**NOTICE OF INTENT**

**Department of Health,
Board of Medical Examiners**

Rules of Procedure; Adjudication
(LAC 46:XLV.9920)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 *et seq.,* and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing recusal in administrative hearings and/or proceedings to clarify that in addition to the board, the Director of Investigations (DOI) and/or the Independent Counsel may also be recused, and to provide for a pro tem DOI, when needed, and the qualifications of the pro tem DOI. The proposed amendments are set forth below**.**

**Title 46**

PROFESSIONAL AND OCCUPATIONAL

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 99. Adjudication

§9920. Recusal

A. Any board member, Director of Investigations, and/or Independent Counsel who, because of bias or interest, is unable to assure a fair and impartial hearing and/or administrative proceeding shall be recused from that particular proceeding. The reasons for the recusal shall be made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding. Should the Director of Investigations be recused from a particular hearing and/or administrative proceeding, the board will contract for or specify a pro tem Director of Investigations who meets the criteria outlined in R.S. 37:1270(A)(9) to the satisfaction of the board, for that particular proceeding.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2630 (December 2015), LR 48: ( 2022).