

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Physician Licensure and Certification (LAC 46:XLV.315, 415, and 417)

Notice is hereby given that pursuant to the authority vested in it by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners (board) intends to amend its rules governing Licensure and Certification of Physicians, LAC 46:XLV, Subpart 2, Chapter 3, Subchapter B, §315 and Subchapter I, §415.B and §417.B.

The proposed amendments to §315.A expand the existing discretionary waiver of certain license requirements for applicants appointed to a full-time position by a medical school or college, at a rank of assistant professor or above, to an applicant who would be a full-time employee of an academic medical center whose duties and responsibilities are devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. As with medical school professors, the proposed amendments would limit the applicant's practice to the *academic medical center*, as defined in §315.B, for which he or she has been approved by the board and affiliated hospitals and clinics of such center within the same geographic area of the state. As is the case under the existing rules (§327), the proposed amendments would be available to medical educators who graduated from either U.S. or international medical schools and the waiver of qualifications would expire upon termination of the appointment (§415.B).

The proposed changes to §417.B are intended to conform the rules governing notification of license renewal to current agency practices (e.g. electronic notification), which resulted from the board's transition from sending out paper license renewals to electronic renewals and courtesy notices over the past several years. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter B. Graduates of American and Canadian Medical School and Colleges

§315. Waiver of Qualifications

A. Upon request by an applicant, supported by certification from the dean of a medical school or college or chief medical officer of an academic medical center within the state of Louisiana which is approved by the board, the board may, in its discretion, waive the qualifications for licensure otherwise required by §311.A.5 or 6, in favor of an applicant who has been formally appointed by a medical school or college to a full-time position at a rank of assistant professor or above or to a full-time position as an employee of an academic medical center whose duties and responsibilities are devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. The practice of such an individual shall be limited to the medical school or college or

academic medical center for which such person has been approved by the board, and to hospitals and clinics affiliated with such medical school or college or academic medical center within the same geographic area of the state.

B. **Special Definition.** For purposes of this Section, the term *academic medical center* shall be a hospital located in this state that sponsors four or more post-graduate medical education programs approved by the ACGME. At least two of such programs shall be in medicine, surgery, obstetrics and gynecology, pediatrics, family practice, emergency medicine or psychiatry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, 37:1272, 37:1274 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:909 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:837 (June 2001), LR 35:1110 (June 2009), amended by the Department of Health, Board of Medical Examiners, LR 46:

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

§415. Expiration of Licenses and Permits

A. ...

B. A license issued pursuant to the waiver of qualifications provided by §315 or §327 of this Chapter shall become null and void on the earlier of the date prescribed by §415.A or the date on which the physician's appointment to the medical school or college or academic medical center, upon which the waiver was granted by the board, is terminated.

C. - D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998), LR 27:848 (June 2001), LR 31:1584 (July 2005), amended by the Department of Health, Board of Medical Examiners, LR 46:

§417. Renewal of License; Prerequisite Condition

A. ...

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. ...

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 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998), LR 26:695 (April 2000), LR 27:848 (June 2001), amended by the Department of Health, Board of Medical Examiners, LR 44:587 (March 2018), amended by the Department of Health, Board of Medical Examiners, LR 46:

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, (504) 568-6820, Ext. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020.

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 the 24th day of November, 2020, at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm the hearing is being held, given the public health emergency, and to receive instructions regarding participation.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Physician Licensure and Certification

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

The proposed rule changes will result in a one-time publication expense estimated at \$789, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on any state or local governmental unit, inclusive of adjustments in workload and paperwork requirements.

The proposed changes amend the LSBME's rules in two ways: first, the changes to §315A expand an existing discretionary waiver of certain license requirements for applicants appointed to a full-time position by a medical school or college, at a rank of assistant professor or above, to an applicant who would be a full-

time employee of an academic medical center whose duties and responsibilities are devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. As with medical school professors, the changes would limit the applicant's practice to the *academic medical center*, as defined in §315B and affiliated hospitals and clinics within the same geographic area of the state. Also similar to the existing rules (§327), the proposed changes would be available to medical educators who graduated from either U.S. or international medical schools and the waiver of qualifications would expire upon termination of the appointment (§415B).

Second, the proposed changes to §417B are intended to conform to the rules governing notification of license renewal to current agency practices (*e.g.* electronic notification), which resulted from the Board's transition from sending out paper license renewals to electronic renewals and courtesy notices over the past several years.

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

The proposed rule changes may result in a nominal SGR increase for the Board. While the LSBME has no reliable data, the Board anticipates only a very limited number of physician applicants may qualify for medical licensure on the basis of the proposed amendments. The LSBME cannot estimate potential licensees whose duties and responsibilities will be devoted primarily to training residents and fellows and other academic endeavors within post-graduate medical education. It is anticipated that qualifying applicants will be infrequent and any such applicant would be subject to the medical licensing fees specified by the LSBME's rules. Accordingly, the LSBME may realize a nominal SGR increase associated with the proposed rule changes.

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

The proposed rule changes may benefit persons seeking employment at an academic medical center with limited practice abilities by allowing them a process to obtain a discretionary waiver to practice in an academic medical center. Otherwise, the proposed rule changes are not anticipated to have a material effect on costs, paperwork or workload of physicians or other health care providers licensed 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)

The proposed rule changes are not anticipated to affect competition or employment.

Vincent A. Culotta, Jr., M.D.
Executive Director
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Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office