RULE

Department of Health
Board of Medical Examiners

Rules of Procedure; Complaints and Investigations (LAC 46:XLV.402)

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 has amended its rules governing provisional temporary permits so as to provide for an emergency temporary permit to issue for previously licensed practitioners who meet certain criteria (46:XLV.412) and to provide that the board may waive obtaining a criminal history on such a temporary permit during a declared emergency (46:XLV.402). The proposed amendments are set forth below. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Subchapter H. Restricted Licensure, Permits
§402. Provisional Temporary Permit Pending Results of Criminal History Record Information

A. - C.2. …

D. The board may waive the procedures and requirements for submitting, requesting and obtaining criminal history record information, specified in §402.A, for a non-renewable provisional temporary permit issued under this Subchapter that is effective for more than 90 days or an emergency temporary permit issued under §412 of these rules.


HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:843 (June 2001), amended LR 33:1344 (July 2007), LR 36:1243 (June 2010); amended by the Department of Health, Board of Medical Examiners, LR 47:735 (June 2021).

§412. Emergency Temporary Permits

A. - G.3. …

H. The board may, in its discretion, extend or renew an expired emergency temporary permit for additional 60-day periods provided all conditions prerequisite to original issuance are satisfied.

I. - K. …

L. The board may, upon its electronic receipt of a completed application and/or such information as may be required to verify the individual as a former licensee, issue a permit under this Section to an individual who does not possess a current license to practice medicine or as allied health care practitioner in this state, provided:

1. such individual:
   a. was formerly licensed by the board;
   b. was not, in the preceding 15 years, disciplined by the board;
   c. at the time his or her license last expired, held an unrestricted license in-good standing with the board and was not subject to board order, investigation or disciplinary proceedings;
   d. affirms that there is no known condition that would impair his/her ability to practice safely;
   e. practices within the scope and expertise of his/her education, training and experience and that of the formerly held license issued by the board;
   f. has made arrangements and registered to provide health care services with a hospital, institution or facility licensed by the Louisiana Department of Health (LDH) or at another site approved by LDH or the board, that:
      i. is registered as a host entity pursuant to the Uniform Emergency Volunteer Health Practitioners Act, R.S. 29:781, et seq.; and
      ii. initiated the individual’s application process by providing electronic confirmation to LDH and the board that it supports permit issuance and will accept, credential and grant privileges to the individual to provide voluntary health care services for the facility.
   g. limits the provision of health care services to patients of the hospital, institution or facility licensed by LDH or at another site specified or approved by LDH or the board, at which he is registered to provide services pursuant to the Uniform Emergency Volunteer Health Practitioners Act, R.S. 29:781, et seq.;
   2. a permit issued under §412.L shall be available to a physician who holds a reduced-fee license pursuant to §418 of these rules without the necessity of satisfying the requirements of §418.C;
   3. permit issuance under this Section may be verified from the board’s website.


HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR
33:91 (January 2007), amended by the Department of Health, Board of Medical Examiners, LR 47:735 (June 2021).

Vincent A. Culotta, Jr., MD
Executive Director

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