**Department of Health**

**NOTICE OF INTENT**

**Board of Medical Examiners**

**Licensure and Certification;
(LAC 46:XLV.305, 416, 433, 441, 449 & 4005)**

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, R.S. 37:1275, R.S. 37:1277, R.S. 37:1281 and R.S. 37:1285, and R.S. 37:1310.1, Section 5(d) and 7(b), the board proposes pursuant to (a) add LAC 46:XLV.305 so as to provide a severability clause applicable to the Chapter; (b) add LAC 46:XLV.416, for those licensed pursuant to R.S. 37:1310.1, the Interstate Medical Licensure Compact (“IMLC”), so as to conform the information and data the Board receives from IMLC practitioners to match the same type of information and data it already receives from licensure applicants who have applied for licensure, renewal and/or reinstatement under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46XLV.123 *et seq,* all in accordance withR.S. 37:1310.1, Section 5(d); and (c) amend LAC 46:XLV.433, 441, 449, and 4005 to require all IMLC licenses to comply with continuing medical education requirements pursuant to R.S. 37:1310.1, Section 7(b), similar to those already expected of individuals licensed under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46XLV.123 *et seq*. These Rules will be adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLV. Medical Professions**

[**Subpart 2. Licensure and Certification**](#_Toc35423748)

**Chapter 3.** **Physicians**

**Subchapter A. General Provisions**

**§305. Severability**

A. If any rule, provision, or item of this Chapter or the application thereof is held invalid as in excess of or inconsistent with statutory or constitutional authority, such invalidity shall not affect other rules, provisions, items, or applications, and to this end the rules and provisions of this Chapter are hereby declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261 et seq., 1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 50: (December 2024).

**Subchapter I.** **License Issuance, Termination, Renewal, Reinstatement, ~~and~~ Exemptions and Expiration**

**§416.** **Requirements immediately following licensure under La. R.S. 37:1310.1**

 A. Within 90 days of the issuance of, reinstatement of and/or renewal of a license pursuant to R.S. 37:1310.1 (“IMLC license”), the license holder must provide the board with the following required for the practice of medicine pursuant to La. R.S. 1310.1, Section 5(d):

 1. satisfactory documentation establishing he or she is a citizen of the United States or possesses valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR); and,

 2. sworn, written responses, on forms the board has approved and which the board supplies, addressing the following topics regarding the license holder and/or his/her professional medical corporation:

 a. injuries, disorders and/or conditions diagnosed within the last ten years, which could reasonably be expected to affect the ability to practice;

 b. any and all past arrests, even those that have been expunged or judicially removed, with the exception of misdemeanor traffic offenses that do not involve alcohol or drugs;

 c. failures of professional licensure or certification exams;

 d. the denial, voluntary surrender, failure to renew, restriction, discipline, termination, probation, investigation of and/or any other action taken against any state, federal and/or privately issued professional license, registration, certification, affiliation and/or membership;

 e. the denial, voluntary surrender, failure to renew, restriction, discipline, termination, probation, investigation of and/or any other action taken against the license holder’s professional privileges and/or affiliation with any health care facility of any type;

 f. the denial, voluntary surrender, failure to renew, requirement of additional training/remediation, extension, restriction, discipline, termination, probation, investigation of and/or any other action taken against the license holder’s participation in any private, federal and/or state health insurance program;

 g. the denial, voluntary surrender, failure to renew, requirement of additional training/remediation, extension, restriction, discipline, termination, probation, investigation of and/or any other action taken against the license holder during their professional training (whether as a student, intern, resident, fellow or other trainee); and,

 h. the filing of any lawsuits, and/or the settlements of any medical malpractice, intentional tort and/or fraud claims.

 B. Should the information and/or documentation, produced pursuant to §416A.2., provide sufficient cause to indicate that a violation of the laws or rules administered by the board may have occurred, such information will be reviewed or investigated in accordance with §9709 or §9711 of this Chapter, in accordance with §9705E.

 C. Any violation or failure to comply with the provisions of this section shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, R.S. 37:1275, R.S. 37:1277, R.S. 37:1281, R.S. 37:1285 and R.S. 37:1291.1.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 50: (December 2024).

**Subchapter K. Continuing Medical Education**

**§433. Scope of Subchapter**

 A. The rules of this Subchapter provide standards for the continuing medical education ("CME") requisite to the renewal or reinstatement of licensure, as provided by §§417 and 419 of these rules and prescribe the procedures applicable to satisfaction and documentation of continuing medical education in connection with applications for renewal or reinstatement of licensure, or in the case of a license issued pursuant to R.S. 37:1310.1 (“IMLC license”), in connection with post renewal requirements for the practice of medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and La. R.S. 37:1310.1§5d & §7b.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000); LR 50: (December 2024).

**§441. Failure to Satisfy Continuing Medical Education Requirements**

 A. Non-Compliance; Reinstatement of Licensure. ~~A licensee:~~ All licensees are required to complete CME as designated in his/her respective licensure law and/or in rules promulgated thereunder, including as a physician or surgeon pursuant to R.S. 37:1261 et seq.; as a podiatrist pursuant to R.S. 37:611 et seq.; as a physician assistant pursuant to R.S. 37:1360.21 et seq.; as a midwife practitioner pursuant to R.S. 37:3240 et seq.; as a respiratory therapist or respiratory therapy assistant pursuant to R.S. 37:3351 et seq.; as an occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001 et seq.; as a clinical laboratory scientist pursuant to R.S. 37:1311 et seq.; as a clinical exercise physiologist pursuant to R.S. 37:3421 et seq.; as an athletic trainer pursuant to R.S. 37:3301 et seq.; as an acupuncturist or acupuncturist's assistant pursuant to R.S. 37:1356 et seq.; as a private radiologic technologist pursuant to R.S. 37:1292.

 1. ~~who fails to satisfy the continuing education requirement shall not be eligible for licensure renewal consideration;~~ With the exception of a license issued pursuant to R.S. 37:1310.1, in all other instances, a licensee:

 a. who fails to satisfy the CME requirements of his/her licensure shall not be eligible for licensure renewal consideration;

 b. a license which has expired for nonrenewal, was deemed ineligible or has been revoked, solely due to failure to satisfy CME requirements may be reinstated upon written application to the board, accompanied by payment of the reinstatement fee in addition to all other applicable fees and costs, together with satisfactory evidence by affidavit that for each year since the date on which the applicant's license was last issued or renewed, the licensee has completed any and all annual and/or one time (if applicable) CME requirements for his/her licensure.

 c. With regard to the license of a physician seeking reinstatement pursuant to section A.1.b., where the physician has failed to satisfy the CME requirements for his/her licensure on more than one occasion, then such violation and/or failure shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

 2. ~~whose license has not been renewed for failure to satisfy the continuing education requirement may be reinstated upon application to the board, accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, together with confirmation of completion of the continuing education requirement.~~ With regard to those physicians licensed pursuant to La. R.S. 37:1310.1:

 a. a licensee who, upon renewal, fails to evidence satisfaction of the CME requirements prescribed by the rule sections 435, 439 and/or 4005, shall be given written notice of such failure by the board immediately after renewal. Such notice shall be mailed to the most recent address of the licensee as reflected in the official records of the board and the licensee will have 90 days within which to furnish satisfactory evidence by affidavit, for each year since the date on which the applicant's license was last issued or renewed, that he has completed the CME requirements.

 b. who, after the lapse of the 90 days outlined in subsection A.2.a., fails to comply with the provisions of subsection A.2., as verified using the board’s electronic education tracker, then the board shall refer the licensee to the Department of Investigations so that it may, via informal, non-disciplinary communications and/or meetings, notify the licensee of the relevant statutory and/or regulatory requirements and confirm the licensee’s intention to immediately comply with subsection A.2.a.

 c. who has been contacted pursuant to subsection A.2.b., but remains non-compliant with the applicable laws and rules for CME, shall be deemed to be in violation of the laws and rules against unprofessional conduct under R.S. 37:1285(A)(13) and (30) providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

 ~~B. The license of a physician which has expired for nonrenewal or been revoked for failure to satisfy the CME requirements of §435 of these rules, may be reinstated pursuant to §419 upon written application to the board, accompanied by payment of the reinstatement fee required by §419, in addition to all other applicable fees and costs, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license was last issued or renewed, completed an aggregate of 20 hours of board approved CME.~~

 ~~C. The license of a physician which has expired, has not been renewed or has been revoked for failure to meet the requirements of §449, or one which has expired, has not been renewed or has been revoked on more than one occasion for failure to satisfy the CME requirements of §435 of these rules shall be deemed in violation of R.S. 37:1285.A(30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana, who is culpable of such violation.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), amended by the Department of Health, Board of Medical Examiners, LR 50: (December 2024).

**§449. CME Requirement for Initial Renewal of License**

 A. ~~Effective on and after January 1, 2022,~~ As part of the respective CME requirements for each board licensee, every physician and/or any allied healthcare provider licensee seeking the initial renewal of ~~medical~~ licensure, whether such license was originally issued by the board on the basis of examination, reciprocity or reinstatement shall~~, as part of the continuing medical education required by this Subchapter as a condition prerequisite to licensure renewal,~~ evidence and document, upon forms and/or through methods supplied by the board, successful completion of an online “Laws and Rules Course” approved by the board and available through the board’s Licensing Department and the board’s website. ~~attendance at an orientation program sponsored and/or approved by the board.~~

 1. With the exception of a license issued pursuant to R.S. 37:1310.1, the requirement of §449.A is a condition prerequisite to the person’s license being renewed for the first time in the state of Louisiana;

 2. With regard to licenses issued pursuant to R.S. 37:1310.1, the requirement of §449.A must be fulfilled, at the latest, within 90 days of the person’s license being renewed for the first time in the state of Louisiana, in accordance with R.S. 37:1310.1, Section 7(b).

 B. Licensees shall, for each hour of attendance and participation included in the successful completion of the Laws and Rules Course, be granted an hour-for-hour credit towards his/her respective annual CME requirement. ~~The program required pursuant to §449.A shall be conducted at such locations, on such dates and at such times as may be designated by the board. It shall consist of not less than two hours in duration and involve such content, topic and structure as the board may from time to time deem appropriate.~~

 ~~C. Notification of the dates, times and locations at which such programs will be offered, as well as the enrollment procedure, shall be mailed to the most recent address of each applicant subject to the requirements of §449.A as reflected in the official records of the board. A physician's failure to notify the board of a change of mailing address will not absolve the applicant of the requirement to attend a board sponsored/approved orientation program as a condition of approval of an initial request for licensure renewal.~~

 ~~D. A physician required to attend an orientation/jurisprudence program pursuant to §449.A shall, for each hour of attendance as may be required by the board, be granted an hour-for-hour credit towards the annual CME requirement specified by §435.~~

 ~~E. A physician who at the time of the initial renewal of medical licensure resides and practices medicine exclusively outside of Louisiana or who has held an unrestricted license to practice medicine in any state for at least 10 years may, in lieu of personal attendance, satisfy the mandatory requirements of Subsection A of this Section by successfully completing the board’s orientation program on-line in a manner specified by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 27:850 (June 2001), LR 36:1243 (June 2010), amended by the Department of Health, Board of Medical Examiners LR 47:733 (June 2021); amended by the Department of Health, Board of Medical Examiners, LR 50: (December 2024).

**Chapter 40. Continuing Medical Education on Controlled Dangerous Substances**

**Subchapter A. General Provisions**

**§4005.** **Continuing Medical Educational Requirement for Controlled Dangerous Substances**

 A. …

 E. Non-Compliance; Reinstatement of Licensure. ~~The license of an authorized prescriber:~~

 1. With the exception of a license issued pursuant to La. R.S. 37:1310.1, the requirements of §4005.A-D shall be a condition prerequisite to the prescriber’s license being renewed for the first time in the state of Louisiana; ~~who fails to comply with the CME requirement shall not be renewed by the board;~~

 a. A license which has not been renewed for failure to satisfy the CME requirement may be reinstated upon application to the board, accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, together with confirmation of completion of the CME required by this Section.

 b. The license of a prescriber which has expired for nonrenewal, was deemed ineligible or has been revoked under section E.1., for failure to satisfy the CME requirements of §4005.A of these rules, may be reinstated pursuant to §419 upon written application to the board, accompanied by payment of the reinstatement fee required by §419, in addition to all other applicable fees and costs, together with satisfactory evidence of completion of the requirements of §4005.A.

 c. With regard to the license of a physician which has expired for nonrenewal, is deemed ineligible or has been revoked under section E.1., on more than one occasion for failure to satisfy the CME requirements of §4005.A, such violation and/or failure shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

 2. With regard to licenses issued pursuant to La. R.S. 37:1310.1, the requirement of §4005.A must be fulfilled, at the latest, within 90 days of the person’s license being renewed for the first time in the state of Louisiana. ~~which has not been renewed for failure to satisfy the CME requirement may be reinstated upon application to the board, accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, together with confirmation of completion of the CME required by this Section.~~

 a. Such licensee who fails to evidence satisfaction of the continuing medical education requirements prescribed by the rules in Subpart 2, shall be given written notice of such failure by the board immediately after renewal. Such notice shall be mailed to the most recent address of the licensee as reflected in the official records of the board and the licensee will have 90 days within which to furnish satisfactory evidence by affidavit that he has satisfied the applicable continuing medical education requirement.

 b. If, after the lapse of 90 days from notification as outlined in subsection a., the licensee still fails to comply with the provisions of §4005.A, as verified using the board’s electronic education tracker, then the board shall refer the licensee to the Department of Investigations so that it may, via informal, non-disciplinary communications and/or meetings, notify the licensee of the relevant statutory and/or regulatory requirements and confirm the licensee’s intention to immediately comply with subsection a.

 c. With regard to a licensee, who has already received a warning via subsection b, thereafter fails by the next renewal to satisfy all of the CME requirements of §435 and/or §449 for the licensee’s years of licensure, then such violation and/or failure shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A), providing cause for the board to suspend, revoke, refuse to issue or impose probationary or any other restrictions on any license held or applied for by a physician culpable of such violation.

 3. Each hour of attendance required by the board pursuant to §4005.A, will count as an hour-for-hour credit towards the annual CME requirement specified by §435.

 F. ….

 ~~G. Conflict. In the event of a conflict between the provisions of this Section concerning the one-time CME requirement for CDS, and those of any other Section in this Part, the provisions of this Section shall govern.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(8), 1270(B)(6), 37:621, 37:628, 37:1360.23 and 37:1360.51-1360.72.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:771 (April 2018); amended by the Department of Health, Board of Medical Examiners, LR 50: (December 2024).

**Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on the family has been considered. It is not anticipated that the proposed amendments will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed amendments will have any impact on child, individual or family poverty in relation to individual or community asset development, as described in R.S. 49:973.

Provider Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed amendments on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed amendments will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m. January 9, 2025.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 28, 2025, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

Vincent A. Culotta, Jr., M.D.,

Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

**RULE TITLE: Licensure and Certification;
(LAC 46:XLV.305, 416, 433, 441, 449 & 4005)**

1. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary) (LAC 46:XLV.416, 433, 441, 449 & 4005)**

 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, pursuant to R.S. 37:1310.1, Section 5(d), to add LAC 46:XLV.416, for those licensed pursuant to R.S. 37:1310.1, the Interstate Medical Licensure Compact (“IMLC”), so as to conform the information, data and oaths the Board receives from IMLC practitioners to match the information, data and oaths it already receives from licensure applicants who have applied for licensure, renewal and/or reinstatement under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46XLV.123 et seq. Likewise, the Board proposes amending LAC 46:XLV.433, 441, 449, and 4005 to require all IMLC licenses to comply with continuing medical education (CME) requirements pursuant to R.S. 37:1310.1, Section 7(b), similar to those already expected of individuals licensed under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46XLV.123 *et seq*.

The proposed changes will result in a one-time publication expense estimated at $789.00, in FY 25 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

 The proposed addition of LAC 46:XLV.416, for those licensed pursuant to R.S. 37:1310.1, the Interstate Medical Licensure Compact (“IMLC”), so as to conform the information, data and oaths the Board receives from IMLC practitioners to match the information, data and oaths it already receives from licensure applicants who have applied for licensure, renewal and/or reinstatement under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46XLV.123 *et seq*. Likewise, the changes to LAC 46:XLV.433, 441, 449, and 4005 require all IMLC licenses to comply with continuing medical education (CME) requirements pursuant to R.S. 37:1310.1, Section 7(b), similar to those already expected of individuals licensed under R.S. 37:1271-1291.1 and the Board’s rules under LAC 46XLV.123 *et seq*. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units save for a likely minor increase in revenue from possible newly qualified international medical graduate license applicants.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFIT TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

While it is true the IMLC licensees will be required to complete approximately four additional pages of paperwork and attest to an oath before a notary, it is not anticipated that the proposed amendments will have a material effect on costs, paperwork or workload of those affected by the amendments, the physicians licensed pursuant to the IMLC law, by the LSBME, nor on receipts and/or income of licensees, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., M.D.

Executive Director

Patrice Thomas

Deputy Fiscal Officer