

## NOTICE OF INTENT

### Department of Health Board of Medical Examiners

Physicians—Continuing Medical Education  
(LAC 46:XLV.417, 418, 435, and 447)

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 (the board) by the Louisiana Medical Practice Act., R.S. 37:1270 et seq., the board proposes to amend its rules governing continuing medical education to allow for physicians to receive credit for participating on medical review panels.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

#### Subpart 2. Licensure and Certification

#### Chapter 3. Physicians

#### Subchapter K. Continuing Medical Education

#### §433. Scope of Subchapter

A. The rules of this Subchapter provide standards for the continuing medical education ("CME") requisite to the renewal or reinstatement of licensure, as provided by §§417 and 419 of these rules and prescribe the procedures applicable to satisfaction and documentation of continuing medical education in connection with applications for renewal or reinstatement of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:730 (June 2021), LR 51:789 (June 2025), LR 52:

#### §435. Continuing Medical Educational Requirement

A. Subject to the waiver of and exceptions to CME prescribed by §§445 and 447 and the special requirements attendant to initial renewal of licensure specified in §449, every physician seeking the renewal or reinstatement of licensure shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 20 hours of board approved CME.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021), LR 51:1165 (August 2025), LR 52:

#### §437. Qualifying Continuing Medical Education

A. Any program, course, seminar, or other activity offering Category 1 CME shall be deemed approved for purposes of satisfying the continuing medical education requirements under this Subchapter, if sponsored or offered by:

1. an organization or entity accredited by the Accreditation Council for Continuing Medical Education (ACCME);

2. a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

3. the American Academy of Family Physicians (AAFP);

4. the American College of Obstetricians and Gynecologists (ACOG);

5. the American Osteopathic Association (AOA); or

6. an organization or entity accredited by the Louisiana State Medical Society or any other ACCME recognized state medical society.

B. Service on a Medical Review Panel established pursuant to La. R.S. 40:1231.8 shall be approved for 3.5 credit hours of CME. No more than 7 hours of CME may be credited for service on Medical Review Panels annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 31:1584 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021), LR 52:

#### §439. Documentation Procedure

A. Licensees shall ensure that documentation of CME sufficient to satisfy the annual continuing education requirement is submitted to the board. Each licensee shall request the organization or entity sponsoring or offering the activity to submit proof of the licensee's completion of a continuing education activity to the board's designated electronic education tracker (EET). In the event the sponsoring or offering organization fails or refuses to do so, the licensee shall submit such proof directly to the EET.

B. To obtain CME credit for service on a Medical Review Panel as approved by §437(B), licensees shall submit documentation in a manner established by the board which, at a minimum, contains the:

1. physician's name;

2. Louisiana Patient's Compensation Fund File Number; and

3. inclusive date or dates and location of the MRP;

C. Each licensee shall:

1. access a transcript of the hours/credits/units of qualifying continuing education from the board's designated EET. The transcript shall reflect the amount of continuing education needed to satisfy the continuing education requirement for license renewal;

2. be responsible for reviewing his/her continuing education transcript for accuracy and resolving any discrepancies in the amount of credit awarded, lack of reporting to the board, or other issues, with the organization or entity sponsoring or offering the continuing education activity. If issues remain unresolved, the licensee shall attempt resolution by way of the board's designated EET. If still unsuccessful, the licensee may then supply documentation of his/her efforts to resolve the discrepancy or other issues to the board and request its assistance; and

3. be aware that failure to notify the board of a change in preferred email address will not absolve the licensee from his/her obligations and responsibilities under this Section.

D. A physician shall maintain a record of attendance for at least four years from the date of completion of the continuing medical education activity. Satisfactory evidence shall consist of a certificate or other documentation which shall, at a minimum, contain the:

1. program title;

2. sponsor's name;

3. physician's name;
4. inclusive date or dates and location of the CME event; and
5. documented verification of successful completion of 20 hours of Category 1 CME by stamp, signature, official or other proof acceptable to the board.

E. The board has the right to audit any documentation of activities.

1. Verification of continuing medical education satisfying the requirements of this Subchapter shall be submitted by a physician to the board within 30 days of the date of mailing of notification of audit or such longer period as the board may designate in such notification. A physician's failure to notify the board of a change of mailing address will not absolve the licensee from the audit response requirement.

2. Any certification of continuing medical education which is not approved by the board pursuant to §437 shall not be considered as qualifying for CME recognition by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021), LR 52:

#### **§441. Failure to Satisfy Continuing Medical Education Requirements**

A. Non-Compliance; Reinstatement of Licensure. A licensee:

1. who fails to satisfy the continuing education requirement shall not be eligible for licensure renewal;

2. whose license has not been renewed for failure to satisfy the continuing education requirement may be reinstated upon application to the board accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, and confirmation of completion of the continuing education requirement.

B. The license of a physician which has expired for nonrenewal or been revoked for failure to satisfy the CME requirements of §435 of these rules may be reinstated pursuant to §419 upon written application to the board accompanied by payment of the reinstatement fee required by §419 in addition to all other applicable fees and costs, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license was last issued or renewed, completed an aggregate of 20 hours of board approved CME.

C. The license of a physician which has expired, has not been renewed, or has been revoked for failure to meet the requirements of §449, or one which has expired, has not been renewed or has been revoked on more than one occasion for failure to satisfy the CME requirements of §435 of these rules, shall be deemed in violation of R.S. 37:1285.A(30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), amended LR 51:789 (June 2025), LR 52:

#### **§443. Application of Requirements to All Licensees; Resolution of Conflict**

A. Sections 439 and 441 of this Chapter shall apply to physicians and all allied health care providers licensed by the board who are required to complete continuing education as a prerequisite to the renewal of a license or other authority to practice a profession regulated by the board. All references to CME or continuing education and credits or hours shall apply equally to any word or term utilized in this Part to describe the requirement for or amount of continuing education required for the renewal of such license or other authority. In the event of a conflict between §439 and §441 and those of any other Section in this Part, §439 and §441 shall govern and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), amended LR 52:

#### **§444. Falsification of Continuing Medical Education (Formerly §443)**

A. Any licensee or applicant who falsely certifies attendance at and/or completion of the required continuing medical education requirements of §§433-449 shall be deemed in violation of R.S. 37:1285.A(3), (4), (13) and/or (30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners, LR 47:732 (June 2021), LR 52:

#### **§445. Waiver of Requirements**

A. The board may, in its discretion, waive all or part of the CME required by these rules in favor of a physician who makes written request to the board and evidences to its satisfaction a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the individual's timely satisfaction of CME requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), LR 52:

#### **§447. Exceptions to the Continuing Medical Education Requirements**

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. who is engaged in military service longer than one year's duration outside of Louisiana;

2. who has held an initial Louisiana license on the basis of examination for less than one year;

3. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

4. who is in a residency training program approved by the board; or

5. who is a retired physician in accordance with §418 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), LR 51:1165 (August 2025), LR 52:

#### **§449. CME Requirement for Initial Renewal of License**

A. Effective on and after January 1, 2002, every physician seeking the initial renewal of medical licensure, whether such license was originally issued by the board on the basis of examination, reciprocity, or reinstatement shall, as part of the continuing medical education required by this Subchapter as a condition prerequisite to licensure renewal, evidence and document completion of the Laws and Rules for Physicians course provided by the board.

B. The course required pursuant to §449.A will be accessible online and shall consist of not less than two hours in duration and involve such content, topic and structure as the board may from time to time deem appropriate.

C. A physician's failure to notify the board of a change of mailing address will not absolve the applicant of the requirement to complete the course as a condition of approval of an initial request for licensure renewal.

D. A physician completing the laws and rules course pursuant to §449.A shall receive 3 hours of credit towards the annual CME requirement specified by §435.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 27:850 (June 2001), LR 36:1243 (June 2010), amended by the Department of Health, Board of Medical Examiners LR 47:733 (June 2021), LR 51:790 (June 2025), LR 52:

#### **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. on February 26, 2026.

#### **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 February 26, 2026 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.

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

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Physicians—Continuing Medical Education**

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

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local governmental units resulting from the promulgation of the proposed rule changes. The cost of the Louisiana State Board of Medical Examiners is approximately \$640 in FY26 for the notice and rule publication in the *Louisiana Register*.

Proposed rule changes allow for physicians to receive credit for participating on medical review panels and update the continuing medical education (CME) requirement for initial licensure to account for changes in board procedures such as the creation of the laws and rules course and electronic education tracker.

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

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

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule will provide a modest economic benefit to physicians who serve on Medical Review Panels by allowing them to receive CME credit for this service. Physicians will be eligible to claim 3.5 hours of CME credit per panel, up to seven hours annually, thereby reducing the need to pay for equivalent CME hours through other educational providers. In most cases, physicians are personally responsible for covering the cost of CME courses, which may be obtained through professional organizations such as the American Academy of Family

Physicians (AAFP), hospitals, or accredited online programs. Fees vary by provider, and the ability to substitute up to seven hours of no-cost CME credit for panel service represents a modest savings in annual professional expenses.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

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Executive Director  
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Alan M. Boxberger  
Legislative Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Health Board of Medical Examiners

Respiratory Therapists  
(LAC 46:XLV.Chapters 25 and 55)

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 (the board) by the Louisiana Medical Practice Act, R.S. 37:1270 et seq., the board proposes to amend its rules governing Respiratory Therapists to update practice standards, amend examination and continuing medical education regulations, define terms, and correct typographical errors.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

#### Subpart 2. Licensure and Certification

#### Chapter 25. Respiratory Therapists

#### Subchapter A. General Provisions

#### §2503. Definitions

A. ...

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*Registered Respiratory Therapist*—one who is currently in good standing with and has successfully completed the registered respiratory therapy credentialing examination or its successor administered by the National Board for Respiratory Care.

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*Respiratory Therapy*—the allied health specialty practiced under the direction and supervision of a physician involving the assessment, treatment, testing, monitoring, and care of persons with deficiencies and abnormalities of the cardiopulmonary system. Such therapy includes, but is not limited to, the following activities conducted upon the prescription or other order of a physician, advanced practice registered nurse, or physician assistant howsoever communicated and duly recorded:

a. - g. ...

h. administration of humidity, aerosol therapy and nasal therapy inclusive of medication delivered to the nasal passages, including, but not limited to naloxone, beconase, flonase, etc.

i. - k. ...

l. performance of specific procedures and diagnostic testing relative to respiratory therapy to include peripherally inserted central catheter with proper protocol

for evaluation of line post placement under the order of a physician, advanced practice registered nurse, or physician assistant to assist in diagnosis, monitoring, treatment, and research, including:

i. drawing and analysis of arterial, venous, and capillary blood samples and other body fluids to determine laboratory values to be performed on blood gas instrumentation;

ii. - iv. ...

v. starting of intravenous lines for the purpose of administering fluids pertinent to the practice of respiratory therapy to include peripherally inserted central catheter with proper protocol for evaluation of line post placement under the order of physician; and

vi. instruction on equipment for diagnosis or therapeutic treatment for ventilator support or ventilator disease management.

m. ...

n. instruction of patient, family, and caregivers in the prevention, management, and therapeutic modalities related to respiratory therapy and instruction of use of equipment therein for patients in any setting.

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B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:744 (June 1993), LR 25:2212 (November 1999), LR 38:52 (January 2012), amended by the Department of Health, Board of Medical Examiners LR 52:

#### Subchapter B. Requirements and Qualifications for Licensure

#### §2507. Requirements for Licensure of Respiratory Therapists

A. - A.2. ...

3. be a graduate of a respiratory care education program, or have successfully completed all program requirements established by the NBRC for entry level respiratory therapy credentialing;

4. possess current credentials as a certified or registered respiratory therapist granted by the National Board of Respiratory Care or its predecessor or successor organization;

5. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the regulations thereunder (8 C.F.R.);

6. satisfy the applicable fees as prescribed by Chapter 1 of these rules;

7. satisfy the procedures and requirements for application provided by Subchapter C of this Chapter; and

8. not be otherwise disqualified for licensure by virtue of the existence of any grounds for denial of licensure as provided by the law or in these rules.

B. An applicant previously licensed to practice respiratory therapy in any other state, who has not held such a license or been engaged in the practice of respiratory