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To: Dr. Vincent A. Culotta, Jr.
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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: July 9, 2026

Subject: Louisiana State Board of Medical Examiners
Proposed Amendment to LAC 46:XLV.437, 439, 441, 443, 445, 447, and 449-
Continuing Medical Education

I. SUMMARY

The Louisiana State Board of Medical Examiners (the “**Board**”) proposes amending LAC 46:XLV.437, 439, 441, 443, 445, 447, and 449 (the “**Proposed Amendments**”), relative to continuing medical education (“**CME**”) credits. The Proposed Amendments (i) allow physicians to receive 3.5 hours of continuing medical education credits for service on a Medical Review Panel, with a maximum of 7 hours that may be credited for such service, (ii) make typographical and grammatical changes throughout the rules to improve clarity, readability, and organization, and (iii) require every physician seeking initial renewal of their medical license to complete the Laws and Rules for Physicians course.

The Board published a Notice of Intent to promulgate the Proposed Amendments on January 20, 2026.¹ The Notice invited public comments and requests for public hearing on the Proposed Amendments on February 26, 2026 and received no written comments or requests for a public hearing.²

Continuing education requirements are barriers to market competition and the Proposed Amendments to §§437 and 449 are therefore properly considered occupational regulations with reasonably foreseeable anti-competitive effects.³

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to

¹ Louisiana Register, Vol. 52, No. 7, at pgs. 109-113

² Id. at 113

³ LSA-R.S. 49:260 (G)(4)

applicable state law.⁴ An occupational regulation is a “rule defined in the Administrative Procedure Act that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁵ The Louisiana Administrative Procedure Act (“**APA**”) defines a rule as an agency (Board) requirement for conduct or action prescribing the procedure or practice requirements of the agency (Board).⁶ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁷

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“**OLRP**”) on April 26, 2026. The OLRP invited public comments on the Proposed Amendments from April 27, 2026, through May 11, 2026, and received no comments.

As set forth below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XLV. §§ 439, 441, 443, 445, and 447 do not constitute occupational regulations with any reasonably foreseeable anti-competitive effects. Therefore, the Board may proceed with promulgation as drafted in accordance with the Louisiana APA without further input from the OLRP.

Additionally, as discussed below, the OLRP has determined the Board’s Proposed Amendments to LAC 46:XLV §§437 and 449 are occupational regulations, adhere to clearly articulated state policy, and are within the Board’s statutory authority. Therefore, the Proposed Amendments are approved for promulgation as drafted in accordance with the Louisiana APA.

II. ANALYSIS

The Louisiana Legislature has deemed it the policy of the State of Louisiana in the interest of public health, safety, and welfare to provide laws and provisions covering the practice of medicine and its subsequent use, control, and regulation to protect the public against unprofessional, improper, unauthorized, and unqualified practice of medicine and from unprofessional conduct of persons licensed to practice medicine.⁸ The Board was created to control and regulate the practice of medicine in this state.⁹ The Board is authorized to take appropriate administrative actions to regulate the practice of medicine in Louisiana in order to promote the established policy of the State.¹⁰ The Board may also adopt rules, regulations, and standards necessary to carry out the Board’s duties, powers, and functions as provided for in LSA R.S. 37:1261 et seq.¹¹

⁴ LSA-R.S. 49:260 (D) (2)

⁵ LSA-R.S. 49:260 (G)(4)

⁶ LSA-R.S. 49:951 (8)

⁷ Black’s Law Dictionary, 12th Edition p. 116

⁸ LSA-R.S. 37:1261

⁹ LSA-R.S. 37:1263

¹⁰ LSA-R.S. 37:1270 (A)(1)

¹¹ LSA-R.S. 37:1270 (B)(6)

A. Proposed LAC 46:XLV.437- Qualifying Continuing Medical Education

The Board proposes amending §437 to (i) remove “Programs” from title of the rule and (ii) allow physicians to receive 3.5 hours of CME credit for service on a Medical Review Panel, with a maximum of 7 hours that may be credited annually for such service.

The Board is statutorily authorized to adopt rules, regulations, and standards necessary to carry out the Board’s duties, powers, and functions.¹² The Board is further authorized to establish and determine by rule minimum requirements relative to continuing education for the renewal or reinstatement of any license or permit issued by the Board.¹³ Accordingly, the Board has authority to permit a physician’s service on a medical review panel to count toward CME credits.

The removal of the word “Programs” from the title of the rule makes a minor non-substantive typographical change that does not create any new substantive requirements for licensure, education, supervision, discipline, or professional practice.

Regarding the proposed CME amendment, the Board asserts that physicians who serve on Medical Review Panels spend considerable time reviewing case files and discussing best practices as applied in clinical practice. The Board further believes that this work is commensurate with continuing medical education and that participating physicians should receive CME credit for their service.

While continuing education requirements may function as barriers to professional participation by imposing time and financial burdens on licensees, the Proposed Amendment is likely to reduce these barriers by permitting some of the hours spent serving on a Medical Review Panel to satisfy a limited portion of the physician’s CME requirements.

By allowing physicians to receive limited CME credit for service on a Medical Review Panel, the Proposed Amendment encourages qualified physicians to participate in a process that relies on current knowledge and professional expertise to evaluate whether medical care met the applicable standard of care. Additionally, physician participation helps ensure that Medical Review Panel evaluations are informed, accurate, and reliable, thereby supporting the fair resolution of malpractice claims and promoting the public’s access to safe medical care.

The OLRP finds that the Proposed Amendment to §437 is within the Board’s statutory authority and adheres to clearly articulated state policy. Therefore, the Board may proceed with promulgation of the rule as drafted.

B. Proposed LAC 46:XLV.439- Documentation Procedure

The Board proposes amending §439 to (i) make typographical and grammatical changes throughout the rule and (ii) require licensees seeking CME credit for service on a Medical Review Panel to submit to the Board, at a minimum the physician’s name, the Louisiana Patient’s Compensation Fund File Number, and the date or dates and location of the Medical Review Panel.

¹² LSA-R.S. 37:1270 (B)(6)

¹³ LSA-R.S. 37:1270(8)(a)

The Board is statutorily authorized to adopt rules, regulations, and standards necessary to carry out the Board's duties, powers, and functions.¹⁴ The Board is further authorized to establish and determine by rule minimum requirements relative to continuing education for the renewal or reinstatement of any license or permit issued by the Board.¹⁵ Accordingly, it is within the Board's authority to establish the information required and manner in which licensees must report activities to receive CME credits.

As discussed above, typographical changes do not create any new substantive requirements for licensure, education, supervision, discipline, or the practice of medicine as they are intended solely to improve the clarity, readability, and organization of the rule.

The Proposed Amendment also establishes minimum reporting requirements for licensees seeking CME credit for Medical Review Panel service. While continuing education requirements may function as barriers to professional participation, the Proposed Amendment merely establishes the minimum information that must be submitted to document participation in a Medical Review Panel for the purposes of receiving CME credit. This requirement does not establish, modify, or eliminate licensure qualifications, scope of practice requirements, fees, renewal standards, disciplinary criteria, or enforcement thresholds applicable to regulated individuals. As such, the Proposed Amendment is a rule governing the practice of medicine and is not an occupational regulation with any reasonably foreseeable anti-competitive effects.

Therefore, the Board may proceed with amending §439 without further input from the OLRP in accordance with the Louisiana APA.

C. Proposed LAC 46:XLV.441, 443, 445, and 447

The Board proposes amending §§441, 443, 445, and 447 to make typographical and grammatical changes throughout the rules to improve clarity, readability, and organization.

Because typographical and grammatical changes are intended solely to improve the clarity, readability, and organization, they do not create any new substantive requirements for licensure, education, supervision, discipline, or the practice of medicine. Accordingly, the Proposed Amendments do not constitute occupational regulations and do not have any reasonably foreseeable anti-competitive effects.

Therefore, the Board may proceed with amending §§441, 443, 445, and 447 without further input from the OLRP in accordance with the Louisiana APA.

D. Proposed LAC 46:XLV.449 CME Requirements for Initial Renewal of License

The Board proposes amending §449 to (i) make typographical and grammatical changes throughout the rule, (ii) require every physician seeking initial renewal of their medical license to complete the Laws and Rules for Physicians course ("**Course**") provided by the Board, (iii) provide that the course will be accessible only online, (iv) clarify that failure to update a mailing address

¹⁴ LSA-R.S. 37:1270 (B)(6)

¹⁵ LSA-R.S. 37:1270(8)(a)

does not excuse completion of the course, and (iv) provide that completion of the course shall earn a physician 3 hours of credit towards the annual CME requirement.

The Board is statutorily authorized to adopt rules, regulations, and standards necessary to carry out the Board's duties, powers, and functions.¹⁶ The Board is further authorized to establish and determine by rule minimum requirements relative to continuing education for the renewal or reinstatement of any license or permit issued by the Board.¹⁷ Accordingly, the Board has the authority to require that physicians complete the Laws and Rules for Physicians course before their first renewal of licensure, to provide the course exclusively online, and to award 3 hours of CME upon completion of the course.

Regarding the typographical and grammatical changes, as discussed above, are intended solely to improve clarity, readability, and organization, and do not create any new substantive requirements for licensure, education, supervision, discipline, or the practice of medicine. Additionally, the clarification that the failure to update a mailing address does not excuse completion of the course likewise does not create or impose any additional occupational or licensing requirements.

While continuing education requirements may create financial or logistical burdens that may affect an individual's ability to enter or remain in the profession, they also serve an important public protection function by helping ensure that licensees maintain competency and remain informed of current legal requirements and professional standards. The Proposed Amendment replaces the former orientation program with a universally available online course and permits the completion of the course to count towards the physician's annual CME requirement, thereby reducing logistical burdens for all newly licensed physicians while preserving the Board's educational objectives.

Accordingly, although the Proposed Amendment establishes a condition applicable to initial license renewal, it is authorized by statute and advances clearly articulated state policy by ensuring physicians remain knowledgeable about the laws and ethical standards governing the practice of medicine.

The OLRP finds that the Proposed Amendment to §449 is within the Board's statutory authority and adheres to clearly articulated state policy. Therefore, the Board may promulgate this rule in accordance with the Louisiana APA.

III. DETERMINATION

The Board is a state regulatory body created "as a matter of policy in the interests of public health, safety, and welfare to provide laws and provisions covering the granting of [the privilege of the practice of medicine] and its subsequent use, control, and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized, and unqualified practice of medicine from unprofessional conduct of persons licensed to practice medicine."¹⁸ The Board may

¹⁶ LSA-R.S. 37:1270 (B)(6)

¹⁷ LSA-R.S. 37:1270(8)(a)

¹⁸ LSA-R.S. 37:1261

adopt rules, regulations, and standards necessary to carry out its duties, powers, and functions as mandated by the legislature.¹⁹

Because the OLRP has determined the Proposed Amendments to §§439, 441, 443, 445, and 447 are not occupational regulations with any reasonably foreseeable anti-competitive effects, the Board may proceed with promulgation of these amendments without further input from the OLRP.

Additionally, the OLRP has determined that Proposed Amendments to §§437 and 449 are within the Board's statutory authority and adhere to clearly articulated state policy of protecting the public health, safety, and welfare of the citizens of this state. As such, the Proposed Amendments are approved as submitted to the Attorney General and may be adopted by the Board in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

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¹⁹ LSA-R.S. 37:1270 (B)(6)