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From: Farra Mughal
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Occupational Licensing Review Program

Date: January 29, 2026

Subject: Louisiana State Board of Medical Examiners
Proposed Amendments to LAC 46: XLV.321 and 323
Regarding Fully Trained Foreign Physicians Regulations Review

I. SUMMARY

The Louisiana State Board of Medical Examiners (the “*Board*”) proposes amending LAC 46: XLV.321 and 323 (the “*Proposed Amendments*”), regarding regulations for fully trained foreign physicians. The Proposed Amendments seek to (i) include the term fully trained foreign physician in headings throughout the Subchapter, (ii) define the term fully trained foreign physician, and (iii) add the term international medical graduate (IMG) to the heading of §323.

The Board published a Notice of Intent to promulgate the Proposed Amendments on July 20, 2025.¹ The Notice invited written comments on these Proposed Amendments until August 27, 2025,² and received one written comment submitted by the Louisiana Hospital Association regarding §328. Section 328, however, is not currently under review by the OLRP and is not part of the Proposed Amendments. The Board stated that it considered the comment at its September public meeting and determined that no substantive changes to the Proposed Amendments were warranted.

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 October 21, 2025. The OLRP invited public comments on the Proposed Amendments from October 22, 2025 through November 4, 2025, and received no comments. The OLRP completed its initial review of §§321, 323, and 328 on November 7, 2025. Following completion of the initial review, OLRP met with the Board to discuss the Proposed Amendments set forth in the Notice of Intent. During these

¹ Louisiana Register Volume 51, No. 7 July 20, 2025 pgs. 992-993

² Id. at pg. 993

discussions, the Board advised it would not proceed with §328 as part of the current rulemaking. On January 29, 2026, the Board formally withdrew §328 from OLRP consideration and indicated that it intends to resubmit the section at a later date for separate review.

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.

As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XLV. §§321 and 323 do not constitute occupational regulations with any reasonably foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgation as drafted in accordance with the Louisiana APA without further input from the OLRP.

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 covering 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 was created to control and 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

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.

⁹ LSA-R.S. 37:1261

¹⁰ LSA-R.S. 37:1263

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

A. Proposed Amendment LAC 46: XLV. 321(A) and (C) Scope of Subchapter; Definitions

The Board proposes amending §321(A) to clarify that the rules under Subchapter C also apply to “fully trained foreign physicians.” Additionally, the Board proposes adding §321(C) to define the term fully trained foreign physician or FTFP as a physician whose education, training, and work experience have been completed outside the of the United States and who meets the requirements to apply for and receive a FTFP license.

Act 646 of the 2024 Regular Session of the Louisiana Legislature enacted new provisions codified as La. R.S. 37:1275.2 authorizing the Board to grant a license to practice medicine in this state to an international medical graduate who meets certain criteria. The Board asserts the Proposed Amendment is to codify this legislation and provide procedures for licensure.

The Board currently has a codified definition and established qualifications necessary for the licensing of “international medical graduates.”¹³ However, under the current rules, the qualifications for licensure for “international medical graduates” or IMG differ from those required under Act 646. Pursuant to §323(A)(4) “international medical graduates” must have completed at least three years of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the ACGME of the American Medical Association, or by the RCPS of Canada, and approved by the Board.

In contrast, Act 646 governs the licensure of fully trained foreign physicians that have completed a medical residency or substantially similar post-graduate medical training in their licensing country or practiced as a physician in their licensing country for no less than five years. Since the Board already has rules and regulations governing the licensure of “international medical graduates,” it is necessary for the Board to define and distinguish a separate term for those physicians whose medical education, professional training, and work experiences were all obtained in a foreign country. The term “fully trained foreign physician” accurately captures this concept and aligns with the legislative intent of Act 646.

The Board is further authorized to adopt rules, regulations, and standards necessary to carry out the Board's duties, powers and functions.¹⁴ Accordingly, the Board has the statutory authority to establish a definition for fully trained foreign physicians who seek to practice medicine in Louisiana.

While licensing qualifications and requirements may function as barriers to market entry, the Proposed Amendment merely updates the rule to include references to this new class of licensure

¹¹ LSA-R.S. 37:1270 (A)(1)

¹² LSA-R.S. 37:1270 (B)(6)

¹³ LAC 46:XLV.321 *et seq.*

¹⁴ LSA-R.S. 37:1270 (B)(6)

and defines the term “fully trained foreign physician.” As such, the Proposed Amendment is not an occupational regulation and does not have any reasonably foreseeable anti-competitive effects.

Therefore, the Board may proceed with promulgating this Proposed Amendment without further input from the OLRP in accordance with the Louisiana APA.

B. Proposed Amendment LAC 46: XLV. 323 Qualifications for License

The Board proposes to amend §323 to include “IMG” to the rule’s heading, clarifying that this rule applies exclusively to international medical graduates or IMG. This revision is intended to provide clarity following the recent codification of the qualifications for fully trained foreign physicians under this subchapter.

The Board is authorized to adopt rules, regulations, and standards necessary to carry out the Board’s duties, powers and functions.¹⁵ While licensing qualifications and requirements may function as barriers to market entry, the Proposed Amendment is merely making a clarifying change to the rule’s heading and does not have any foreseeable anti-competitive effects.

Therefore, the Board may proceed with promulgating this Proposed Amendment without further input from the OLRP in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory body created “as a matter of policy in the interests of public health, safety, and welfare to provide laws and provisions covering the granting of [the privilege of the practice of medicine] and its subsequent use, control, and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized, and unqualified practice of medicine from unprofessional conduct of persons licensed to practice medicine.”¹⁶ The Board may adopt rules, regulations, and standards necessary to carry out its duties, powers, and functions as mandated by the legislature.¹⁷ Because the Proposed Amendment to §§321 and 323 are not occupational regulations with any reasonably foreseeable anti-competitive effects, the Board may proceed with promulgating these amendments without further input from the OLRP.

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¹⁵ LSA-R.S. 37:1270 (B)(6)

¹⁶ LSA-R.S. 37:1261

¹⁷ LSA-R.S. 37:1270 (B)(6)