda for the meeting and detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda. Further requires the advisory committee to provide a mechanism to receive public comment electronically both prior to and during the meeting and to properly identify and acknowledge all public comments during the meeting and maintain those comments in its record of the meeting.

Proposed law provides that the presiding officer of the advisory committee shall ensure that each person participating in the meeting is properly identified and all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

Proposed law defines "meeting via electronic means", "teleconference", and "video conference".

Effective August 1, 2022.

(Amends R.S. 37:1270.1(F), 1314(G), 1357.1(B), 1360(5), 1360.63(E), 1360.102(F), 2864(D), and 3356(E); adds R.S. 37:629, 1164(39)(c), 1270(D), 1340(7), 3015, 3303(E), and 3434 and R.S. 42:17.2)