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From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: July 7, 2026

Subject: Louisiana State Board of Medical Examiners
Proposed Amendments to LAC 46: XLV. Chapters 39 and 61-Medical Psychologists

I. SUMMARY

Louisiana State Board of Medical Examiners (the “**Board**”) proposes amending LAC 46:XLV.3903, 3907, 3909, 3911, 3921, 3923, 3941, 3951(C), 6115, 6117, and 6119 (the “**Proposed Amendments**”), relative to the rules governing medical psychologists. The Proposed Amendments (i) establish and modify commonly used definitions and terms, (ii) require applicants to complete at least three years of clinical experience as a licensed psychologist, (iii) repeal an outdated rule outlining an alternative means of qualifying for licensure, (iv) revise the qualifications, practice, and continuing education requirements for medical psychologists seeking advanced certificates, (v) make minor non-substantive typographical corrections, (vi) require applicants to submit documentation of renewal requirements to the Board’s electronic education tracker (EET), (vii) require newly licensed medical psychologists to successfully pass the Medical Psychology Law and Rules examination prior to their first renewal date, (viii) permit the successful completion of the Medical Psychology Law and Rules Examination as an alternative means to fulfill the two-hour continuing education requirement in ethics, and (ix) revise the terminology in the standards for prescribing by medical psychologists from “physician” to “primary care provider” to conform with legislative changes.

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

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

² Id. at 113

Licensing and permitting requirements are barriers to market competition and the Proposed Amendments to §§3907, 3911, 3941(C) and 3951(C) 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 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. §§3903, 3909, 3921, 3923, 3941(A), 3941(B), 3951(A)(2), 6115, 6117, and 6119 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 §§3907, 3911, 3941(C) and 3951(C) are occupational regulations and 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 declared that, in the interest of public health, safety, and welfare, the practice of medicine must be regulated to protect the public from unprofessional, unauthorized, and unqualified practitioners.⁸ The Board was created to control and regulate the practice of medicine in this state.⁹ The Medical Psychology Practice Act (the “**Act**”) has granted the Board the same authority over medical psychologists as it exercises over physicians.¹⁰ Specifically, the

³ LSA- R.S. 49:260 (G)(4)

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. 37:1360.53

Board is authorized to (i) establish and publish standards of medical psychology practice, (ii) approve, deny, revoke, suspend, renew, and reinstate licensure or certification of duly qualified applicants, and (iii) adopt, promulgate, revise, and enforce orders, rules, and regulations for initial licensure, renewal, and certificates of advanced practice as the board may deem necessary to ensure the competency of applicants, and the protection of the public in accordance with the Administrative Procedure Act.¹¹

A. Proposed LAC 46:LXV.3903-Definitions

The Board proposes amending §3903 to establish and modify the following definitions and terms:

- (i) Collaborating Physician,
- (ii) Concurrence or Concur,
- (iii) Consultation and Collaboration with a MP or Consult and/or Collaborate,
- (iv) Discussion,
- (v) Nurse,
- (vi) Nurse Practitioner,
- (vii) Physician Assistant,
- (viii) Primary Care, and
- (ix) Primary Care Provider.

Because the Proposed Amendment amends and establishes definitions for commonly used terms and does not expand or limit the pool of individuals who may be eligible for market participation, it does not constitute an occupational regulation with reasonably foreseeable anti-competitive effects.

Accordingly, as the Proposed Amendment does not constitute an occupational regulation, the Board may proceed with promulgation without further input from the OLRP.

B. Proposed LAC 46:LXV.3907-Qualifications for License

The Board proposes amending §3907 to require an applicant for licensure as a medical psychologist complete at least three years of clinical experience as a licensed psychologist.

Act 731 of the 2024 Regular Session amended La. R.S. 37:1360.55(A)(4) to require applicants seeking a medical psychology license to have successfully completed at least three years of clinical experience.

The Board is statutorily authorized to adopt, promulgate, revise, and enforce orders, rules, and regulations for initial licensure, renewal, and certificates of advanced practice.¹² Accordingly, it is within the Board's authority to revise its rules to align with the statutory requirements for licensure.

While licensing qualifications and requirements may function as barriers to market entry, the Proposed Amendment will ensure that only psychologists with substantial clinical experience are

¹¹ LSA-R.S. 37:1360.53(1)-(3)

¹² LSA-R.S. 37:1360.53(3)

eligible to obtain licensure as medical psychologists, thereby advancing the Board's efforts in safeguarding public health, safety, and welfare.

The OLRP finds that the Proposed Amendment to §3907 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.

C. Proposed LAC 46:LXV.3909-Alternative Qualifications for Licensure

The Board proposes repealing §3909 which established alternative qualifications for those seeking licensure as medical psychologists.

The current rule provides that applications made within 12 months of the effective date, March 2011, may be eligible for licensure by demonstrating that, as of January 1, 2010, the applicant has (i) an unrestricted license in good standing issued by the LSPE, (ii) an unrestricted certificate of prescriptive authority, (iii) a controlled dangerous substance registration issued by the United States Drug Enforcement Administration, and (iv) is not be ineligible for licensure under the Act.

Because the rule applied only during a limited 12-month period following the rule's effective date, it is now obsolete and no longer has any practical application. Additionally, while licensing qualifications and requirements may function as barriers to market entry, this repeal does not establish or modify any currently applicable licensing or occupational requirements. As such, the Proposed Amendment is not an occupational regulation and does not have any reasonably foreseeable anti-competitive effects.

Therefore, the Board may proceed with repealing §3909 without further input from the OLRP in accordance with the Louisiana APA.

D. Proposed LAC 46:LXV.3911-Qualifications for Certificate of Advanced Practice

The Board proposes amending §3911 to (i) remove the requirement that, to qualify for an advanced certificate, a medical psychologist must have treated at least 100 patients, including 25 patients involving the use of major psychotropics and at least 25 patients involving the use of major antidepressants, (ii) require that each continuing medical education ("**CME**") activity must be at least one hour in CME credits, and (iii) require at least 25 percent of the CME hours must be earned through live, on-site attendance at a workshop, conference, or similar activity.

The Board is authorized to establish and publish standards of medical psychology practice¹³ and to approve, deny, revoke, suspend, renew, and reinstate licensure or certification of duly qualified applicants.¹⁴ Accordingly, the Board has the statutory authority to amend the practice and continuing education requirements for medical psychologists seeking advanced practice certificates.

¹³ LSA-R.S. 37:1360.53(1)

¹⁴ LSA-R.S. 37:1360.53(2)

The Proposed Amendment will continue to require medical psychologists seeking a certificate of advanced practice to have treated at least 100 patients involving a range of psychotropic medications. The removal of the requirement that applicants treat a specific number of patients in certain categories does not create any new substantive requirements for licensure, education, supervision, discipline, or professional practice. Thus, this requirement is a rule governing the practice of medical psychology, not an occupational regulation.

Moreover, 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. Additionally, in-person continuing education may offer unique educational benefits that are not always replicated through asynchronous learning, such as interactive discussion, hands-on training, peer collaboration, and immediate feedback from subject matter experts.

As such, the Proposed Amendment aligns with clearly articulated state policy by ensuring that practitioners maintain current knowledge and competency, thereby reducing the risk of harm and improving the overall quality and safety of patient care.

The OLRP finds that the Proposed Amendment to §3911 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.

E. Proposed LAC 46:LXV.3921, 3923, 3941(B), and 3951(A)(2)

The Board proposes amending §3921 to replace "regional" with "regionally" and amending §§3923 and 3941(B) to correct the acronym "LSBPE" to "LSBEP." The Board also proposes amending §3951(A)(2) to change "15" to "fifteen."

Because the Proposed Amendments consist solely of minor, non-substantive typographical corrections, they do not establish, modify, or eliminate licensure qualifications, scope of practice requirements, fees, renewal standards, disciplinary criteria, or enforcement thresholds applicable to regulated individuals. Accordingly, the Proposed Amendments do not constitute occupational regulations with reasonably foreseeable anti-competitive effects.

Therefore, because the Proposed Amendments do not constitute occupational regulations, the Board may proceed with promulgation without further input from the OLRP.

F. Proposed LAC 46:LXV.3941(A) and (C)- Renewal of License, Certificate

The Board proposes amending §3941(A) to require that applicants submit, with their renewal applications, documentation of the following to the Board's electronic education tracker (EET): (i) satisfaction of the continuing education requirements and (ii) maintenance of basic life support certification. Additionally, the Board proposes enacting §3941(C) to require newly licensed

medical psychologists to successfully pass the Medical Psychology Law and Rules examination prior to their first renewal date.

The Board is authorized to establish and publish standards of medical psychology practice¹⁵ and to approve, deny, revoke, suspend, renew, and reinstate licensure or certification of duly qualified applicants.¹⁶ In addition, licenses or certificates issued under the Act are subjected to annual renewal and shall expire and become null and void unless renewed in the manner prescribed by the Board.¹⁷ Accordingly, the Board has the statutory authority to require that certain renewal requirements be submitted to the Board's EET and to establish as a requirement of renewal that newly licensed medical psychologists pass the Medical Psychology Law and Rules examination prior to their first renewal date.

While licensing qualifications and requirements may function as barriers to market entry, the requirement that applicants provide documentation that the continuing education requirement and the maintenance of basic life support certification has been met to the Board's EET, does not create any new substantive requirements for licensure, education, supervision, discipline, or professional practice. Thus, the Proposed Amendment to §3941(A) is a rule governing the practice of medical psychology and is therefore not an occupational regulation.

Moreover, while licensing requirements may create barriers to market entry, the Proposed Amendment serves a legitimate public purpose by ensuring that newly licensed medical psychologists demonstrate knowledge of the laws and regulations governing the practice of medical psychology prior to their first renewal. This requirement supports the Board's statutory purpose to protect the public by promoting the safe, competent, and ethical practice of medical psychology

The OLRP finds that the Proposed Amendment to §3941(C) 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.

G. Proposed LAC 46:LXV.3951(C)-Continuing Education Requirements

The Board proposes amending §3951(C) to provide that successful completion of the Medical Psychology Law and Rules Examination satisfies the two-hour continuing education requirement in ethics relevant to the practice of medical psychology.

The Board is authorized to establish and publish standards of medical psychology practice¹⁸ and to approve, deny, revoke, suspend, renew, and reinstate licensure or certification of duly qualified applicants.¹⁹ Accordingly, the Board is authorized to allow the successful completion of the Medical Psychology Law and Rules Examination as an alternative means to fulfill the two-hour continuing education requirement in ethics for medical psychologists.

¹⁵ LSA-R.S. 37:1360.53(1)

¹⁶ LSA-R.S. 37:1360.53(2)

¹⁷ LSA-R.S. 37:1360.60(B)

¹⁸ LSA-R.S. 37:1360.53(1)

¹⁹ LSA-R.S. 37:1360.53(2)

Although continuing education requirements may function as barriers to professional participation, providing an alternative method of satisfying the two-hour continuing education requirement reduces those barriers while ensuring practitioners remain knowledgeable about the laws and ethical standards governing the practice of medical psychology.

Additionally, ongoing professional development reduces the risk of harm and enhances the overall quality and safety of services delivered. Thus, the Proposed Amendment aligns with clearly articulated state policy and is within the Board’s statutory authority.

The OLRP finds that the Proposed Amendment to §3951(C) 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.

H. Proposed LAC 46:LXV.6115, 6117, and 6119

The Board proposes amendments to §§6115, 6117, and 6119 to revise the terminology in the standards for prescribing by medical psychologists from “physician” to “primary care provider” to conform with legislative changes. The amendments primarily modernize terminology to reflect current statutory language governing interdisciplinary care.

Act 731 of the 2024 Regular Session amended La. R.S. 37:1360.56-1360.62 by replacing the terms “physician” and “primary, attending, or referring physician” with “primary care physician.”

Although the Proposed Amendments revise the terminology identifying the medical professional with whom a medical psychologist must consult regarding a patient’s medication treatment protocol, they do not establish, modify, or eliminate licensure qualifications, scope of practice requirements, fees, renewal standards, disciplinary criteria, or enforcement thresholds applicable to regulated individuals. Accordingly, the Proposed Amendments are rules governing the practice of medical psychology and do not constitute occupational regulations with reasonably foreseeable anti-competitive effects.

Therefore, because the Proposed Amendments do not constitute occupational regulations, the Board may proceed with promulgation without further input from the OLRP.

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.”²⁰ The Medical Psychology Practice Act granted the Board the same authority over medical psychologist as it exercises over physicians.²¹ Specifically, the Board is authorized to (i) establish and publish standards of medical psychology practice, (ii) approve, deny, revoke, suspend, renew, and reinstate licensure or certification of duly qualified applicants, and (iii) adopt, promulgate, revise, and

²⁰ LSA R.S. 37:1261

²¹ LSA-R.S. 37:1360.53

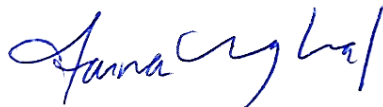
enforce orders, rules, and regulations for initial licensure, renewal, and certificates of advanced practice as the board may deem necessary to ensure the competency of applicants, and the protection of the public in accordance with the Administrative Procedure Act.²²

The OLRP has determined the Proposed Amendments to §§3903, 3909, 3921, 3923, 3941(A), 3941(B), 3951(A)(2), 6115, 6117, and 6119 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 §§3907, 3911, 3941(C) and 3951(C) are within the Board's statutory authority and adhere to the 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

Farra Mughal, OLRP

A handwritten signature in blue ink, appearing to read 'Farra Mughal', is positioned above the typed name and contact information.

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²² LSA-R.S. 37:1360.53(1)-(3)