

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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October 5, 2017

RE: Constituent Question on LSBME
Rule, LAC 46:XLV.7707A.5

Dear :

During its most recent meeting, the Louisiana State Board of Medical Examiners considered your inquiry relative to whether the prohibition cited in LAC 46:XLV.7707A.5¹ of the Board's rules applies "to all Louisiana physicians or just Louisiana physicians that prescribe medical marijuana to their patients?"

The Board has asked that I acknowledge your inquiry, apologize for the delay in responding, and advise you that as is the case with the other items in 7707A (1.-4.), the prohibition is intended to apply only to physicians who are registered with the Board to issue a written request or recommendation for therapeutic marijuana.

I trust you will pass the Board's advice along to the constituent who raised the question. On our end, we plan to post this advice on the Board's web page under the tab for Advisory Opinions and undertake a clarifying amendment on the next occasion we have to amend Chapter 77 of our rules.

In the meantime, we trust this reply is responsive and appreciate you (and your constituent) calling this matter to our attention. If we may be further service, please let us know.

¹LAC 46:XLV.7707A. provides: 'No physician shall: 1. issue a written request or recommendation for therapeutic marijuana unless he or she is registered with the board and complies with Louisiana law and the rules of this Chapter; 2. issue a written request or recommendation for therapeutic marijuana to more than 100 patients; provided, however, the board may grant an exception to this requirement pursuant to §7709B of this Subchapter; 3. delegate to any other healthcare professional or other person the authority to diagnose the patient as having a qualifying medical condition; 4. examine a patient at any location where marijuana is provided; or 5. have an ownership or investment interest established through debt, equity, or other means, whether held directly or indirectly by a physician or a member of a physician's immediate family, nor any contract or other arrangement to provide goods or services, in or with a licensed therapeutic marijuana pharmacy or a producer licensed by the Louisiana Department of Agriculture and Forestry to produce marijuana.' Emphasis supplied.

Very truly yours,

**LOUISIANA STATE BOARD OF
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By: 

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