May 4, 2021

Hon. Fred H. Mills, Jr.
Chairman
Committee on Health and Welfare
Senate of the State of Louisiana
P.O. Box 94183
Baton Rouge, LA 70804
apa.s-h&w@legis.la.gov

Hon. Patrick Page Cortez
President
Senate of the State of Louisiana
P.O. Box 94183
Baton Rouge, LA 70804
apa.senatepresident@legis.la.gov

Hon. Lawrence A. “Larry” Bagley
Chairman
Committee on Health and Welfare
House of Representatives of the
State of Louisiana
Post Office Box 4486
Capitol Station
Baton Rouge, Louisiana 70804
apa.h-hw@legis.la.gov

Hon. Clay Schexnayder
Speaker
House of Representatives of the
State of Louisiana
Post Office Box 4486
Capitol Station
Baton Rouge, Louisiana 70804
apa.housespeaker@legis.la.gov


Dear Sirs:

Pursuant to La. Rev. Stat. §49:968(D), please accept this letter as the second report to the legislature on the Louisiana State Board of Medical Examiners’ proposed amendments to its administrative rules governing physician licensure and certification.

As indicated in the First Report to your office, dated October 13, 2020, the Board proposes (a) amend its rules to conform licensure renewal to current practices, as a result of moving from paper to electronic licensure renewals; and (b) to expand an existing discretionary waiver of certain license qualifications so that applicants appointed to a full-time position by a medical school or college to a rank of assistant professor or above, may work as a full-time employee of an academic medical center, primarily training residents and fellows, but also perform other academic post-graduate endeavors with the applicant’s practice limited to the academic medical center and affiliated hospitals and clinics of such a center within the same geographic area of the state. The Board’s authority arises from La. R.S. 49:952 and 953 of the Louisiana Administrative Procedure Act as well as La. R.S. 37:1270 of the Louisiana Medical Practice Act.

The Occupational Licensing Review Commission (OLRC) approved the proposed rules at its February
2020 meeting. Subsequent to the publication of our Notice of Intent in the October 2020 Louisiana Register, we conducted a public hearing on November 24, 2020 to receive comments and testimony on the proposed amendment. We received no comments or testimony on the proposed rule changes. During its meeting on December 14, 2020, the Board considered the lack of substantive comments and determined that no changes were necessary to the proposed rules. The Occupational Licensing Review Commission approved the continuation of the promulgation process during their March 25, 2021 meeting. In connection with this regulatory project, you should find the following documents in this package:

- OLRC Resolution indicating approval of the proposed rules/amendments at its February 28, 2020 meeting and OLRC Resolution indicating final review and approval at the March 25, 2021 meeting;
- Notice of Intent published in the October 2020 Louisiana Register;
- Full text of the proposed rule; and,
- Transcript and Record of the November 24, 2020 Public Hearing.

Subject to the review of the Joint Legislative Oversight Committee on Health and Welfare, the Board proposes to publish the original proposal without amendment as a Rule in the June 2021 edition of the Louisiana Register with an immediate effective date. If you have any questions about the enclosed information or our procedures, please contact me at vculotta@lsbme.la.gov or 504-568-1079.

Sincerely,

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

Vincent A. Culotta, Jr., M.D.
Executive Director
WHEREAS, it is necessary for the Occupational Licensing Review Commission (OLRC) to issue a resolution regarding the approval or denial of specific occupational regulations submitted for its review:

NOW, THEREFORE, BE IT RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following occupational regulations, as defined by Louisiana Revised Statutes 37:43(7), shall be known to have been approved by the OLRC at a duly called meeting of its members on February 28, 2020. The OLRC finds that these occupational regulations comply with the state policy set forth in Louisiana Revised Statutes 37:44 and authorizes the respective occupational licensing boards to initiate promulgation of the regulations in accordance with the Administrative Procedure Act.

- **Louisiana State Board of Optometry Examiners**
  - LAC 46: L1.503 Optometrists

- **Louisiana Used Motor Vehicle Commission**
  - LAC 46: V4401-4405 Educational Seminar

- **Louisiana Behavior Analyst Board**
  - LAC 46: VIII.503 Supervision Requirements for State Certified Assistant Behavioral Analyst
  - LAC 46: VIII.511 Supervision requirements for Registered Line Technicians

- **Louisiana State Board of Nursing**
  - LAC 46: XLVII.3333. Renewal of License
  - LAC 46: XLVII.3335. Continuing Education – Nursing Practice

- **Louisiana Professional Engineering and Land Surveying Board**
  - LAC 46: LXI.105 Incidental Practice of Engineering by Architects
  - LAC 46: LXI.2305 Supervising Professional

- **Louisiana State Board of Medical Examiners**
  - **Physician Licensure and Certification**
    - LAC 46: XLV.315.A-B
    - LAC 46: XLV.415.B
iii. LAC 46:XLV.417.B

- **Louisiana State Board of Dentistry**
  i. LAC 46:XXXIII.105 General Provisions
  ii. LAC 46:XXXIII.1503 Personal Permits for Sedation/Anesthesia
  iii. LAC 46:XXXIII.1607 Exemptions for Continuing Education
  iv. LAC 46:XXXIII.1615 Continuing Education Requirements

- **Louisiana Board of Pharmacy**
  i. LAC 46:LIII.2447. Licensing of Marijuana Pharmacies
  ii. LAC 46:LIII.521. Pharmacy Immunizations
  iii. LAC 46:LIII.1529, 2505. Investigational Drugs
  iv. LAC 46:LIII.2425. Telepharmacy Dispensing Sites
  v. LAC 46:LIII.1801, 1803, 1805, 1807, 1809, 1811, 1813, 1815, 1817, 1819, 2303. Correctional Center Pharmacy
  vi. LAC 46:LIII.1503, 1517. Veterinary Hospital Pharmacy
  vii. LAC 46:LIII.2519. Dispensing of Prescription Refills
  viii. LAC 46:LIII.503, 903. Delays of Licensure Examinations
  ix. LAC 46:LIII.903, 905. License Transfer for Pharmacy Technicians
  x. LAC 46:LIII.507. Continuing Education Records
  xi. LAC 46:LIII.2747 Partial Fills of Schedule II Prescriptions
  xii. LAC 46:LIII.2701, 2705, 2707, 2731, 2733, 2735, 2741, 2751. Controlled Substance License for Third Party Logistics Providers
  xiii. LAC 46:LIII.113 Rule Making Procedures
  xiv. LAC 46:LIII.2535 Pharmacy Compounding
  xv. LAC 46:LIII.1103, 1105, 1109, 1113, 1115, 1119, 1121, 1123, 1124, 1145, 1147, 1501, 1503, 1505, 1507, 1509, 1525, 1527, 1701, 1703, 1705, 1711, 1713, 1717, 1719, 1721, 1725, 2507, 2511, 2513, 2519, 2521. Pharmacy Records
  xvi. LAC 46:LIII.2443. Cannabis Metered Dose Inhaler
  xvii. LAC 46:LIII.2901, 2903, 2905, 2907, 2909, 2911, 2914, 2917, 2919, 2921, Prescription Monitoring Program
  xviii. LAC 46:LIII.1201, 1203, 1205, 1207, 1209, 1211, 1213, 1215, 1217, 1219, 1221, 1223, 1225, 1227, 1229, 1231, Automated Medication Systems
  xix. LAC 46:LIII.505, Pharmacist License Display
xx. LAC 46:LIII.2441, 2443, 2451, Marijuana Pharmacy

This Resolution was ADOPTED by unanimous vote of the Commission on September 10, 2020.

[Signature]

Leslie Ricard Chambers, Chair
WHEREAS, it is necessary for the Occupational Licensing Review Commission (OLRC) to issue a resolution regarding the approval or denial of specific occupational regulations submitted for its review:

NOW, THEREFORE, BE IT RESOLVED BY THE OCCUPATIONAL LICENSING REVIEW COMMISSION, that the following occupational regulations, as defined by Louisiana Revised Statutes 37:43(7), shall be known to have been approved by the OLRC at a duly called meeting of its members on March 25, 2021. The OLRC finds that these occupational regulations comply with the state policy set forth in Louisiana Revised Statutes 37:44 and authorizes the respective occupational licensing boards to initiate promulgation of the regulations in accordance with the Administrative Procedure Act.

- **Louisiana Department of Agriculture and Forestry**
  - i. LAC 7:XXXIX.111 Horticulture; Minimum Examination Performance Levels Required

- **Louisiana Manufactured Housing Commission**
  - i. LAC 55:V Manufactured and Modular Housing *(final review)*

- **Louisiana Liquefied Petroleum Gas Commission**
  - i. LAC 55:IX.103, 107, 119, 131 General Requirements *(final review)*

- **Louisiana Board of Medical Examiners**
  - i. LAC 46:XLV.323, 361, 363 Physicians *(final review)*
  - ii. LAC 46:XLV.315, 415, 417 Physician Licensure and Certification *(final review)*
  - iii. LAC 46:XLV.402, 412 Licensure and Certification *(final review)*
  - iv. LAC 46:XLV.433, 435, 439, 441, 443 Continuing Medical Education *(final review)*
  - v. LAC 46:XLV.1307 Qualifications for Certification for Advanced Practice; Scope of Practice *(final review)*


vi. LAC 46:XLV.9301-9311C Rules of Procedure; Petitions for Rulemaking (final review)

vii. LAC 46:XLV.9714, 9716 Complaints and Investigations (final review)

viii. LAC 46:XLV.9935 Assessment of Costs and Fees (final review)

○ **Louisiana Board of Pharmacy**
  i. LAC 46:LIII.519 State of Emergency (final review)
  ii. LAC 46:LIII.2443 2451 Limited Service Providers (final review)
  iii. LAC 46:LIII.2457 Standards of Practice
  iv. LAC 46:LIII.3001 Pharmacy Benefits Managers; Definitions (final review)
  v. LAC 46:LIII.3003 Pharmacy Benefit Manager Permit (final review)
  vi. LAC 46:LIII.3005 Permitting Procedures (final review)

○ **Louisiana Professional Engineering and Land Surveying Board**
  i. LAC 46:LXI.105 General Provisions (final review)
  ii. LAC 46:LXI.705, 709 Bylaws
  iii. LAC 46:LXI.903 Professional Engineer Licensure
  iv. LAC 46:LXI.903, 905, 909, 911 Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying (final review)
  v. LAC 46:LXI.1101 Curricula (final review)
  vi. LAC 46:LXI.1301, 1305, 1309, 1311, 1313, 1315 Examinations
  vii. LAC 46:LXI.1509 Experience
  viii. LAC 46:LXI.1901 Disciplines of Engineering
  ix. LAC 46:LXI.2103 Certificates of Licensure and Certification of Individuals or Firms
  x. LAC 46:LXI.2301, 2305 Firms
  xi. LAC 46:LXI.2501 Professional Conduct
  xii. LAC 46:LXI.3117 Audit and Review of Records
  xiii. LAC 46:LXI.3109, 3115, 3117 Continuing Professional Development
  xiv. LAC 46:LXI 3105, 3109, 3113, 3115, , 3119, 3121 Continuing Professional Development (final review)
- **Louisiana Physical Therapy Board**
  
  i. LAC 46:LIV.115, 121, 123, 145, 151, 153, 155, 157, 159, 169, 175, 180, 181, 185, 187, 194, 195, 199 Licensing and Certification

  ii. LAC 46:LIV.303, 309, 311, 319, 325, 331, 333, 337, 341, 345, 357, 387, 392, 396, 397 Practice

This Resolution was ADOPTED by unanimous vote of the Commission on April 6, 2021.

[Signature]

Leslie Ricard Chambers, Chair
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, 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 postgraduate 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 postgraduate 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.


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. ....


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 Dutlu, 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. 49:535(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 GOVERNMENT 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 GOVERNMENT 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
2010#004

Christopher A. Keaton
Legislative Fiscal Officer
Legislative Fiscal Office
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

LSBME PUBLIC HEARING
NOVEMBER 24, 2020

LSBME Public Hearing taken at the
Louisiana State Board of Medical Directors, 630
Camp Street, New Orleans 70130, on November 24,
2020, commencing at or about 9:00 a.m.

BY: Angela W. Allen
Certified Court Reporter

ANGELA W. ALLEN, CCR
ASAP COURT REPORTING SERVICES, INC.
EXECUTIVE STAFF PRESENT:

Vincent A. Culotta, Jr., MD
Executive Director

Mary K. Peyton, General Counsel

Jacintha Duthu, Executive Staff Officer
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ANGELA W. ALLEN, CCR
ASAP COURT REPORTING SERVICES, INC.
PROCEDINGS

DR. CULOTTA:

Good morning. This is the first ever open hearing separate from a board meeting with regard to rules, and the procedure will be each rule will have the individual opportunity to be introduced. We're using our in-house counsel, General Counsel Mary Peyton, to do that. I'm Vincent Culotta, the executive director of the Board, and each person who desires to comment will be allowed to make comments on each rule.

We have had an opportunity for public comments to come in by e-mail and when they are attached, will be attached to the record to be presented to the Board Members. That includes transcribed comments and any written comments that the Board can then review before it makes a final decision on any of the rules that will be reviewed by them at the next board meeting. I now turn this meeting over to Ms. Peyton.
MS. PEYTON:

Good morning. So the first rule we have is in regards to Chapter 46:XLV.9714, 9716 in regards to complaints and investigations these are guidelines for determining whether to issue public or non-public actions and also complaint disposition guidelines.

Ms. Duthu, did we receive any public comments either by e-mail, fax, or US Mail with regard to this rule?

MS. DUTHU:

No, ma'am, not at this time.

MS. PEYTON:

Thank you. We will wait to see if anybody appears to discuss this rule and render their comment.

(Off the record.)

MS. PEYTON:

It is 9:05. Please let the record reflect that no one has appeared to give a public comment with regard to Chapter 46:XLV.9714 and 9716.

We are now going to move on to the next rule. It is Chapter 46:XLV.323,
361 and 363 regarding international medical graduate qualifications and applications for licensure.

Ms. Duthu, did we receive any public comments by either e-mail, fax, and/or US Mail with regard to this rule?

MS. DUTHU:

No, ma'am, not at this time.

MS. PEYTON:

Thank you. We'll wait five minutes to see if anybody appears for public comment.

(Off the record.)

MS. PEYTON:

Please let the record reflect that no one has appeared with comments with regard to Chapter 46:XLV.323, 361 and 363.

Continuing on to the next rule, we have Chapter 46:XLV.1307. This is a rule in regards to podiatrists and the requirements and qualifications for licensure, scope of practice.

Ms. Duthu, has anyone commented by e-mail, fax, and/or US Mail with regard
moving on to the next rule which is Chapter 46:XLV.9935 regarding rules of adjudication, assessment of costs and fees.

Ms. Duthu, have we received any public comments with regard to this rule by e-mail, fax, or US Mail?

**MS. DUTHU:**

No, ma'am, not at this time.

**MS. PEYTON:**

Thank you. All right. We are going to wait five minutes.

(Off the record.)

**MS. PEYTON:**

All right. Five minutes have gone by. Please let the record reflect that no one has appeared for public comment for Chapter 46:XLV.9935 regarding rules of adjudication and assessment of costs and fees.

We're going to move on to the next rule which is Chapter 46:XLV.402, 412 regarding medical professions, restricted temporary permits, and emergency temporary permits.
Ms. Duthu, have we received any public comments whether by e-mail, fax, or US Mail with regard to this rule.

**MS. DUTHU:**

No, ma'am, not at this time.

**MS. PEYTON:**

Thank you. We're going to wait our five minutes, and let's see if anybody appears for public comment.

(Off the record.)

**MS. PEYTON:**

Let the record reflect that five minutes have passed and we have had nobody come to give public comment with regard to Chapter 46:XLV.402 and 412 on medical professions, restricted temporary permits, and emergency temporary permits.

We're going to move on to the next rule which is Chapter 46:XLV.9301 through 9311, rules of procedure and petitions for rulemaking.

Ms. Duthu, have we had anybody write to us with regard to public comment via US Mail, e-mail, or by fax on this
chapter?

**MS. DUTHU:**

No, ma'am, not at this time.

**MS. PEYTON:**

Okay. So since we've had no written public comment, we're going to wait five minutes to see if someone appears to make a public comment on this matter.

(Off the record.)

**MS. PEYTON:**

Please let the record reflect that we did not receive anybody in person for public comment on Chapter 46:XLV.9301 through 9311 on the rules of procedure and petitions for rulemaking.

We're moving on to the next and last rule which is Chapter 46:XLV.315, 415 and 417, the rules of physician licensure and certification.

Ms. Duthu, did we receive any public comment via e-mail, fax, or US Mail with regard to this rule?

**MS. DUTHU:**

No, ma'am, not at this time.

**MS. PEYTON:**
Okay. Thank you. We're going to wait five minutes to see if somebody shows up to give public comment with regard to this rule.

(Off the record.)

MS. PEYTON:

Please let the record reflect that no one appeared for public comment regarding Chapter 46:XLV.315, 415 and 417, the rules of physician licensure and certification.

We are going to end for the day, and thanks so much, Ms. Duthu, for your time.

* * * * * *

The proceedings concluded at 9:53 a.m.
REPORTER'S PAGE

I, ANGELA W. ALLEN, Certified Court Reporter in and for the State of Louisiana, the officer before whom this sworn testimony was taken, do hereby state:

That due to the spontaneous discourse of this proceeding, where necessary, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper methods for Court Reporter's transcription of a proceeding, and that dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(phonetically spelled)."

CERTIFICATE

I, Angela W. Allen, Certified Court Reporter in and for the State of Louisiana, Certificate No. 2014010, which is current and in good standing, as the officer before whom proceedings were taken under the authority of R.S. 37:2554, do hereby certify that proceedings were reported by me in the Stenomask reporting method, were

ANGELA W. ALLEN, CCR
ASAP COURT REPORTING SERVICES, INC.
prepared and transcribed by me or under my
personal direction and supervision, and are a
ture and correct transcript to the best of my
ability and understanding;

That the transcript has been prepared in
compliance with transcript format guidelines
required by statute or rules of the Board; that
I have acted in compliance with the prohibition
on contractual relationships as defined by
Louisiana Code of Civil Procedure Article 1434
and in rules and advisory opinions of the Board;

That I am not related to counsel or to the
parties herein, nor am I otherwise interested in
the outcome of this matter.

This certification is valid only for a
transcript accompanied by my original signature
and original seal on this page.

Angela W. Allen, CCR
Certificate No. 2014010

ANGELA W. ALLEN, CCR
ASAP COURT REPORTING SERVICES, INC.
November 9, 2020

Nichole Guidry RN
RN Administrator
Ambulatory Surgery Center of Opelousas
187 Ventre Blvd.
Opelousas, LA 70570

Re: Your November 5, 2020 Email

Dear Ms. Guidry:

I have the privilege of serving as the Executive Director to the Louisiana State Board of Medical Examiners (the “Board”).\(^1\) I am in receipt of your email of November 5, 2020 requesting information and/or records of the Board. You asked the following:

“With the governor allowing CRNAs to work independently for now, how does that affect them working with podiatrists? The anesthesiologist normally does the history and physical and signs the pre and post-op anesthesia orders.”

Please know, the current rules and laws regarding podiatry may be found on the Board’s website at www.lsbme.la.gov, click on “Laws” and then “Podiatry” for a copy of the Podiatry Practice Act, or, click on “Rules” and “Podiatrists,” under LAC 46XLV.1307. Likewise, the Physicians’ Practice Act may also be found on the Board’s website, www.lsbme.la.gov, by clicking on “Laws” and then “Physicians”, and/or you may find the rules applicable to physicians by clicking on “Rules” and “Physicians.”

*These rules and laws are still in effect during the pandemic*, and are applicable to the podiatrist, who based on your questions, would likely be the practitioner doing the procedure at issue as well as the anesthesiologist, who you detailed normally does the history and physicals along with pre and post-op anesthesia orders. The Board does not license or discipline certified nurse anesthetists (CRNAs), but podiatrists and anesthesiologists both fall within the scope of the Board and would be required to practice in accordance with their individual rules and practice acts.

Additionally, the Board is in the process of promulgating amendments to the rules applicable to advanced practice podiatrists doing histories and physicals prior to a procedure. You may find these proposed amendments by going to the Board’s website at www.lsbme.la.gov, click on “Rules” and then “Regulatory Process” and you will find the proposed rule amendments under

\(^1\) The Board is an agency of the State of Louisiana.
2020-3, “Notice of Intent”. Alternatively, you may also review them in the Louisiana Register, which may be found at https://www.doa.la.gov/Pages/osr/reg/register.aspx, in the October 2020 edition, page 1421.

The Board is currently accepting public comments with regard to these rules through November 16, 2020. Interested persons may submit written data, views, arguments, information or comments on the proposed rule amendments to Jacintha Duthu, Executive Staff Officer, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290.

Alternatively, or in addition to, you are also invited to appear at the Board’s public hearing to be held at the Board’s office on November 24, 2020 at 9:00 a.m., where I will be present and the public comments will be recorded for the Board’s later review. Please be sure to notify us by November 16, 2020, if you intend to appear, as we may be conducting the meeting via Zoom due to the public health emergency.

We appreciate your interest in this topic and look forward to seeing you at the public hearing and/or reviewing any comments you wish to send to the Board via Ms. Duthu, as detailed above.

Sincerely,

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

[Signature]

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