BACKGROUND: The Louisiana State Board of Medical Examiners (the Board) has received an inquiry regarding policies or practices adopted by hospitals for certain procedures that a physician is otherwise authorized to perform by virtue of a license issued by the Board. In response to this inquiry, and because the information is of general relevance, the Board has deemed that a statement on this subject is warranted.

STATEMENT OF POSITION: By declaring the following Statement, the Board intends to: (i) protect the public and ensure quality of health care in Louisiana; and (ii) inform physicians and other interested parties of the extent of the authority to practice medicine granted by a license, permit, registration or certificate issued by the Board in relation to privileges granted and/or requirements imposed on a licensee by a hospital or other healthcare facility.

The practice of medicine is a privilege granted by the state to persons who meet the requirements of law and administrative rules governing the issuance of a license, permit, registration, or certificate for same. La. R.S. 37:1261 et seq. No person may practice medicine or hold himself out as a physician authorized to practice in this state without the necessary license, permit, certificate, or registration issued by the Board. Specific scope of practice parameters are found in the Medical Practice Act and corresponding administrative rules, and are grounded in the verified education and training of the individual licensee.

The ability of a physician to practice in/at a hospital is a separate issue governed by statute requiring the hospital to credential and grant privileges to the physician. La. R.S. 40:2114 provides:

A. Each hospital shall have a single, organized medical and dental staff. Medical and dental staff membership shall include doctors of medicine or osteopathy who are currently licensed to practice medicine or osteopathy by the Louisiana State Board of Medical Examiners and dentists licensed to practice dentistry by the Louisiana State Board of Dentistry.
B. Each hospital offering care or services within the scope of the practice of psychology, as defined in R.S. 37:2352(5), shall establish rules, regulations, and procedures for consideration of an application for medical staff membership and clinical privileges submitted by a psychologist licensed to practice psychology by the Louisiana State Board of Examiners of Psychologists or a medical psychologist licensed to practice medical psychology by the Louisiana State Board of Medical Examiners. No hospital shall deny such medical staff membership and clinical privileges solely because the applicant is licensed under R.S. 37:2351 et seq., or R.S. 37:1360.51 et seq.
C. No individual shall be automatically entitled to membership on the medical and dental staff or to the exercise of any clinical privilege solely on the basis of his license to practice in any state, his membership in any professional organization, his certification by any clinical examining board, or his clinical privileges or staff membership at another hospital without meeting the reasonable criteria for membership established by the governing body of the respective hospital.
D. The provisions of this Section shall in no way affect the provisions of R.S. 37:1301.
E. A hospital shall establish rules, regulations, and procedures setting forth the nature, extent, and type of staff membership and clinical privileges, as well as the limitations placed by the hospital on said staff membership and clinical privileges for all health care providers practicing therein.

Thus, although a license from the Board is a prerequisite to credentialling and privileging by a hospital, it is the hospital’s responsibility and authority to determine the extent of privileges granted to a physician in accordance with its own rules, regulations, and procedures, and the hospital is statutorily authorized to place limits on those privileges under its rules, regulations and procedures. The Board plays no role in a hospital’s credentialing and privileging decisions.