



Serving the Public. Serving the Profession.

HOUSE OF DELEGATES MEETING
9 a.m. ■ Thursday, June 9, 2022
Sandestin Golf & Beach Resort ■ Miramar Beach, FL

M I N U T E S

President H. Minor Pipes III called the meeting of the House of Delegates of the Louisiana State Bar Association to order at 10:55 a.m., Thursday, June 9, 2022. He reminded participants of the following special rules:

- Candidates for the position on the Louisiana Bar Foundation Board of Directors had to have qualified in advance of the meeting; and
- Salmon slips to speak for or against any resolution had to have been submitted in advance.

He also reminded all members that they must use their MeetingPulse login to register their attendance for the meeting and to cast votes.

Business was conducted in accordance with the agenda below.

A G E N D A

- I. Certification of Quorum by the Secretary**
Secretary C.A. “Hap” Martin III announced that there was a quorum. A participation roster is attached as an addendum to these minutes.
- II. Recognition of Deceased Members of the House of Delegates**
Mr. Pipes asked for a moment of silence for the following deceased member of the HOD:
 - *Walter I. Willard, 41st Judicial District*
- III. Reports of Standing Committees of the House**
Mr. Pipes announced that any reports had been emailed to House members.
- IV. Reports of Officers, Board of Governors, Standing Committees and Sections of the Louisiana State Bar Association**
 1. H. Minor Pipes III, President
 2. Stephen I. Dwyer, President-Elect
 3. John E. McAuliffe, Jr., Treasurer

Mr. McAuliffe advised that his written report was distributed to House members.

4. C.A. “Hap” Martin III, Secretary

There were no reports given, as officer reports were presented at the General Assembly.

V. **Reports of Special Committees of the Louisiana State Bar Association***

Mr. Pipes announced that committee reports were distributed via email in advance of the meeting.

VI. **Other Reports***

There were no other reports.

Activities of the House of Delegates

VII. **Old Business**

The report of the Special Committee to Investigate Group Health Insurance Options, a committee created from the June 2021 resolution, was disseminated via email on June 2.

Mr. Pipes announced that the report was emailed in advance of the meeting and that the committee has not completed its investigation.

VIII. **Approval of Minutes**

Consideration of approval of the Minutes of the January 22, 2022 meeting of the House of Delegates, held in Baton Rouge.

Upon motion by Robert A. Kutcher of the 24th Judicial District and second by Shayna L. Sonnier of the 14th Judicial District, the House unanimously approved the minutes as presented.

IX. **Elections**

1. Election of a member of the Louisiana State Bar Association House of Delegates to serve ex-officio as a member of the Board of Directors of the Louisiana Bar Foundation for a three-year term beginning 2022 and ending 2025. This individual must be a Fellow of the Louisiana Bar Foundation.

Mr. Pipes announced that a nomination from the following individual was received in advance and no additional nominations could be made from the floor:

- *Christopher B. Hebert, 19th Judicial District*

Mr. Pipes announced that Mr. Hebert was elected by acclamation.

X. **Resolutions**

Member Resolution

1. Resolution from Andrew M. Casanave of the 14th Judicial District proposing that the LSBA and the House of Delegates support legislation granting parity of funding both for the Louisiana Public Defender Board and for public defenders themselves.

Mr. Pipes announced that the resolution had been WITHDRAWN prior to the meeting.

Louisiana Board of Legal Specialization Resolution

2. Resolution from the Louisiana Board of Legal Specialization proposing to amend the Health Law Standards.

Mr. Pipes called upon Louisiana Board of Legal Specialization Chair, Bernadette R. Lee to introduce the resolution. Robert A. Kutcher of the 24th Judicial District moved its adoption, which was duly seconded by Keenan K. Kelly of the 10th Judicial District.

There being no salmon slips, Mr. Pipes advised the vote would be taken. He announced that members should vote for or against the resolution using MeetingPulse and that voting will be open for roughly 60 seconds.

After a reminder that 10 seconds remained, Mr. Pipes announced that voting was closed, and that the resolution was APPROVED by the following vote:

<i>Approve</i>	<i>82</i>
<i>Reject</i>	<i>2</i>
<i>Abstain</i>	<i>1</i>

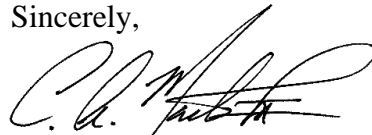
XI. Other Business

Consideration of any other business to come before the House of Delegates.
There was no further business to come before the House.

Mr. Pipes thanked House members for their participation and reminded Board members that they would reconvene to consider ratification of the action of the HOD.

There being no further business, the meeting was adjourned at 11:05 a.m.

Sincerely,



C.A. (Hap) Martin III

**APPROVED BY HOUSE OF DELEGATES
JANUARY 21, 2023
BATON ROUGE, LA**

ADDENDUM
2022-2023 HOUSE OF DELEGATES
ATTENDANCE • 2022 ANNUAL MEETING

FIRST JUDICIAL DISTRICT (14 seats) Parish of Caddo

PRESENT Valerie A. DeLatte BY PROXY TO Margaret Manning
PRESENT Daniel L. Farris BY PROXY TO Senae Hall
PRESENT James L. Fortson, Jr. BY PROXY TO Briana Spivey
Stephen Christopher Fortson
PRESENT John M. Frazier BY PROXY TO Greg Barro
Daryl Gold
PRESENT W. James Hill III
Richard M. John
Kevin R. Molloy
Amy Michelle Perkins
PRESENT Joseph L. Shea, Jr.
Kenneth Craig Smith
Scott R. Wolf
Paul L. Wood

SECOND JUDICIAL DISTRICT (3 seats) Parishes of Bienville, Claiborne & Jackson

THIRD JUDICIAL DISTRICT (3 seats) Parishes of Lincoln & Union

Amy Josephine Miller
Albert Carter Mills IV
Tyler G. Storms

FOURTH JUDICIAL DISTRICT (11 seats) Parishes of Morehouse & Ouachita

PRESENT Ethan Andrews Hunt BY PROXY TO Wendell Manning
Spencer Kirby Moore
PRESENT Ramsey L. Ogg BY PROXY TO C.A. Hap Martin III
PRESENT Alicia Reitzell
Peggy J. Sullivan
Grant M. Tolbird
Justin Wooley
PRESENT Thomas G. Zentner, Jr. BY PROXY TO Mike Street

FIFTH JUDICIAL DISTRICT (3 seats) Parishes of Franklin, Richland, & West Carroll

PRESENT John Clay Hamilton

SIXTH JUDICIAL DISTRICT (2 seats) Parishes of East Carroll, Madison & Tensas

PRESENT Kenneth A. Brister

SEVENTH JUDICIAL DISTRICT (2 seats) Parishes of Catahoula & Concordia

Alexandra E. LeTard
PRESENT Ann S. Siddall

EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Winn

Jonathan Randall McDow

NINTH JUDICIAL DISTRICT (7 seats) Parish of Rapides

PRESENT Bernetta Yvette Bryant
PRESENT Lauren G. Coleman
Derrick Javon Johnson
PRESENT Robert G. Levy BY PROXY TO Charles Elliott
Monique Y. Metoyer
PRESENT Alainna R. Mire

TENTH JUDICIAL DISTRICT (2 seats) Parish of Natchitoches

PRESENT Keenan K. Kelly

ELEVENTH JUDICIAL DISTRICT (1 seat) Parish of Sabine

Rebecca L. Riall

TWELFTH JUDICIAL DISTRICT (2 seats) Parish of Avoyelles

Douglas L. Bryan
Matthew Raymond Foster

THIRTEENTH JUDICIAL DISTRICT (2 seats) Parish of Evangeline

Jacob B. Fusilier
Christopher Ludeau

FOURTEENTH JUDICIAL DISTRICT (10 seats) Parish of Calcasieu

PRESENT Somer G. Brown BY PROXY TO Brooke Roach
PRESENT Andrew M. Casanave
PRESENT Todd S. Clemons
PRESENT Genia Coleman-Lee BY PROXY TO Shayna Sonnier
Brad Allen Guillory
PRESENT Rebecca J. Hunter BY PROXY TO Adam Johnson
PRESENT Jonathan Lane Johnson
PRESENT Larry E. Pichon
Michael H. Schwartzberg
Chantell Marie Smith

FIFTEENTH JUDICIAL DISTRICT (13 seats) Parishes of Acadia, Lafayette & Vermillion

PRESENT Shannon Seiler Dartez BY PROXY TO Tricia Pierre
PRESENT Katherine L. Hurst BY PROXY TO Joe Oelkers
James L. Klock
Andrew B. Mims
PRESENT Jared E. Nelson
Donovan J. O’Pry II
Christopher B. Ortte
PRESENT Megan E. Reaux

PRESENT Jeffrey A. Riggs
PRESENT Mandy Ann Simon
Michael D. Skinner
PRESENT Juliette B. Wade BY PROXY TO George Arceneaux
Desiree Williams-Auzenne

SIXTEENTH JUDICIAL DISTRICT (8 seats) Parishes of Iberia, St. Martin & St. Mary

Adolph B. Curet III
Eric P. Duplantis
Pamela A. Lemoins
Marsha McNulty
Thailund Treymeine Porter-Green
PRESENT Andrew Reed BY PROXY TO Dan Rees
PRESENT Julie Des Ormeaux Rosenzweig
PRESENT Maggie Trahan Simar

SEVENTEENTH JUDICIAL DISTRICT (5 seats) Parish of Lafourche

William N. Abel
Eugene G. Gouaux, Jr.
PRESENT J. Marvin Montgomery
Nicholas J. Zeringue

EIGHTEENTH JUDICIAL DISTRICT (4 seats) Parishes of Iberville, Pointe Coupee & West Baton Rouge

PRESENT Andretta Breaux Atkins
John Lane Ewing, Jr.
Stephen P. Jewell
PRESENT Deidre Deculus Robert

NINETEENTH JUDICIAL DISTRICT (21 seats) Parish of East Baton Rouge

PRESENT B. Scott Andrews BY PROXY TO Adrejia Boutté
PRESENT Jesse H. Bankston, Jr.
PRESENT Valerie B. Bargas BY PROXY TO Dani Borel
PRESENT Elizabeth Bailly Bloch
PRESENT James E. Boren BY PROXY TO ReAzalia Allen
PRESENT Dana B. Brown
Donald J. Cazayoux
PRESENT Douglas J. Cochran
PRESENT Renee C. Crasto
PRESENT Jean M. Faria BY PROXY TO Chaunda Brooks
PRESENT Maya Guntz Flowers BY PROXY TO Adrian Nadeau
PRESENT Christopher B. Hebert
PRESENT Craig F. Holthaus BY PROXY TO Brad Cranmer
PRESENT Leticia J. Johnson
PRESENT Rusty M. Messer BY PROXY TO Josef Ventulan
PRESENT Darrel J. Papillion

PRESENT Julie Baxter Payer
PRESENT Mary E. Roper BY PROXY TO Carrie LeBlanc Jones
PRESENT Valerie T. Schexnayder
PRESENT David Abboud Thomas
PRESENT Tavares Anthony Walker BY PROXY TO Mike McKay

TWENTIETH JUDICIAL DISTRICT (2 seats) Parishes of East Feliciana & West Feliciana

PRESENT Samuel Christopher D'Aquilla
Stewart B. Hughes

TWENTY-FIRST JUDICIAL DISTRICT (9 seats) Parishes of Livingston, St. Helena & Tangipahoa

Mary E. Heck Barrios
Erik L. Burns
Anthony Todd Caruso
Douglas T. Curet
Colt Justin Fore
Ivy Landry Graham
D. Blayne Honeycutt
PRESENT Robert W. Morgan
Joseph Paul Ramage, Jr.

TWENTY-SECOND JUDICIAL DISTRICT (12 seats) Parishes of St. Tammany & Washington

PRESENT Clayton J. Borne IV BY PROXY TO Angela White Bazile
Ben E. Clayton
Joshua P. Clayton
Debra Kay Henkels
Michael E. Holoway
Andrew B. Joyner
Robert C. Lehman
PRESENT R. Bradley Lewis
Ana E. Lopez
Sean Michael Morrison
PRESENT Todd C. Taranto
Rachel Thyre Vogeltanz

TWENTY-THIRD JUDICIAL DISTRICT (5 seats) Parishes of Ascension, Assumption & St. James

Christopher J. Bridges
Lana O. Chaney
Timothy E. Pujol
Stacey Barnes Stephens
PRESENT Lesia H. Warren

TWENTY-FOURTH JUDICIAL DISTRICT (19 seats) Parish of Jefferson

PRESENT Jason D. Asbill BY PROXY TO Fredericka Wicker
PRESENT Thomas C. Cerullo
PRESENT Sandra K. Cosby
PRESENT S. Guy deLaup
PRESENT Michael R. Delesdernier BY PROXY TO Amy Duncan
Edwin R. Fleischmann, Jr.
Paul C. Fleming, Jr.
Christy M. Howley
PRESENT Robert A. Kutcher
Adrian F. Lapeyronnie III
PRESENT Richard K. Leefe BY PROXY TO Shayna Beevers Morvant
PRESENT Sowmya Mandava BY PROXY TO Joseph Tran
PRESENT Robert L. Marrero BY PROXY TO Eddie McAuliffe
Betty Ann Maury
PRESENT Roy A. Raspanti
PRESENT Mary Watson Smith BY PROXY TO Tina Suggs
PRESENT Nicole S. Tygier BY PROXY TO Mickey deLaup
PRESENT Colby F. Wenck
Tiffany Scot Wilken

TWENTY-FIFTH JUDICIAL DISTRICT (2 seats) Parish of Plaquemine

S. Jacob Braud
Dominick Scandurro, Jr.

TWENTY-SIXTH JUDICIAL DISTRICT (6 seats) Parishes of Bossier & Webster

M. F. Rick Fayard, Jr.
Amanda J. Hulett
Ingrid J. James
Melissa Joy Kilgo Reger
Ross E. Shacklette
Aaron R. Wilson

TWENTY-SEVENTH JUDICIAL DISTRICT (4 seats) Parish of St. Landry

Scherri N. Guidry
Francis A. Olivier III
Kathleen Elaine Ryan
Randy Wagley

TWENTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of LaSalle

Christie C. Wood

TWENTY-NINTH JUDICIAL DISTRICT (3 seats) Parish of St. Charles

PRESENT Paula Adams Ates BY PROXY TO Monte Mollere
Don Paul Landry
Joseph B. Rochelle

THIRTIETH JUDICIAL DISTRICT (3 seats) Parish of Vernon

Jonathan Reuben Hirsch

THIRTY-FIRST JUDICIAL DISTRICT (1 seat) Parish of Jefferson Davis

PRESENT Richard M. Arceneaux

THIRTY-SECOND JUDICIAL DISTRICT (5 seats) Parish of Terrebonne

Lakethia Breyun Bryant

Alexis M. Connell

PRESENT Teresa D. King

THIRTY-THIRD JUDICIAL DISTRICT (2 seats) Parish of Allen

Mary Hebert Holmes

Michael B. Holmes

THIRTY-FOURTH JUDICIAL DISTRICT (5 seats) Parish of St. Bernard

Elizabeth Borne

Roberta L. Burns

Tracy Helen Duplantier

Gregory J. Noto

Paul A. Tabary III

THIRTY-FIFTH JUDICIAL DISTRICT (1 seat) Parish of Grant

Jared G. Price

THIRTY-SIXTH JUDICIAL DISTRICT (2 seats) Parish of Beauregard

F. Steve Landreneau

THIRTY-SEVENTH JUDICIAL DISTRICT (1 seat) Parish of Caldwell

THIRTY-EIGHTH JUDICIAL DISTRICT (1 seat) Parish of Cameron

Robert James Sheffield, Jr.

THIRTY-NINTH JUDICIAL DISTRICT (1 seat) Parish of Red River

FORTIETH JUDICIAL DISTRICT (3 seats) Parish of St. John the Baptist

PRESENT Toni Sutton Becnel BY PROXY TO Iriane Lee

PRESENT Elizabeth A. Goree

William D. O'Regan III

FORTY-FIRST JUDICIAL DISTRICT (32 seats) Parish of Orleans

PRESENT Glenn B. Adams

PRESENT Francis J. Barry, Jr.

PRESENT Ashley L. Belleau

PRESENT Jack C. Benjamin, Jr. BY PROXY TO Larry Centola

PRESENT Evan J. Bergeron BY PROXY TO Scott Sternberg

PRESENT Thomas A. Casey, Jr. BY PROXY TO Bernadette Lee
PRESENT Justin M. Chopin
PRESENT Louis A. DiRosa, Jr. BY PROXY TO Shermin Khan
PRESENT Michael Joseph Ecuyer BY PROXY TO Cheri Grodsky
PRESENT Micah John Fincher
PRESENT Thomas M. Flanagan BY PROXY TO Eric Barefield
PRESENT William R. Forrester
PRESENT Barry H. Grodsky
PRESENT James C. Gulotta, Jr.
PRESENT Philip K. Jones, Jr. BY PROXY TO Tiffany Delery
PRESENT John M. Landis BY PROXY TO Rubi Brown
PRESENT Mark D. Latham BY PROXY TO Joseph Wilson
PRESENT Kevin A. Marks
PRESENT Jonique Martin Hall
PRESENT Chadwick J. Mollere
PRESENT John Reed Poole, Jr. BY PROXY TO Kristen Amond
PRESENT Christopher K. Ralston
PRESENT D. Skylar Rosenbloom BY PROXY TO Mary Ann Wegmann
PRESENT Louis Gravois Schott
PRESENT Timothy H. Scott
PRESENT Karen B. Sher
PRESENT Ronald J. Sholes, Jr.
PRESENT Patrick A. Talley, Jr.
PRESENT Bradley J. Tate
PRESENT Edward D. Wegmann BY PROXY TO Billy King
PRESENT Phillip A. Wittmann
PRESENT Jay Christopher Zainey, Jr.

FORTY-SECOND JUDICIAL DISTRICT (2 seats) Parish of DeSoto

Dick Dee Knadler
Adrienne Danielle White

SECTION CHAIRS

Alyson V. Antoon, Animal Law
Richard J. Arsenaault, Insurance, Tort, Worker's Compensation
Jacqueline M. Brettner, Alternative Dispute Resolution
William P. Buckley, Intellectual Property Law
Susan J. Burkenstock, Trust Estate Probate & Immovable Property
Christopher Caplinger, Bankruptcy
Cade R. Cole, Tax Section
Ashley F. Dees, Immigration Law
Steven J. Farber, Government & Public Law
PRESENT Jean M. Faria, Criminal Law BY PROXY TO Chaunda Brooks
Melissa K. Frey, Public Utility Section
Edgar D. Gankendorff, Art, Entertainment & Sports Law
Lauren E. Godshall, Environmental Law

Demarcus J. Gordon, Minority Involvement
Edward T. Hayes, International Law
Leland G. Horton, Mineral Law
Andrew B. Kingsley, Labor Relation & Employment Law
Alexandra C. Layfield, Corporate & Business Law
Lynn Luker, Civil Law & Litigation
Alexander M. McIntyre, Antitrust & Trade Regulation Law
Courtney P. Newton, Administrative Law
Warren A. Perrin, Francophone
Leonor E. Prieto, Solo Small Firm
John W. Redmann, Bench Bar
Lyn S. Savoie, Health Law Section
H. Bruce Shreves, Fidelity Surety & Construction Law
Richard C. Stanley, Appellate
David A. Szwak, Consumer Protection Law
Zara L. Zeringue, Family Law



**RESOLUTION OF THE
LOUISIANA BOARD OF LEGAL SPECIALIZATION
TO AMEND HEALTH LAW STANDARDS**

WHEREAS, the Louisiana Board of Legal Specialization is empowered under Section 3.1C of the Louisiana State Bar Association Plan of Legal Specialization to make recommendations to the House of Delegates of the Louisiana State Bar Association with respect to reasonable and non-discriminatory standards concerning education, experience, proficiency and other relevant matters for granting certificates of special competence to lawyers in defined and designated fields of law;

WHEREAS, a determination was made by the Louisiana Board of Legal Specialization Health Law Advisory Commission that an amendment to the Health Law Standards is in order to revise Section II (A)(10)(3), which presently reads:

3. Institutional Operations & Patient Care

- 3.1 Informed consent
- 3.2 Privacy and confidential information
- 3.3 Medical Records
- 3.4 Advance Directives
- 3.5 Patient Rights
- 3.6 Disciplinary actions and reporting requirements
- 3.7 Risk management
- 3.8 Credentialing and professional peer review
- 3.9 Emergency hospital services requirements/ Anti-dumping prohibitions
- 3.10 Medical Staff governance and bylaws
- 3.11 Health information technology
- 3.12 HIPAA
- 3.13. HITECH Act
- 3.14. Healthcare Quality Improvement Act (HCQIA)

WHEREAS, a proposal was made by the Health Law Advisory Commission to add “3.15 Involuntary Commitment” to Section II (A)(10)(3) of the Health Law Standards;

WHEREAS, the purpose of this proposal is to clarify one of the “3.5 Patient Rights” and list “Involuntary Commitment” separately as “3.15 Involuntary Commitment” and is of a “housekeeping” nature; and that Section II (A)(10)(3) of the Health Law Standards should be amended as follows:

3. Institutional Operations & Patient Care

- 3.1 Informed consent
- 3.2 Privacy and confidential information
- 3.3 Medical Records
- 3.4 Advance Directives
- 3.5 Patient Rights
- 3.6 Disciplinary actions and reporting requirements
- 3.7 Risk management
- 3.8 Credentialing and professional peer review
- 3.9 Emergency hospital services requirements/ Anti-dumping prohibitions
- 3.10 Medical Staff governance and bylaws
- 3.11 Health information technology
- 3.12 HIPAA
- 3.13 HITECH Act
- 3.14 Healthcare Quality Improvement Act (HCQIA)
- 3.15 Involuntary Commitment

WHEREAS, it is the recommendation of the Louisiana Board of Legal Specialization that it would be appropriate to amend Section II (A)(10)(3) of the Health Law Standards to add Section “3.15 Involuntary Commitment;” and is of a “housekeeping” nature;

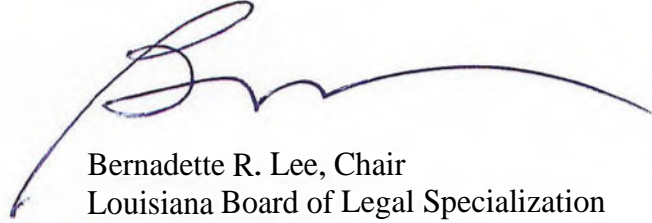
NOW, THEREFORE, BE IT RESOLVED that there should be an amendment to Section 3 of the Louisiana Board of Legal Specialization Health Law Topics to add: “3.15 Involuntary Commitment,” as follows:

3. Institutional Operations & Patient Care

- 3.1 Informed consent
- 3.2 Privacy and confidential information
- 3.3 Medical Records
- 3.4 Advance Directives
- 3.5 Patient Rights
- 3.6 Disciplinary actions and reporting requirements
- 3.7 Risk management
- 3.8 Credentialing and professional peer review
- 3.9 Emergency hospital services requirements/ Anti-dumping prohibitions
- 3.10 Medical Staff governance and bylaws
- 3.11 Health information technology
- 3.12 HIPAA
- 3.13 HITECH Act
- 3.14 Healthcare Quality Improvement Act (HCQIA)
- 3.15 Involuntary Commitment

FURTHER, be it resolved that this Resolution be submitted to the House of Delegates of the Louisiana State Bar Association for approval.

Respectfully submitted,



Bernadette R. Lee, Chair
Louisiana Board of Legal Specialization

May 11, 2022
New Orleans, Louisiana

**APPROVED BY HOUSE OF DELEGATES
FOR 82 (98%)
AGAINST 2 (2%)
JUNE 9, 2022
DESTIN, FL**

**RATIFIED UNANIMOUSLY BY BOARD OF GOVERNORS
JUNE 10, 2022
DESTIN, FL**

ATTEST:



**C.A. "Hap" Martin III
Secretary, Louisiana State Bar Association**



LOUISIANA BOARD OF LEGAL SPECIALIZATION HEALTH LAW STANDARDS

Pursuant to the authority vested in the Louisiana Board of Legal Specialization (the "Board") by the Supreme Court of Louisiana and on the recommendation of the Health Law Advisory Commission (the "Advisory Commission") the Board promulgates the following standards and requirements for Board certification in health law in accordance with the Plan of Legal Specialization (the "Plan") and the Rules and Regulations of the Louisiana Board of Legal Specialization (the "Rules").

Section I. DEFINITIONS

- A. The practice of law means full-time legal work performed for the purpose of rendering legal advice or legal representation to the general public, private employers or governmental agencies.
- B. Full-time shall be defined as working a minimum of 35 hours per week.
- C. Health Law is the practice of law dealing with federal, state and local law, rules, regulations, and other authorities regarding operational, regulatory, and transactional legal issues between and among health care providers, patients, payors, vendors, governmental regulators and others involved in the delivery and financing of health care services.
- D. Certification as a specialist shall be effective the date the Board authorizes recognition and shall remain effective for five (5) years from January 1 of the year of recognition.

Section II. BASIC REQUIREMENTS

A. Application

1. Each applicant shall be an active member in good standing of the Louisiana State Bar Association.
2. Each applicant shall have a minimum of five (5) years of actual practice of law on a full time basis preceding the year of application.
3. Each applicant shall certify under oath that during at least 48 of the 60 months immediately preceding the year of application, such applicant has been as an attorney practicing in the State of Louisiana and that he or she devoted a minimum of 35% of a full time work schedule in the practice of law in the field of health law, as defined in Section I.C.
4. The Advisory Commission must receive on behalf of an applicant, on a form furnished by the Board, a minimum of five (5) reference statements from practicing attorneys who can attest to the applicant's competence in the specialty field of health law. Of the five (5) references, at least one (1) must be from a Board Certified Health Law Specialist. These submissions shall be subject to the limitations outlined in Section 8.4 of the Rules.
5. Each applicant shall consent to a confidential inquiry by the Board and/or the Advisory Commission, directed to all persons who serve as references for the applicant, and to other persons regarding the

applicant's competence and qualifications to be recognized as a Health Law specialist. This inquiry and review shall consider information furnished by references and other information that the Advisory Commission deems relevant to whether the applicant has sufficient competence and proficiency handling the usual matters of the specialty field. This information may include the applicant's work product, problem analysis, statement of issues and analysis, ethics, reputation, professionalism or such other criteria which the Advisory Commission deems appropriate to take into account prior to making its recommendations.

6. Each applicant must comply with the rules and regulations established by the Board as they relate to release of disciplinary action information.
7. Each applicant is required to obtain by December 31 of the year of application a minimum of 15 hours of continuing legal education ("CLE") in the field of health law. All CLE credits of an applicant must be approved by the Mandatory Continuing Legal Education ("MCLE Committee") and the Advisory Commission. CLE earned in prior years may not be used to satisfy the 15 hour requirement within the year of application. An applicant will not qualify for the specialization CLE exemption in the year of application.
8. Each applicant must maintain professional liability insurance in the minimum amount of \$1,000,000. The policy must be offered by a company reasonably acceptable to the Board. Evidence of insurance shall be provided to the Advisory Commission with the application.
9. Each applicant must pay all fees required by the Rules.
10. Each applicant must take and pass a written examination applied uniformly to all applicants and designed to demonstrate sufficient knowledge, skills, and proficiency in the following areas of health law to justify the representation of special competence to the legal profession and the public:

1. Contracting & Fraud & Abuse

- 1.1 General health care contract issues
- 1.2 Louisiana and Federal anti-kickback prohibitions
- 1.3 Federal and Louisiana restrictions on physicians' referrals to health care entities
- 1.4 Federal and Louisiana ownership disclosure requirements
- 1.5 Acquisition and sale of health care providers and physician practices
- 1.6 Tax issues/tax exemptions
- 1.7 Civil, administrative and criminal sanctions
- 1.8 Compliance programs
- 1.9 Exclusion and disbarment
- 1.10 False Claims Act (Federal & State)

2. Provider Regulation

- 2.1 Facility Need Review Approval
- 2.2 Licensure
- 2.3 Medicare and Medicaid Certification
- 2.4 Accreditation
- 2.5 Administrative law and procedure

3. Institutional Operations & Patient Care

- 3.1 Informed consent
- 3.2 Privacy and confidential information
- 3.3 Medical Records
- 3.4 Advance Directives
- 3.5 Patient Rights
- 3.6 Disciplinary actions and reporting requirements
- 3.7 Risk management
- 3.8 Credentialing and professional peer review
- 3.9 Emergency hospital services requirements/ Anti-dumping prohibitions
- 3.10 Medical Staff governance and bylaws
- 3.11 Health information technology
- 3.12 HIPAA
- 3.13 HITECH Act
- 3.14 Healthcare Quality Improvement Act (HCQIA)
- 3.15 Involuntary Commitment

4. Integration & Reimbursement

- 4.1 Integration and structure of delivery systems
- 4.2 Healthcare Antitrust
- 4.3 Managed care entities and contracting
- 4.4 Reimbursement and payment
- 4.5 Louisiana Medicaid program
- 4.6 Medicare program
- 4.7 Audits and appeals

B. Maintenance

Each Board Certified Health Law Specialist must satisfy the following criteria to maintain their specialization certification:

1. Be an active member in good standing of the Louisiana State Bar Association.
2. Certify under oath, on a form provided by the Board that he or she engages in the actual practice of law on a full time basis.
3. Certify under oath, on a form provided by the Board, that he or she is an attorney practicing in the state of Louisiana and that he or she has devoted a minimum of 35% of a full time work schedule in the practice of law annually in the field of health law, as defined in Section I.C herein.
4. During each year of certification, must attend a minimum of 15 hours of approved health law continuing legal education programs which comply with Section III below and the Supreme Court of Louisiana Rules for Continuing Legal Education. Up to eight (8) hours of approved health law specialization CLE earned in excess of the 15 hour minimum required per year will be permitted to carry forward to the subsequent year, but may not be carried forward from the application year.
5. Maintain professional liability insurance in the minimum amount of \$1,000,000, unless waived for good cause by the Board. The policy must be offered by a company reasonably acceptable to the

Board. Proof of insurance shall be provided annually with payment of the annual dues and upon request.

6. Pay all fees required by the Rules.

C. Recertification

1. Recertification as a Board Certified Health Law Specialist shall be required every five (5) years from the date of certification or recertification, as the case may be.
2. Each Board Certified Health Law Specialist shall present an application every five (5) years, on a form furnished by the Board, certifying that he or she has met the requirements of Section II.B above.

Section III. STANDARDS FOR CONTINUING LEGAL EDUCATION PROGRAMS

A. Program Development and Presentation

1. The program should contribute to the professional competence of a Board Certified Health Law Specialist in the area of health law and should be open for attendance by all such attorneys.
2. Programs should be developed by individual(s) qualified in the subject matter.
3. Program content should be current. Health law specialization CLE credit will be granted for an entire program if 50% or more of the program is devoted to health law subjects. If the program in its entirety does not meet the 50% requirement, individual sessions within the program will qualify for health law specialization CLE credit if 50% or more of the content of the session is devoted to health law.
4. Participants should be informed in advance of objectives, prerequisites, experience level, content, advance preparation (if required), and teaching methods.
5. Instructors or discussion leaders should be qualified with respect to program content and teaching method used.
6. Program sponsors should encourage participation only by individuals with appropriate education and/or experience.
7. The program sponsor must maintain registration and/or attendance records and such other records as may be necessary to substantiate compliance of the program with the above criteria.

B. Programs Which Qualify

1. General Rule

Continuing legal education ("CLE") programs must be approved by the Mandatory Continuing Legal Education Committee ("MCLE Committee") before approval can be granted by the Advisory Commission. Mandatory Continuing Legal Education ("MCLE") is administered by the Louisiana State Bar Association (hereinafter the "LSBA"). The overriding consideration in determining if a specific program qualifies as acceptable continuing legal education is that it be a formal program of learning which contributes directly to the professional competence of an attorney who specializes in the field of health law.

2. Program Approval

Programs shall be approved on a case-by-case basis by the Advisory Commission provided the program meets the general standards set forth in Section III.A and B.1.

No credit shall be awarded for firm meetings or "in house" CLE programs.

Section IV. OTHER METHODS OF EARNING SPECIALIZATION CLE CREDIT

A. General Rules

1. Any other method of earning specialization CLE credit must be approved by MCLE before approval can be granted by the Advisory Commission, who shall then approve each request on a case-by-case basis.
2. All credit earned shall be calculated by MCLE in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.
3. All requests for CLE credit shall be submitted to MCLE and the Advisory Commission within a reasonable period of time but no later than January 31 of the calendar year following the activity for which CLE credit is being sought.

B. Teaching

1. CLE credit may be awarded for teaching an approved CLE program pertinent to the specialization subject matter. If an individual teaches at a program and attends the balance of the program, then he or she shall receive credit for that portion of the program he or she did not teach in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education. No credit will be given for repetitious presentations of a program.
2. Teaching of academic courses in health law in a law school or other graduate level program presented by a recognized professional educational association may earn CLE credit.
3. CLE credit may be awarded for teaching a health law session at any seminar, provided the presentation meets all criteria contained in Section III.A and B, other than Section III.A.3.

C. Writing

CLE credit may be awarded for writing of articles and other publications directed primarily to attorneys specializing in the health law field of law and published in professional periodicals and publications. Credit will not be awarded for authorship of articles and other publications until the writing has been published.

D. Louisiana State Law Institute Committee Meetings

CLE credit may be awarded for attendance at Louisiana State Law Institute Committee meetings pertinent to the field of health law.

E. Pro Bono

CLE credit may be awarded for providing uncompensated pro bono legal representation related to a health law matter, as defined in Section I.C. herein, to an indigent or near-indigent client or clients. CLE credit shall not be granted until the representation has been assigned, completed and verified by the assigning organization as defined by and in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section V. CREDIT HOURS GRANTED

- A. Only credit hours or the equivalent (and not hours dedicated to preparation) will be counted.
- B. One (1) hour of continuing legal education credit will be awarded for each 60 minutes of instruction. Where the program is several periods of instruction with intervening breaks, the number of minutes of instruction is summed for the entire program for which the credit is claimed and then the total number of minutes is divided by 60.
- C. A participant who is not present for an entire program may claim credit only for the portion he or she attended.
- D. The credit hours assigned to a program by MCLE will be accepted by the Advisory Commission unless the hours are clearly inaccurate under the standards for computing credit in accordance with the Supreme Court of Louisiana Rules for Continuing Legal Education.

Section VI. COMPLIANCE

A. General Rule

Specialization CLE credit hours will be computed on a calendar year basis and all attendance information for CLE credits earned shall be delivered to MCLE by January 31 of the following year.

B. Notification

The Board will notify each non-compliant Board Certified Health Law Specialist of the credit hours he or she has earned during the preceding calendar year. The specialist shall have 30 days from the date of notification to appeal the award of credit hours.

A specialization transcript may be obtained from the Louisiana Board of Legal Specialization website located at: <https://www.lsba.org/Specialization/>.

Section VII. ADMINISTRATION

The Advisory Commission may delegate its responsibility to rule on all matters pertaining to health law CLE requirements to a committee consisting of at least three (3) Advisory Commission members. Any such committee shall report to the Advisory Commission, and the Advisory Commission shall, at all times, retain the right to review, modify, or supersede the decisions of any such committee.