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 new rules which provide additional time to permits issued pending criminal background checks and provide additional permits in a declared emergency for retired former licensees who meet specified criteria.

The Occupational Licensing Review Commission (OLRC) approved the proposed rules at its July 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 the July 23, 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 July 23, 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 Board of Examiners and Certified Shorthand Reporters**
  - i. LAC 46:XXI.611(B) Activities Not Acceptable for Continuing Education Credits
  - ii. LAC 46:XXI.901 Fees

- **Louisiana Licensed Professional Counselors Board of Examiners**
  - i. LAC 46:LX.505 Teletherapy Guidelines for Licensees
  - ii. LAC 46:LX.3701 Endorsement

- **Louisiana State Board of Dentistry**
  - i. LAC 46:XXXIII.322 Expungement of Disciplinary Actions
  - ii. LAC 46:XXXIII.1502 Types of Permits

- **Louisiana State Board of Nursing**
  - i. LAC 46:XLVII.4505 Definitions
  - ii. LAC 46: XLVII.4507 Licensure as Advanced Practice Registered Nurse
  - iii. LAC 46:XLVII.4513 Authorized Practice

- **Louisiana Department of Agriculture and Forestry**
  - i. LAC 7:XXIX.113(B-F) Examination Schedule and Administration
  - ii. LAC 7:XXIX.115(D) General Requirements for All Licensees or Permittee
  - iii. LAC 7:XXIX.117 Professional and Occupational Standards and Requirements
○ **Louisiana Board of Pharmacy**
  i. LAC 46:LIII.505 Licensure  
  ii. LAC 46:LIII.2441 Definitions  
  iii. LAC 46:LIII.2443 Marijuana Products  
  iv. LAC 46:LIII.2451 Operation of Marijuana Pharmacy

○ **Louisiana State Board of Medical Examiners**
  i. LAC 46:XLV.323 Qualifications for License  
  ii. LAC 46:XLV.361 Application Procedure  
  iii. LAC 46:XLV.363 Additional Requirements for International Medical Graduates  
  iv. LAC 46:XLV.435 Continuing Medical Educational Requirement  
  v. LAC 46:XLV.439 Documentation Procedure  
  vi. LAC 46:XLV.441 Failure to Satisfy Continuing Medical Education Requirements  
  vii. LAC:46:XLV.443 Application of Requirements to All Licensees; Resolution of Conflict  
  viii. LAC:46XLV.1307 Qualifications for Certification for Advanced Practice; Scope of Practice  
  ix. LAC:46:XLV.9935 Assessment of Costs and Fees  
  x. LAC 46:XLV.402 Provisional Temporary Permit Pending Results of Criminal History Record Information  
  xi. LAC 46:XLV.412 Emergency Temporary Permits  
  xii. LAC 46:XLV.9714 Guidelines for determining whether to issue public or non-public actions  
  xiii. LAC 46:XLV.9716 Complaint Disposition Guidelines

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.

Leslie Ricard Chambers, Chair
NOTICE OF INTENT

Department of Health
Board of Medical Examiners

Provisional Temporary Permits
(LAC 46:XLV.402)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:560 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 proposes to amend 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 on the next page.

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 not 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, L.R. 27:843 (June 2001), amended L.R 33:1344 (July 2007), L.R 36:1243 (June 2010); amended by the Department of Health, Board of Medical Examiners, L.R 46:

§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;
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, L.R 33:91 (January 2007), amended by the Department of Health, Board of Medical Examiners, L.R 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 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.

Provider 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.
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. 49:963.2 et seq.

Public Comments
Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Jacinta Duthu, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130, (504) 568-6820, Ex. 2290. She is responsible for responding to inquiries. Written comments will be accepted until the 16th day of November, 2020 at 4 o’clock p.m.

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, starting at 9 o’clock a.m., at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held, especially during COVID, as the attendance may need to occur virtually via Zoom.

Vincent A. Culotta, Jr., MD
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Provisional Temporary Permits

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
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 (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend 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:XL.V.412) and to provide that the Board may waive obtaining a criminal history on such a temporary permit during a declared emergency (46:XL.V.402).
The proposed changes will result in a one-time publication expense estimated at $789.00, in FY 20 for the Louisiana State Board of Medical Examiners (LSBME). Otherwise, there is no anticipated impact on the LSBME or 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 §402 allow the Board, in its discretion, to waive the procedures and requirements for submitting, requesting and obtaining criminal history record information for an emergency temporary permit issued under §412. Second, the changes to §412H allow the Board, in its discretion to extend or renew an expired emergency temporary permit for additional 60-day time periods provided all conditions prerequisite to original issuance are satisfied. Third, the changes to 412L. create a new temporary emergency permit for a practitioner:
(a) previously licensed by the Board as long as the practitioner’s license at last expiration was in good standing and not under investigation and/or involved in disciplinary proceedings;
(b) who has not been disciplined in the last 15 years;
(c) who has no known condition that would impair his/her ability to practice safely;
(d) who practices within the scope and expertise of his/her training, education and experience and previous licensure;
(e) who has made arrangements and registered to provide health care services with a hospital, institution or facility licensed by the Louisiana Dept of Health (LDH) or at another site approved by LDH or the Board that is registered as a host entity under the Uniform Emergency Volunteer Health Practitioners Act (La. R.S. 29:781 et seq.) (UEVHP Act) and that initiated the applicant’s permit application process by providing electronic confirmation to LDH and the Board that it supports permit issuance and which will accept and credential/grant privileges to the applicant to provide voluntary health care services for the facility; and,
(f) who is limited to the location specified by LDH and/or approved by the Board, to provide services pursuant to the UEVHP Act.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
While the LSBME has no reliable data, it is believed that only a very limited number of previously licensed applicants are likely to apply for the emergency temporary permit on the basis of the proposed amendments. The LSBME is not in a position to estimate the proposed amendments’ effect in this respect as no information or data is available either as to the number of formerly licensed health care practitioners who may be offered a position at an approved host hospital, institution or facility licensed by LDH, who will confirm to LDH and the Board that it supports permit issuance and will accept, credential and grant privileges to the permit applicant. It is anticipated that qualifying applicants will be infrequent and any such applicant would be subject to any medical licensing fees specified by the LSBME’s rules. Accordingly, there is no anticipated effect on the revenue collections of the LSBME or other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
It is not anticipated that the proposed amendments will 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)
It is not anticipated that the proposed changes will have any negative impact on competition or employment. The additional emergency temporary permit is meant to expand the number of health care practitioners available to respond to a declared public health emergency or disaster, in which, it is anticipated, there is usually a shortage of licensed health care practitioners available to respond.

Vincent A. Culotta, Jr., MD
Executive Director
2016#060

Alan M. Boxberger
Staff Director
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
to this new proposal?

We did have one individual that wrote in with regard to current rules applicable to podiatrists; and in response to that public records request, we wrote back and referred that individual, Ms. Guidry, to these proposed rules. That was November 9, 2020, and we will attach the response to Ms. Guidry's public records request. We have not heard anything further from Ms. Guidry; is that correct, Ms. Duthu?

MS. DUTHU:

That's correct.

MS. PEYTON:

So we have no public comment from her distinctly; is that right?

MS. DUTHU:

That's correct.

MS. PEYTON:

Okay. Thanks. And we will wait our five minutes with regard to this rule.

(Off the record.)

MS. PEYTON:

All right. Let the record reflect
five minutes have passed and we have not had anyone come to give public comment with regard to Chapter 46:XLV.1307 on podiatry.

We are now moving on to the next rule, Chapter 46:XLV.433 through 449 regarding physicians and continuing medical education. We will wait five minutes to see if anyone appears.

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

**MS. DUTHU:**

No, not at this time.

**MS. PEYTON:**

Okay. We will wait our five minutes.

(Off the record.)

**MS. PEYTON:**

All right. Please let the record reflect that five minutes have passed and no one has appeared to make any comments with regard to Chapter 46:XLV.433 through 449 on physicians and continuing medical education; so we're
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.
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
true 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”). 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

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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