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From: Jessica Weimer
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Occupational Licensing Review Program

Date: June 8, 2026

Subject: Louisiana State Board of Medical Examiners
Proposed Amendments to LAC 46:XLV.6901 *et seq.*
Regarding Medications Used in the Treatment of Obesity

I. SUMMARY

The Louisiana State Board of Medical Examiners (the “**Board**”) proposes amending LAC 46:XLV.6901 *et seq.* (the “**Proposed Amendments**”), regarding medications used in the treatment of obesity.

The Board published a Notice of Intent to promulgate the Proposed Amendments on March 20, 2026.¹ The Notice invited written comments on the Proposed Amendments until April 28, 2026 and received two.²

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on March 24, 2026. The OLRP invited public comments on the Proposed Amendments March 25, 2026 through April 7, 2026 and received no comments.

The OLRP received the two public comments received by the Board on May 1, 2026. On June 1, 2026, the Board provided its responses to the comments. The Board received public comments from the Louisiana Academy of Family Physicians (“**LAFP**”) and the Louisiana State Medical Society (“**LSMS**”). Both organizations submitted substantially identical comments express concerns regarding the clarity of several proposed provisions, including physician supervision requirements, off-label prescribing standards, medication sourcing requirements, compounding provisions, and the use of telehealth in obesity treatment. The public comments also requested clarification regarding the treatment of certain medications

¹ Louisiana Register Vol. 52 No. 3 March 20, 2026 p 392-395

² Id. at p 394

prescribed for comorbid conditions and the implementation of the proposed compounding requirements.

The Board considered the comments at its May 18, 2026 public meeting and determined that the proposed amendments adequately addressed the concerns raised. The Board unanimously voted to proceed with promulgation of the rules without modification. The Board's written responses indicated that, following deliberation, it concluded that no amendments to the proposed rules were necessary.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law³. An Occupational Regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁴ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

The Louisiana Administrative Procedure Act (“APA”) defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees⁶. The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule⁷. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area⁸.

Regulations governing the prescription, dispensation, administration, and use of medications in the treatment of obesity may affect the manner in which physicians provide medical services and therefore constitute occupational regulations subject to review under La. R.S. 49:260. As set forth below, the OLRP has determined that the Board's Proposed Amendments to LAC XLV.6901 et seq. are within the Board's statutory authority and adhere to clearly articulated state policy. While certain provisions governing medication sourcing and compounding may have limited reasonably foreseeable effects on competition, the Proposed Amendments are generally less restrictive than the current regulations, reduce existing barriers to treatment, and are reasonably related to legitimate public health, safety, and welfare objectives.

³ LSA-R.S. 49:260(D)(2)

⁴ LSA-R.S. 49:260(G)(4)

⁵ Black’s Law Dictionary, 12th Edition p. 116

⁶ LSA-R.S. 49:951 (8)

⁷ Id.

⁸ Id.

II. ANALYSIS

The Louisiana Legislature has deemed it the policy of the State of Louisiana in the interest of public health, safety, and welfare, to provide laws and provisions governing the practice of medicine and its subsequent use, control, and regulation to protect the public against unprofessional, improper, unauthorized, and unqualified practice of medicine and from unprofessional conduct of persons licensed to practice medicine.⁹ The Board of Medical Examiners was created to regulate the practice of medicine in this state.¹⁰ The Board is authorized to take appropriate administrative actions to regulate the practice of medicine in Louisiana in order to promote the established policy of the State.¹¹ The Board may also adopt rules, regulations, and standards necessary to carry out the board's duties, powers and functions as provided for in LSA R.S. 37:1261 *et seq.*¹²

The Board proposes amendments to LAC 46:XLV.6901 *et seq.* governing medications used in the treatment of obesity. The Proposed Amendments (i) clarify physician responsibilities when supervising physician assistants and collaborating with advanced practice registered nurses, (ii) replace outdated terminology relating to obesity medications, (iii) authorize off-label use of medications used in obesity treatment subject to informed consent and documentation requirements, (iv) establish sourcing and compounding requirements for certain obesity medications, (v) revise patient evaluation and monitoring requirements, and (vi) make conforming and technical revisions throughout the Subchapter.

A. Proposed LAC 46:XLV.6901 and 6903 – Scope and Definitions

The Board proposes amending §6901 to clarify that physicians remain responsible for compliance with the obesity medicine regulations when supervising physician assistants and collaborating with APRNs. The Board also proposes adding definitions in §6903 and updating terminology throughout the Subchapter by replacing references to "anorectics" with "anti-obesity medications."

The Board is authorized to regulate the practice of medicine and establish standards governing physician conduct.¹³ These amendments clarify existing supervisory responsibilities and modernize terminology to reflect contemporary obesity treatment practices.

Although these provisions regulate physician conduct, they do not establish new licensure requirements, restrict market entry, or limit the ability of physicians to provide obesity treatment services. Accordingly, while these amendments constitute rules governing the practice of medicine they do not create reasonably foreseeable anticompetitive effects, and the Board may proceed with promulgation of these amendments in accordance with the Louisiana APA without further input from the OLRP.

⁹ LSA-R.S. 37:1261

¹⁰ LSA-R.S. 37:1263

¹¹ LSA-R.S. 37:1270 (A)(1)

¹² LSA-R.S. 37:1270 (B)(6)

¹³ LSA-R.S. 37:1270 (A)(1) and (B)(6)

B. Proposed LAC 46:XLV.6905 - Prohibitions

The Board proposes amending §6905 to expressly authorize off-label use of medications shown to be effective in treating obesity, provided the physician obtains informed consent and documents the risks and benefits in the patient's medical record. The Board also proposes requirements governing medications used during shortages, compounded medications, and physician-prepared medications.

Under the current regulations, physicians are generally prohibited from using medications that are not expressly approved by the FDA for the treatment of obesity. The proposed amendments expand physician discretion by permitting evidence-based off-label prescribing with proper consent and education. Accordingly, the proposed off-label use provisions reduce existing restrictions and increase the range of treatment options available to physicians and patients.

The proposed sourcing and compounding provisions require that certain medications originate from appropriately licensed vendors, distributors, and compounding pharmacies and that physician-prepared medications comply with existing Board dispensing regulations. These provisions establish new compliance requirements and may limit the number of entities eligible to supply compounded obesity medications.

While these provisions may have limited foreseeable effects on competition among suppliers of compounded medications, they are directed toward ensuring medication quality, pharmaceutical integrity, and patient safety. The amendments do not prohibit compounding or off-label prescribing and therefore do not substantially restrict physician participation in the market for obesity treatment services.

The Board possesses statutory authority to regulate physician prescribing and dispensing practices¹⁴ and the proposed amendment to §6905 adheres to clearly articulated state policy. The Board may proceed with promulgation of §6905 in accordance with the Louisiana APA.

C. Proposed LAC 46:XLV.6907 - Use of Schedule III Anorectics; Conditions; Limitations

The Board proposes substantial revisions to §6907 governing physician use of anti-obesity medications. The current rule requires physicians to satisfy numerous prerequisites before initiating treatment, including investigating prior anorectic use, evaluating substance abuse history, determining that obesity is not primarily metabolic, and verifying prior good-faith weight-loss efforts. The proposed amendments remove many of these requirements and extend mandatory follow-up examinations from monthly intervals to every twelve weeks.

These revisions reduce regulatory burdens on physicians and patients, increase physician discretion, and modernize treatment standards to reflect current obesity medicine practices. Because the amendments eliminate existing restrictions rather than create new barriers, they are unlikely to produce anticompetitive effects and may improve patient access to treatment.

¹⁴ LSA-R.S. 37:1270 (A)(1) and (B)(6)

The Board is authorized to establish standards governing physician practice and treatment of patients. The proposed revisions are consistent with that authority and with the clearly articulated state policy of protecting public health and safety through regulation of medical practice. Therefore, the Board may proceed with promulgation of §6907 in accordance with the Louisiana APA.

D. Proposed LAC 46:XLV.6909, 6911, and 6913

The Board proposes conforming amendments to §§6909, 6911, and 6913 to update terminology and ensure consistency throughout the Subchapter. These provisions govern exemptions for controlled scientific studies, procedures for obtaining exceptions in individual cases, and disciplinary consequences for violations of the regulations. The proposed amendments are limited to replacing references to "anorectics" with "anti-obesity medications" and making other conforming terminology revisions throughout the Subchapter. The amendments do not alter the substantive requirements, procedures, limitations, or disciplinary authority established by the existing rules.

Because the proposed amendments are merely technical and conforming changes that do not impose new requirements, modify standards of practice, restrict market participation, or otherwise alter competitive conditions, they do not have any reasonably foreseeable anticompetitive effects. Accordingly, the Board may proceed with promulgation of these amendments without further input from the OLRP.

III. DETERMINATION

The Louisiana Legislature has deemed it the policy of the State of Louisiana, in the interest of public health, safety, and welfare, to provide laws and provisions governing the practice of medicine and its subsequent use, control, and regulation in order to protect the public against unprofessional, improper, unauthorized, and unqualified practice of medicine and from unprofessional conduct by licensed physicians.¹⁵ The Board was created to regulate the practice of medicine in Louisiana and is authorized to adopt rules, regulations, and standards necessary to carry out its statutory duties and responsibilities.¹⁶

The OLRP has determined that the proposed amendments to §§6905 and 6907 constitute occupational regulations within the meaning of La. R.S. 49:260 because they regulate the conditions under which physicians may prescribe, dispense, compound, and administer medications used in the treatment of obesity. However, the amendments are generally less restrictive than the existing regulations, expand physician discretion, and do not create significant reasonably foreseeable anticompetitive effects. Any competitive effects associated with the sourcing and compounding provisions are limited and ancillary to legitimate public health and safety objectives.

Additionally, the OLRP has determined that §§6901, 6903, 6909, 6911, and 6913 primarily clarify physician responsibilities, modernize terminology, and govern administration of the

¹⁵ LSA R.S. 37:1261

¹⁶ LSA R.S. 37:1270 (A)(1) and (B)(6)

regulatory framework. These provisions do not constitute occupational regulations with reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260.

The OLRP further notes that obesity medicine has undergone significant changes since the adoption of the current regulations. By replacing outdated treatment restrictions with a framework that affords physicians greater clinical discretion while maintaining appropriate patient-safety protections, the Proposed Amendments better align the Board's regulations with contemporary standards of medical practice and reduce unnecessary regulatory burdens on the provision of obesity treatment services.

Because the Proposed Amendments are within the Board's statutory authority, adhere to clearly articulated state policy, and do not introduce significant anticompetitive restrictions, the Proposed Amendments are approved as submitted and may be promulgated by the Board in accordance with the Louisiana Administrative Procedure Act.

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