

## Louisiana State Board of Medical Examiners

Physical Address: 630 Camp Street, New Orleans, LA 70130  
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250  
Web site: <http://www.lsbme.la.gov>



May 7, 2012

**Robert Marier, MD**

Executive Director

Phone: (504) 568-6820 x246

Direct Line: (504) 599-1539

Fax: (504) 568-5754

RE: OUT OF STATE PATHOLOGISTS:

At its last meeting the Louisiana State Board of Medical Examiners considered your inquiry of February 15, 2012, as to whether or not an out-of-state pathologist, who examines and diagnoses anatomical (biopsies) and clinical (blood/fluids) specimens from Louisiana residents and reports his findings to the referring Louisiana health care provider, is required to hold a Louisiana medical or other license.

With apologies for the delay in responding, the Board has asked that I acknowledge your inquiry and advise you of its long-standing position that any diagnosis, prescription, recommendation or administration of treatment, so as to effect the diagnosis or treatment for or with respect to an individual who is a resident of and located in Louisiana, constitutes the "practice of medicine" in this state, as defined by the Louisiana Medical Practice Act.<sup>1</sup> Thus, as matter of law, to be valid and effective such determinations must be made or given by an authorized practitioner (*i.e.*, a Louisiana licensed physician). This is necessarily so because the Louisiana Medical Practice Act restricts the practice of medicine to persons possessing a license issued by the Board.<sup>2</sup>

The Board's view merely resonates the long held and often repeated opinion of the Board that only one who is licensed to engage in the practice of medicine in this state—as such is defined by Louisiana law—may lawfully do so. In our view then, it would not be appropriate for any physician to examine, diagnose or report their findings on anatomical and clinical specimens derived from Louisiana residents unless the diagnosing physician possesses a license issued by this Board.

<sup>1</sup>LA. REV. STAT. ANN. §§ 37:1261-1292 (West 1988 & Supp. 1995). In pertinent part, as defined by the Act, the "practice of medicine" means

[T]he holding out of one's self to the public as being engaged in the business of, or the actual engagement in, the diagnosing, treating curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being...whether by the use of any drug, instrument or force...or any other agency or means; or the examining...of any person or material from any person for such purpose....

La. Rev. Stat. § 37:1262(1).

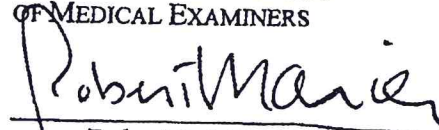
<sup>2</sup>La. Rev. Stat. § 37:1271 provides that "[n]o person shall practice medicine...as defined herein, until he possesses a duly recorded license issued under [the Act]."

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I trust that we have correctly understood your inquiry and the above is responsive. If not, please feel free to contact us at your convenience.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

By:

  
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Robert L. Marier  
*Executive Director*