

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

There will be no effect on revenue collections of state and local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs to directly affected persons, small businesses, or non-governmental groups as a result of this proposed rule.

Affected persons, small businesses, and non-governmental groups that have an eligible release will be eligible for an additional \$500,000 in clean-up and third-party damage coverage from the Louisiana Motor Fuels Underground Storage Tank Trust Dedicated Fund Account. In addition to the higher amount of coverage, the noncompliance deductible can now be set by the department below the current \$10,000, which could result in additional savings to affected persons, small businesses, and non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of this proposed rule.

Aurelia S. Giacometto
Secretary
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Patrice Thomas
Deputy Fiscal Officer
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NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

Adjudication; Recusal (LAC 46:XLV.9920)

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 Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend its rules governing recusal in administrative hearings and/or proceedings to clarify that in addition to the board, the director of investigations (DOI) and/or the Independent Counsel may also be recused, and to provide for a pro tem DOI, when needed, and the qualifications of the pro tem DOI. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 99. Adjudication

§9920. Recusal

A. Any board member, director of investigations, and/or independent counsel who, because of bias or interest, is unable to assure a fair and impartial hearing and/or administrative proceeding shall be recused from that particular proceeding. The reasons for the recusal shall be made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

Should the director of investigations be recused from a particular hearing and/or administrative proceeding, the board will contract for or specify a pro tem director of investigations who meets the criteria outlined in R.S. 37:1270(A)(9) to the satisfaction of the board, for that particular proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2630 (December 2015), and amended by Department of Health, Board of Medical Examiners LR 51:

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 Impact 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.

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.

Provider Impact 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.

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., Thursday, April 24, 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 Thursday, April 24, 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.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Adjudication; Recusal

Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Chapter 3. Physicians

Subchapter A. General Provisions
§303. Definitions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change clarifies that, in addition to the board, both the Director of Investigations (DOI) and the Independent Counsel may be recused from administrative hearings and proceedings. It also establishes the criteria for appointing a pro tem DOI when necessary. As a result, an increase in costs is anticipated due to the need for compensating a pro tem DOI. However, the exact financial impact cannot be determined at this time, as compensation will be based on an hourly rate, and the frequency of such appointments is uncertain. The cost for the Louisiana Board of Pharmacy is approximately \$1,000 in FY 25 for the notice and rule publication in the *Louisiana Register*.

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

The proposed rule change is not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is expected to increase the income of the pro tem Director of Investigations who meets the board's criteria for a particular proceeding.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed change is not expected to have any impact on competition or employment, except for the potential contract of a pro tem Director of Investigations who meets the board's criteria for a specific proceeding.

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Executive Director
2503#022

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Board of Medical Examiners

Physicians; Bridge Year Program
(LAC 46:XLV.303 and 398)

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 Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, R.S. 37:1275, the board proposes to amend LAC 46:XLV.303 by adding the definitions of "Bridge Year Graduate Physician" and "Training Physician" and to add a new provision, LAC 46:XLV.398, to create a new Bridge Year Graduate Physician Certificate, and to set forth requirements and provisions relative to the Certificate.

A. As used in this Chapter, the following terms shall have the meanings specified:

* * *

Bridge Year Graduate Physician—a person possessing a doctor of medicine (allopathic/M.D.), doctor of osteopathy or doctor of osteopathic medicine degree (osteopathic/D.O.) or an equivalent degree duly awarded by a medical or osteopathic educational institution approved by the board pursuant to §§333 to 341 of this Chapter who meets the requirements and qualifications provided in §§311 et seq., and who holds a certificate to practice under the direct supervision of a board-certified physician as provided in these rules.

* * *

Training Physician—a board-certified physician who meets and maintains the requirements to serve as a preceptor for physicians practicing under a bridge year graduate physician certificate.

* * *

B. Masculine terms wheresoever used in this Chapter shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271 and 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:835 (June 2001), LR 31:1582 (July 2005), LR 38:3173 (December 2012), amended by the Department of Health, Board of Medical Examiners, LR 51:

Subchapter H. Restricted Licensure, Permits
§398. Bridge Year Graduate Physician Program

A. A graduate of an accredited school of medicine or osteopathy who applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation, may apply for a bridge year graduate physician certificate.

1. A physician practicing under a bridge year graduate physician certificate shall practice in training for one post-graduate year under the direct supervision of a board-certified physician who has completed training required by the board to be a training physician and who maintains such training at intervals required by the board.

2. The training physician shall practice in the same or an adjacent facility and shall formally review and co-sign the work of the bridge year physician.

3. A physician practicing under a bridge year graduate physician certificate shall have prescriptive authority in accordance with state and federal law and board rules, as authorized and supervised by the training physician.