

1 this article, and shall issue licenses to qualified applicants and
2 shall regulate the professional conduct and discipline of such
3 individuals. In carrying out its functions, the board may:

4 (1) Adopt such rules as are necessary to carry out the
5 purposes of this article;

6 (2) Hold hearings and conduct investigations, subpoena
7 witnesses and documents and administer oaths;

8 (3) Institute proceedings in the courts of this state to
9 enforce its subpoenas for the production of witnesses and documents
10 and its orders and to restrain and enjoin violations of this
11 article and of any rules promulgated under it;

12 (4) Employ investigators, attorneys, hearing examiners,
13 consultants and such other employees as may be necessary, who shall
14 be exempt from the classified service of the Division of Personnel
15 and who shall serve at the will and pleasure of the board. In
16 addition, all personnel employed through the Department of Health
17 and Human Resources on June 30, 2009, to provide services for the
18 board are hereby transferred to the board effective July 1, 2009.
19 However, the employment, salary, benefits or position
20 classification of any person transferred under this section may not
21 be reduced or diminished by reason of this section. All persons
22 transferred shall retain their coverage under the classified
23 service of the Division of Personnel and all matters relating to
24 job classification, job tenure and conditions of employment shall

1 remain in force and effect from and after the date of this section,
2 to the same extent as if this section had not been reenacted.
3 Also, nothing herein shall prohibit the disciplining or dismissal
4 of any employee for cause.

5 (5) Enter into contracts and receive and disburse funds
6 according to law;

7 (6) Establish and certify standards for the supervision and
8 certification of physician assistants;

9 (7) Authorize medical and podiatry corporations in accordance
10 with the limitations of section fifteen of this article to practice
11 medicine and surgery or podiatry through duly licensed physicians
12 or podiatrists; and

13 (8) Perform such other duties as are set forth in this article
14 or otherwise provided ~~for~~ in this code.

15 (b) The board shall submit an annual report of its activities
16 to the Legislature. The report shall include a statistical
17 analysis of complaints received, charges investigated, charges
18 dismissed after investigation, the grounds for each such dismissal
19 and disciplinary proceedings and disposition.

20 (c) The board, on occasion of physician investigation, patient
21 complaint, physician request for ruling, patient advocacy group
22 request for ruling, shall interpret medical practice guidelines as
23 whole with respect to guideline authorship protocols and legal
24 document interpretation guidance. The investigation of such

1 interpretation shall include a public hearing unless waived by the
2 physician, patient, or patient advocacy group. Discrepancies by way
3 of commission or omission, shall prompt the following actions:

4 (1) The discrepancies shall be reported to the authoring
5 organization for clarification or rectification with a reasonable
6 time limit;

7 (2) Should the authoring organization fail to clarify or
8 rectify the discrepancies, those persons authoring the discrepant
9 guideline shall be subject to section fourteen of this article; and

10 (3) The involved physician, patient, or patient advocacy group
11 shall be notified of the boards actions and the rationales for such
12 actions.

13 (d) The board has the following ethical duties:

14 (1) Each board member shall consider the health and welfare of
15 patients as paramount;

16 (2) Each board member shall endeavor to make all the
17 scientific resources available to patients;

18 (3) Each board member shall uphold the standards of
19 professionalism, be honest in all professional interactions; and

20 (4) Each board member shall act only in the patient's interest
21 when considering medical care which might have the effect of
22 weakening the physical and mental condition of the patient.

23 (e) The board shall submit a report of its findings in
24 response to a complaint of the lack of reliability of medical

1 practice guidelines or customs to the physicians, podiatrists, and
2 physicians' assistants in the state upon such determination and
3 annually to the Legislature. The report shall include the
4 complaint, the rationale and the changes made.

NOTE: The purpose of this bill is to provide for Board of Medicine review of certain interpretations of medical practice guidelines.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.