**NOTICE OF INTENT**

**Department of Health**

**Board of Medical Examiners**

**Physicians**

**Licensure and Certification**

(LAC 46:XLV.417.1, LAC 46:XLV.418, LAC 46:XLV.435, LAC 46:XLV.447)

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 (the board) by the Louisiana Medical Practice Act., R.S. 37:1270 *et seq*., the board proposes to amend its rules on licensure and certification to add a new §417(D) to provide for a retired physician license and to establish criteria therefor; to amend §418 ¶C relative to reduced fee licenses and to add a new ¶D creating a reduced fee license for retired physicians; to amend §435 to require 10 hours of continuing medical education (CME) for physicians holding a retired physician license under §417(D); and to amend §447 relative to exceptions to CME requirements, to amend ¶ 1 relative to active military service outside the state of Louisiana; to amend ¶ 2 to specify full CME after initial exemption year for those initially licensed on basis of examination; and to amend ¶ 4 to change wording from “retired physician” to one holding a “reduced fee license” under §418.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XLV. Medical Professions**

**Subpart 2. Licensure and Certification**

**Chapter 3. Physicians**

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

**Subchapter K. Continuing Medical Education**

**§417. Renewal of License; Prerequisite Condition**

A. Every license issued by the board under this Chapter shall be renewed annually on or before the ~~first~~ last day of the month in which the licensee was born, by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fees prescribed in these rules and the Medical Practice Act, and documentation of satisfaction of the continuing medical education requirements prescribed by Subchapter K of these rules.

B. A courtesy renewal notice shall be mailed or electronically transmitted by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be transmitted to the most recent address of the licensee reflected in the official records of the board.

C. Initial application for renewal of a license, issued on the basis of a commitment for year two of postgraduate clinical training under §311.A.6.b shall, as a prerequisite to renewal consideration, be accompanied by documentation satisfactory to the board of the completion of year two of such training.

D. Retired Physician License

1. A physician may opt for a “Retired Physician License” at the time of renewal if the physician holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective,:

a. attained the age of 70 years;

b. attests that he or she will limit his or her practice to volunteer services without payment, pecuniary gain, compensation, or remuneration of any kind;

c. attests that he or she will limit his or her practice to:

i. providing services to family or personal acquaintances;

ii. for no more than 20 hours per week, providing services at volunteer or charity clinics; or

iii. providing services through a foreign volunteer or charity medical mission program;

d. made application to the board for a retired physician license renewal pursuant to this Section, including the required attestations, and consenting to the revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, failed to confine his or her practice to the parameters stated herein.

2. A physician whose medical license is renewed pursuant to this Section shall not engage or seek to engage in the full time, unrestricted practice of medicine, whether compensated or not, without having made application for an unrestricted standard medical license and having met all of the requirements for such license.

3. A physician whose medical license is renewed pursuant to this Section is subject to all state and federal laws and rules governing the practice of medicine in this State, and all of the licensing, regulatory, and disciplinary rules and requirements of the board as applicable to a full, unrestricted license, unless specifically noted in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), 37:1271, 37:1272, 37:1274, 37:1275.1, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR

**§418. Reduced Renewal Fees for Certain Physicians**

A. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. attained the age of 70 years;

2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and

3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee and consenting to revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

B. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. ceased to engage in the practice of medicine in any form in this state as a consequence of physical or mental disability;

2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and

3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee, including independent physician verification of the applicant's physical or mental disability, and consenting to revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, engaged or sought to engage in any manner in the practice of medicine in this state or continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

C. A physician whose medical license is renewed pursuant to ~~this~~ Sub-Sections A. and B. above shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the USMLE, COMLEX-USA, SPEX, or COMVEX-USA examination; and/or

2. the physician provide medical documentation satisfactory to the board that the physician is then physically and mentally capable of practicing medicine with reasonable skill and safety to patients.

D. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds a retired physician license to practice medicine issued by the board pursuant to §§418D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), amended LR 27:848 (June 2001), LR 31:1584 (July 2005); LR

**§435. Continuing Medical Educational Requirement**

A. Subject to the waiver of and exceptions to CME prescribed by §§445 and 447 and the special requirements attendant to initial renewal of licensure specified in §449, every physician seeking the renewal or reinstatement of licensure, except for a physician seeking a retired physician license renewal pursuant to §417.D, shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 20 hours of board approved CME. A physician seeking a retired physician license renewal pursuant to §417.D shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 10 hours of board approved CME.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021); LR 52:

**§447.** **Exceptions to the Continuing Medical Education Requirements**

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. engaged in active military service longer than one year’s duration outside of Louisiana;

who has held an initial Louisiana license on the basis of examination for less than one year; full compliance is required beginning with the first renewal after the initial exemption renewal year;

2. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

3. who is in a residency training program approved by the board; or

4. who holds a reduced fee license ~~is a retired physician~~ in accordance with §418 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 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 31:1585 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021); LR \_\_\_\_\_