

# Louisiana State Board of Medical Examiners

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## Disclosure of Records

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The Louisiana State Board of Medical Examiners is an agency of the State of Louisiana, within the Department of Health and Hospitals. LA. REV. STAT. §37:1263A. As such, the Board is subject to pertinent statutory regulations contained within the Louisiana Public Records Law and the Louisiana Medical Practice Act relative to the disclosure of its records.

More specifically, LA. REV. STAT. §49:956(A) provides as follows:

“Records and documents in the possession of any agency or of any officer or employee thereof, including any written conclusions drawn therefrom, which are deemed confidential and privileged, shall not be made available for adjudications proceedings of that agency and shall not be subject to a subpoena by any person or other State or Federal agency.”

The Public Records Law of Louisiana also set forth certain categories of information which are specifically exempt from inspection and disclosure. More specifically, your attention is invited to LA. REV. STAT. §47:(7) which provides that the Public Records Law of the State of Louisiana shall not apply to the disclosure of:

“Any records, writings, accounts, letters, letter books, photographs, or copies of memoranda thereof, and any report or reports concerning the fitness of any person to receive or continue to hold, a license to practice medicine, in the custody or control of the Louisiana State Board of Medical Examiners.

The Louisiana Legislature has statutorily designated those documents which are and are not deemed confidential and privileged in connection with investigations and administrative proceedings conducted by the Board. More specially, LA. REV. STATE §37: 1285(E) provides, in pertinent part:

“The Boards Final Decision in an adjudication proceeding under this section, other than by Consent Order, Agreement, or other informal disposition, shall constitute a public record, and the Board may disclose and provide such final decision to any person, firm or corporation, or the public generally.”

In light of the statutory provisions cited above, the only information which, by law, the Board may release with respect to a physician who has been the subject of an investigation and/or disciplinary proceeding is the Final Decision itself.