

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Physicians; Retired Physician License
(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 on licensure and certification to add a new §417(D) to provide for a retired physician license and to establish criteria therefor; to amend §418C relative to reduced fee licenses and to add a new D creating a reduced fee license for retired physicians; to amend §435 to require 10 hours of continuing medical education (CME) for physicians holding a retired physician license under §417(D); and to amend §447 relative to exceptions to CME requirements, to amend relative to active military service outside the state of Louisiana; to amend to specify full CME after initial exemption year for those initially licensed on basis of examination; and to amend to change wording from “retired physician” to one holding a “reduced fee license” under §418.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter I. License Issuance, Termination, Renewal, Reinstatement and Exemptions

§417. Renewal of License; Prerequisite Condition

A. Every license issued by the board under this Chapter shall be renewed annually on or before the first day of the month in which the licensee was born, by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fees prescribed in these rules and the Medical Practice Act, and documentation of satisfaction of the continuing medical education requirements prescribed by Subchapter K of these rules.

B. A courtesy renewal notice shall be mailed or electronically transmitted by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be transmitted to the most recent address of the licensee reflected in the official records of the board.

C. Initial application for renewal of a license, issued on the basis of a commitment for year two of postgraduate clinical training under §311.A.6.b shall, as a prerequisite to renewal consideration, be accompanied by documentation satisfactory to the board of the completion of year two of such training.

D. Retired Physician License

1. A physician may opt for a “Retired Physician License” at the time of renewal if the physician holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

- a. attained the age of 70 years;
- b. attests that he or she will limit his or her practice to volunteer services without payment, pecuniary gain, compensation, or remuneration of any kind;
- c. attests that he or she will limit his or her practice to:

- i. providing services to family or personal acquaintances;

- ii. for no more than 20 hours per week, providing services at volunteer or charity clinics; or

- iii. providing services through a foreign volunteer or charity medical mission program;

- d. made application to the board for a retired physician license renewal pursuant to this Section, including the required attestations, and consenting to the revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, failed to confine his or her practice to the parameters stated herein.

2. A physician whose medical license is renewed pursuant to this Section shall not engage or seek to engage in the full time, unrestricted practice of medicine, whether compensated or not, without having made application for an unrestricted standard medical license and having met all of the requirements for such license.

3. A physician whose medical license is renewed pursuant to this Section is subject to all state and federal laws and rules governing the practice of medicine in this state, and all of the licensing, regulatory, and disciplinary rules and requirements of the board as applicable to a full, unrestricted license, unless specifically noted in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), 37:1271, 37:1272, 37:1274, 37:1275.1, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998), LR 26:695 (April 2000), LR 27:848 (June 2001), amended by the Department of Health, Board of Medical Examiners, LR 44:587 (March 2018), LR 47:728 (June 2021), LR 51:

§418. Reduced Renewal Fees for Certain Physicians

A. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. attained the age of 70 years;
2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and
3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee and consenting to revocation of any license renewed pursuant to

this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

B. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. ceased to engage in the practice of medicine in any form in this state as a consequence of physical or mental disability;

2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and

3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee, including independent physician verification of the applicant's physical or mental disability, and consenting to revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, engaged or sought to engage in any manner in the practice of medicine in this state or continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

C. A physician whose medical license is renewed pursuant to Sub-Sections A. and B. above shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the USMLE, COMLEX-USA, SPEX, or COMVEX-USA examination; and/or

2. the physician provide medical documentation satisfactory to the board that the physician is then physically and mentally capable of practicing medicine with reasonable skill and safety to patients.

D. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds a retired physician license to practice medicine issued by the board pursuant to §§418D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), amended LR 27:848 (June 2001), LR 31:1584 (July 2005), LR 51:

Subchapter K. Continuing Medical Education

§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, except for a physician seeking a retired physician license renewal pursuant to §417.D, 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. A physician seeking a retired physician license renewal pursuant to §417.D shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 10 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:

§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. engaged in active 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; full compliance is required beginning with the first renewal after the initial exemption renewal 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 holds a reduced fee license 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:

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., Thursday, April 24, 2025.

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 Thursday, April 24, 2025 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; Retired Physician License

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

The proposed changes will result in a one-time publication expense estimated at \$1,000 in FY 25 for the Louisiana State Board of Medical Examiners (LSBME) to cover the costs of publishing the notice of intent and proposed rule revision. Additionally, the addition of the *Retired Physician License* section and amendments to the *Reduced Renewal Fees for Certain Physicians* section are expected to incur additional expenses due to the required modifications to the online LSBME application system.

These changes are also anticipated to increase workload, paperwork, and processing time for the Department of Licensure. However, since the number of physicians who will apply for or renew licenses under these provisions is unknown, it is not currently possible to estimate the associated costs and workload impact.

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

There will be a decrease in revenue collections for the LSBME based on the number of physicians who choose not to renew their unrestricted active licenses. However, the exact reduction in revenue cannot be anticipated, as the number of physicians opting not to renew is unknown.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed amendments will benefit the public by enabling physicians who might have otherwise fully retired to maintain an active license at a reduced fee. This allows experienced professionals to continue offering voluntary medical services, thereby increasing access to care, particularly in underserved communities. By providing a structured pathway for retired physicians to remain engaged in practice, the amendments help retain valuable medical expertise within the healthcare system.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr. M.D.
Executive Director
2503#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Board of Medical Examiners

Rules of Procedure; Complaints and Investigations (LAC 46:XLV.9703, 9707, and 9709)

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 (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend §9703 to define the “Executive Director” position and “sufficient cause”; to amend §9707.B and §9709.A to ensure that the language comports with the law, R.S. 37:1285.2 on the same topic; to amend §9709.B.3 to add a provision that ensures licensee-respondents will receive notice where the board elects to utilize prior complaints in investigation and adjudication proceedings; and to revise §9709.D to eliminate unnecessary language. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 97. Complaints and Investigations

§9703. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

* * *

Executive Director—a physician possessing qualifications specified by the board who serves as the Chief Executive Officer of the Agency.

* * *

Sufficient Cause—information received by the Board pursuant to La. R.S. 37:1285(A)(2) and Rule 9705 which indicates that a violation of the law or of a rule administered by the board may have occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 46:339 (March 2020), amended LR 51:

§9707. Complaint Processing

A. ...

B. Upon delegation by the DOI, any staff member of the board, except the executive director, may act as the lead investigator on any complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016), amended LR 51: