To: Attorney General Jeff Landry

 Attn: Department of Justice, Occupational Licensing Review Program

From: Dr. Vincent A. Culotta, Jr.

 Executive Director, Louisiana State Board of Medical Examiners

Date: November 22, 2024

Subject: Occupational Therapists and Occupational Therapy Assistants

The Louisiana State Board of Medical Examiners has proposed amendments to LAC 46:XLV.Chapters 1, 19, and 49

To facilitate the Department of Justice’s review of the proposed rule, the Louisiana State Board of Medical Examiners provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

The rules governing the Occupational Therapists and Assistants were outdated and needed to be amended to be in line with today’s standards of practice and to address new emerging treatments.

2. Is the occupational regulation within the scope of the occupational licensing board’s general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

Yes, these rules we promulgated in accordance with R.S. 37:3001-3014, 37:1270, and 37:1281. The proposed amendments further the LSBME’s goal of keeping the standards for occupational therapy in line with best practice.

3. Check all of the following that apply as reasons the occupational regulation is subject to review

[] Creates a barrier to market competition

[] Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder.

[] Reduces competition or excludes present or potential competitors from the occupation regulated by the board

[] Limits output or supply in this state of any good or service provided by the members of the regulated occupation.

[] Reduces the number of providers that can serve a particular set of customers

[] Other activity (please describe)

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

These regulations are intended to protect the public’s health and welfare by updating qualifications for OTs and OTAs, providing for supervision of unlicensed personnel and OTAs, regulating the practice of dry needling, and ensuring the practitioners are kept up to date in their field by updating continuing education requirements.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.

 These regulations are the least restrictive.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

The proposed amendments were drafted during multiple public meetings of the Occupational Therapist Advisory Committee. All meetings complied with the Open Meetings Law, offering proper notice, public comment, and records of the meetings. The OTAC’s suggestions then went before the LSBME at a public meeting where the board adopted the proposed rule change.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order?

 No.

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

The Occupational Therapy Advisory Committee is composed of the following members, all of whom are active market participants: Ingrid Franc, LOTR, Chair, Kelly Brandon, LOTR, Raelena Crooks, LOTR, Mary Green - Keys, LOTR, Amy Larriviere, LOTR, Carolyn Murphy, LOTR, Kathleen Norcross, LOTA, Kimberly Solari, LOTR, Glynn Wallace, LOTR

The LSBME is composed of the following members, none of whom are OTs or OTAs: Roderick V. Clark, MD, MBA, Kim S. Sport, JD, Rita Y. Horton, MD, Juzar Ali, MD, Wyche T. Coleman, Jr., MD, Patrick T. O'Neill, MD, James A. Taylor, Jr., MD, Terrie R. Thomas, MD, Leonard Weather, Jr., MD, R.Ph, Cheryl Hayes Williams, MD.

The vote to approve the rule change was unanimous in both committee and the full board.

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule?