

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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July 29, 2016

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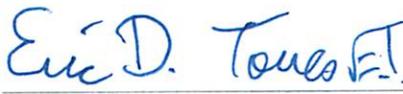
RE: Final Report: Proposed Amendment of Rules
Regarding Podiatrists—(LAC 46:XLV.1307D.)

Dear Sirs:

Pursuant to La. Rev. Stat. §49:968(D), the Louisiana State Board of Medical Examiners respectfully submits the enclosed report on the final adoption of the captioned rule amendments. Notice was previously published in the June 2016 edition of the *Louisiana Register*, Vol. 42, No. 6, pp. 936-937. The Board plans to adopt the rules by and upon publication in the September 20, 2016, edition of the *Louisiana Register*.

Very truly yours,

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: 

Eric D. Torres
Executive Director

Enclosure

**FINAL REPORT: PROPOSED ADOPTION OF ADMINISTRATIVE
RULE AMENDMENTS GOVERNING LICENSURE
AND CERTIFICATION OF PODIATRISTS
(LAC 46:XLV.1307D)**

By The

LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS

Submitted To The

COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA SENATE,

COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA HOUSE OF REPRESENTATIVES,

PRESIDENT OF THE SENATE

And

SPEAKER OF THE HOUSE OF REPRESENTATIVES

July 29, 2016

**FINAL REPORT: PROPOSED ADOPTION OF
ADMINISTRATIVE RULE AMENDMENTS GOVERNING
LICENSURE AND CERTIFICATION OF PODIATRISTS
(LAC 46:XLV.1307D)**

July 29, 2016

(La. Rev. Stat. §49:968(D))

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This Report is respectfully submitted by the Louisiana State Board of Medical Examiners (the “Board”), within the Department of Health and Hospitals, pursuant to La. Rev. Stat. §49:968(D).

By Notice of Intent published in the June 20, 2016, edition of the *Louisiana Register*, Vol. 42, No. 6, pp. 936-937, the Board proposed to amend its rules governing licensure and certification of podiatrists, LAC Title 46:XLV, Subpart 2 (Licensure and Certification), Chapter 13 (Podiatrists), Subchapter B. (Qualifications for Certification for Advanced Practice, Scope of Practice), Section 1307D. (Qualifications for Certification for Advanced Practice; Scope of Practice).

The proposed amendments change the qualifications needed by podiatrists for advanced practice certification by the Board for the surgical treatment of the ankle. Currently, the rules require completion of a surgical residency approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association consisting of: *either* a two (2) year Podiatric Surgery Residency (PSR 24) *or* a three year Podiatric Medicine and Surgery (PM&S 36) program *and* provide that the podiatrist hold certification status by the American Board of Podiatric Surgery (ABPS) as board certified: (i) in reconstructive rear foot/ankle surgery (RRA) *or* (ii) in foot surgery and be board qualified in RRA. The proposed changes will maintain the board certification/qualification requirement for those who have completed a PSR 24 residency training program but eliminate it for those who have completed a three (3) year (PSR 36) or PM&S 36 residency program. The rules also reflect a name change in certifying surgical board within podiatry from the American Board of Podiatric Surgery to the American Board of Foot and Ankle Surgery.

Concurrently with submission of the Notice of Intent to the *Register*, in accordance with La. Rev. Stat. §40:968, the Board submitted a Report on the proposed changes to the Senate and House Committees on Health and Welfare, the President of the Senate and the Speaker of the House of Representatives.¹ Following publication of Notice of Intent the Board did not receive a

¹*Electronic Mail*, Eric D. Torres, Exec. Dir., La. State Bd. Med. Exam., RE: Report Relative to Proposed Amendment of Administrative Rules Governing Licensure and Certification of Podiatrists (LAC 46:XLV.1307D) (May 9, 2016).

**FINAL REPORT: PROPOSED ADOPTION OF
ADMINISTRATIVE RULE AMENDMENTS GOVERNING
LICENSURE AND CERTIFICATION OF PODIATRISTS
(LAC 46:XLV.1307D)**

July 29, 2016

(La. Rev. Stat. §49:968(D))

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request for public hearing nor did it receive any written comments on the proposed amendments from a single organization or individual during the comment period provided by La. Rev. Stat. §49:953.

This Report, submitted by the Board pursuant to and as prescribed by La. Rev. Stat. §49:968(D), includes as Appendix A, a photocopy of the Notice of Intent containing the full text of the proposed amendments that were previously published and appeared in the June 2016, edition of the *Louisiana Register*, which the Board has adopted as final rules and intends to formally promulgate in the identical form as was previously published by and upon publication in the September 20, 2016, edition of the *Louisiana Register*.

* * *

NOTICE OF INTENT
Department of Health
Board of Medical Examiners

Podiatry Licensure and Certification (LAC 46:XLV.1307)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Medical Practice Act, R.S. 37:1270, and the Louisiana Podiatric Practice Act, R.S. 37:611-628, that the board intends to amend its rules on licensure and certification of podiatrists. The proposed changes, which appear in §1307.D, remove the requirement for board certification/qualification for surgical treatment of the ankle for a podiatrist who has completed three years of a specified residency training program. The proposed changes also reflect a name change in the certifying surgical board within podiatry from the American Board of Podiatric Surgery to the American Board of Foot and Ankle Surgery. The proposed amendments are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 13. Podiatrists

Subchapter B. Requirements and Qualifications for
Licensure, Scope of Practice

§1307. Qualifications for Certification for Advanced
Practice; Scope of Practice

A. - C.4. ...

D. Qualifications for Certification in Surgical Treatment of the Ankle. To be eligible for certification in the surgical treatment of the ankle, whether for initial licensure or annual renewal, an applicant who possesses and meets the qualifications and requirements of §1305.A.1-5 of this Chapter shall:

1. have completed a surgical residency approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, consisting of:

a. a three-year podiatric surgery residency (PSR 36) program or greater; or

b. a three-year podiatric medicine and surgery residency (PM and S 36) program or greater; or

c. a two-year podiatric surgery residency (PSR 24) program and:

i. be board-certified in reconstructive rear foot and ankle surgery (RRA) by the American Board of Foot and Ankle Surgery (ABFAS), formerly the American Board of Podiatric Surgery (APBS); or

ii. be board-certified in foot surgery and board qualified in reconstructive rear foot/ankle surgery (RRA) by the ABFAS.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009), amended by the Department of Health, Board of Medical Examiners, LR 42:

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 100 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.

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 development 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 Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA, 70130, (504) 568-6820, ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., July 20 2016.

Public Hearing

If a public hearing is requested to provide data, views, arguments, information or comments in accordance with the Administrative Procedure Act, the hearing will be held on July 25, 2016 at 10 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. 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. Any person wishing to attend should call to confirm that a hearing is being held.

Eric D. Torres
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Podiatry Licensure and Certification

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

The estimated implementation cost for this rule is approximately \$319 for the notice and rule publication cost. The proposed rule change is not anticipated to result in any additional costs or savings to the Board or any other state or local governmental unit. The proposed amendments remove the board certification prerequisite requirement for applicants who have completed three years of specified post-graduate residency training in order to be eligible to be certified in the

advanced practice designation by the Board for the surgical treatment of the ankle. The amendments also reflect a name change in the certifying board within podiatry from the American Board of Podiatric Surgery to the American Board of Foot and Ankle Surgery.

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

There is no anticipated effect on the Board's revenue collections or those of any other state or governmental unit.

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

A podiatrist who completes a specified three (3) year residency training program will be favorably impacted by the amendment which removes the need for board certification as a prerequisite for certification in surgical treatment of the ankle by the Board. It is anticipated that there will be a minimal number of podiatrists that will be affected by the proposed amendments. Otherwise, the proposed amendments will not have a material effect on costs, paperwork, or workload of podiatrists or applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes may serve to increase employment opportunities and competition in the market for podiatrists who qualify for surgical treatment of the ankle as a result of completing the proposed specified residency training.

Eric D. Torres,
Executive Director
1606#049

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Examiners of Psychologists**

**Continuing Education and Licenses
(LAC 46:LXIII.Chapters 8 and 9)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Examiners of Psychologists intends to amend LAC 46:LXIII.801, 803, 805, 807, 809, 811, 815, 903; repeal §808; adopt §901; and renumber current §§901, 902, and 903 as published under Declaration of Emergency in the *Louisiana Register* on June 20, 2016.

The full text of this proposed Rule may be view in the Emergency Rule section of this edition of the *Louisiana Register*.

Family Impact Statement

The Board of Examiners of Psychologists hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to the continuing education requirements of psychologists will have no known or foreseeable impact on the stability of the family; authority and rights of parents regarding the education and supervision of their children; functioning of the family; family earnings and family budget; behavior and personal responsibility of children; or, the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed modifications regulate licensed psychologists in the interest of health, safety and the welfare

of the public. The Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). Specifically, there is no known or foreseeable effect on household income, assets, and financial security; early childhood development and preschool through postsecondary education development; employment and workforce development; taxes and tax credits; or, child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jaime T. Monic, Executive Director, 8706 Jefferson Highway, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 12 p.m. on July 10, 2016.

Jaime T. Monic
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Continuing Education and Licenses

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

The estimated implementation cost for this rule totals approximately \$500 in FY 2015-16 and applies only to the Board of Examiners of Psychologists. Those costs are related to publishing the proposed and final rule in the *Louisiana Register*.

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

No impact on state or local government revenue collections is anticipated as a result of the proposed rule change.

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

This amendment provides clarification to current continuing education rules for approximately 700 licensed psychologists in Louisiana. Continuing education is required for license renewal. This amendment does not impose any additional requirements for continuing education, nor would it have a financial impact on those licensed psychologists or the non-governmental groups who provide continuing education to licensed psychologists. The amendments are proposed solely to provide consistency and clarify what constitutes acceptable continuing education, proper calculation of credits, documentation required to prove credits, and to reinstate the requirements for renewal of a lapsed license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated as a result of this rule change.

Jaime T. Monic
Executive Director
1606#042

Evan Brasseaux
Staff Director
Legislative Fiscal Office