

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

LEGISLATIVE UPDATE

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The information below contains brief summaries of the legislation passed in the 2018 regular session of the Louisiana Legislature that is pertinent to licensees of the LSBME, or the process and procedures of the agency.

ACUPUNCTURE

HB 421 introduced by Rep. Leger and signed into law as **Act 93** amends R.S. 37:1358 relative to the practice of acupuncture. Act provides requirements for licensure, and removes the requirement for licensed acupuncturists to have a relationship with a physician for referrals and follow-up. Effective 8/1/2018.

CLINICAL LABORATORY PERSONNEL

SB 506 Sponsored by Sen. Mills signed into law as **Act 390** increases the number of persons on the clinical laboratory personnel committee from 12 to 14; 4 to be appointed by the LSBME and 10 to be appointed by the governor. Limits appointees to two consecutive 3 year terms. Changes the name of the nominating agency for the laboratory assistant position from the International Society of Clinical Laboratory Technology (ISCLT) to the American Association of Bioanalysts (AAB). Of the two new members on the committee, one shall be an administrator from a Louisiana community and technical college appointed from a list submitted by the Louisiana community and technical college system; one from a list of educators in a 2 or 4 year laboratory science program submitted by the Board of Regents. Effective 8/1/2018.

GENETIC COUNSELORS

HB 753 sponsored by Rep. Stokes and signed into law as **Act 593**. Creates a new category of licensee. Provides for the licensure of genetic counselors, requires the Louisiana State Board of Medical Examiners to license genetic

counselors, provides for the collection of fees, the application process and causes for denial, revocation, suspension or probation of such licenses. Effective 8/1/2018.

MARIJUANA FOR THERAPEUTIC USE

HB 579 introduced by Rep. James and signed into law as **Act 708** adds five new conditions to the list of debilitating medical conditions under which a physician may recommend marijuana for therapeutic use. In addition to cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy or multiple sclerosis, the following will also be included as debilitating conditions: glaucoma, Parkinson's, severe muscle spasms, intractable pain and post-traumatic stress disorder (PTSD). The law exempts workers compensation insurers from the obligation to pay for medical marijuana, and clarifies the role of FDA approved formulations of marijuana-derived prescription pharmaceutical products in the context of the schedule 1 substances included in the law. Effective 8/1/2018.

HB 627 sponsored by Rep. Lyons et. al. and signed into law as **Act 496** authorizes the recommendation of medical marijuana for treating certain health conditions of persons with autism. Also permits Louisiana State University Agriculture Center or Southern University Agricultural Center to perform research on therapeutic marijuana. Effective 1/1/2020 and annually thereafter, centers must issue reports on research results.

MEDICAID PHARMACEUTICAL AND THERAPEUTICS COMMITTEE

SB 27 sponsored by Sen. Mills and signed into law as **Act 644** creates a Medicaid Pharmaceutical and Therapeutics Committee within the Louisiana Department of Health, to be composed of 15 members whose practice involves either the care of or the supervision of the care of Medicaid recipients. The LSBME is to nominate 4 of these members. Effective 8/1/2018.

UNIFORM PRESCRIPTION DRUG PRIOR AUTHORIZATION

SB 29 sponsored by Sen. Mills and signed into law as **Act 423** requires the creation of a single uniform prescription drug prior authorization form. The Louisiana Board of Pharmacy and the LSBME shall promulgate rules and regulations prior to January 1, 2019, which establish the form to be utilized by all health insurance issuers. The boards may consult with the health insurance issuers. Medicaid managed care organizations, Louisiana Department of Health, and Department of Insurance as necessary in development of the prior authorization form.

PHYSICIANS PEC LAWS - UPDATE

SB 66 sponsored by Sen. Claitor and signed into law as **Act 402** amends and reenacts R.S. 28:53(B)(1) relative to admissions to treatment facilities by physician emergency certificate (PEC). Updated law includes physicians holding permits (residents and interns in training programs) from the LSBME in the group of professionals that may issue a PEC. Act reiterates that only after an actual examination may a person alleged to have a mental illness or to be suffering from a substance-related or addictive disorder who is determined to be in need of immediate care and

treatment in a treatment facility be admitted via PEC and that failure to conduct an examination prior to the execution of a PEC will be considered to be evidence of gross negligence. Effective 8/1/2018.

PHYSICIAN ASSISTANTS

SB 528 Sponsored by Sen. Lafleur and signed into law **Act 475**. Permits supervising physicians to act as primary SP to up to 8 physician assistants. Clarifies that required 500 hours of training for eligibility to apply for delegation of prescriptive authority may occur during training in approved PA education program. Effective 8/1/2018.

COMPOSITION OF THE LSBME; INVESTIGATIONS

HB 778 sponsored by Rep. Jackson et. al. and signed into law as **Act 599** increases the number of Board members of the LSBME to 10 from 7; adds a public (consumer) member, a member nominated by the Louisiana Hospital Association, and creates separate members nominated by LSU Shreveport and LSU New Orleans. Changes number required for quorum from 4 to 6 members. Requires Director of Investigations to be Louisiana-licensed physician who has practiced for at least 5 years, and maintains board certification. Enumerates conditions for Board to initiate preliminary review to determine if cause exists for formal investigation; limits duration of preliminary review to 90 days unless extension granted by the Board. Provides for records related to complaints and site-visits, additional notice requirements upon filing an administrative complaint, and disclosure of records. Provides for annual report on complaints received and investigated, and resulting dispositions. Effective 8/1/2018.

INFORMATION FOR CONSUMERS OF HEALTHCARE

SB 556 sponsored by Sen. T. Carter et. al and signed into law as **Act 580** to be known as "Carter Stokes Oral and Written Summary of Breast Cancer Treatment Alternatives and Access to Breast Reconstruction Surgery Information Law." The Law provides that every hospital licensed by the Louisiana Department of Health and every Louisiana physician who provides mastectomy surgery, lymph node dissection, or a lumpectomy shall provide information to the patient concerning the option of reconstructive surgery following such procedures, including the availability of coverage for reconstructive surgery, in accordance with the state insurance law and applicable provisions of federal law. The information shall be provided to the patient in writing and in advance of obtaining consent to the surgical procedure. Effective 8/1/2018.

HCR 55 (Rep. Hoffman et al.) Resolution urges and requests the Louisiana State Board of Medical Examiners and the Louisiana State Board of Nursing to disseminate information concerning bone marrow donations to healthcare providers for the purpose of enhancing public awareness of bone marrow donation. (Information will be posted on LSBME website)

RULES PERTAINING TO PUBLIC AGENCIES THAT AFFECT LSBME

Adds Consumer Members to Boards

SB 40 Sponsored by Sen. Mills and signed into law as **Act 515** provides for consumer membership on each of the occupational boards in Louisiana; §1263 provides for the qualifications and the rights of the consumer member of the LSBME. Transfers LSBME, Board of Pharmacy and many other state agencies under the aegis of Louisiana Department of Health. Effective 8/1/2018.

Occupational licensing boards

HB 372 sponsored by Rep. Connick and signed into law as **Act 623** creates the Occupational Board Compliance Act, and the Occupational Licensing Review Commission. The commission will be composed of the governor, the secretary of state, the commissioner of agriculture, the commissioner of insurance and the state treasurer or their designees. Effective 1/1/2019, the commission will be responsible for overseeing all state occupational boards and reviewing proposed rulemaking efforts, and will approve or disapprove all proposed rules prior to their notice of intent. Changes made to rules after notice and during subsequent rulemaking process will be approved by the commission before promulgation. Effective 5/30/2018.

HB 748 sponsored by Rep. Emerson (substitute for HB 562) and signed into law as **Act 693** authorizes the governor to request and receive information relating to the activities of any agency engaged in regulatory and licensing activities. The governor shall review on an annual basis not less than twenty percent of these agencies and the governor shall have reviewed all such agencies within five years. Effective 08/01/2018.

Periodic Rules Review

HB 189 Sponsored by Rep. Wright and signed into law as **Act 454** provides processes, including hearings for public comment, to identify agency rules that may be contrary to law, outdated, unnecessary, overly complex, or burdensome. Requires hearing in the year after going into effect, plus rules review every 6 years after January 1, 2020. Pertains to all public agencies and provides additional requirements to those with an appropriated budget of 5 million or greater. Effective 1/1/2019.

Resolution to assist military veterans transitioning to healthcare occupations

HCR 70 (Rep. Hodges et. al.) Resolution urges and requests the House and Senate committees on health and welfare to meet and function as a joint committee to study certain healthcare occupational licensing boards' timely and cost effective pathways for military veterans with medical training to practice lawfully in civilian healthcare jobs in Louisiana. Joint committee will solicit input and recommendations from the LSBME on what steps it has taken to provide credit for prior military training and certifications in their licensing process.