

POTPOURRI
Department of Health
Board of Medical Examiners

Public Hearing—Substantive Changes to Proposed
Rule—Physicians—General, Licensure and
Certification
(LAC 46:XLV.311, 404, and 417)

The Louisiana State Board of Medical Examiners (the “board”) published a Notice of Intent to amend its rules in the July 20, 2017, edition of the *Louisiana Register* (LR 43:1447-1449). The notice solicited comments. Comments were received in writing and at a public hearing held on August 28, 2017. As a result of its consideration of the comments received during its meeting on October 16, 2017, the board agreed to make substantive changes to the original proposed Rule amendments in the following respects. In Section: 311.A.6.b: (i) after the words *at least* to delete the words *three years* and add the words “two years, or alternatively have completed one year and have a current commitment in a form and manner specified by the board for a second year.”; (ii) after the words *approved by the board*. to add the words “For physicians pursuing training in oral and maxillofacial surgery, one year of such training may be in a program accredited by the Commission on Dental Accreditation of the American Dental Association.”; (iii) after the words *not fewer than* to delete the word *two* and add the word “one”; (iv) to delete and replace the word *three* with the word “two” wherever it appears in 311.A.6.b; (v) after the words *postgraduate year* to delete the word *four* and the acronym *PGY-4* and replace them with the word “three” and the acronym “PGY-3”; and (vi) after the word *training*; to add the words “and applicants are only permitted to engage in extracurricular medical practice outside of the program with the written permission and assurance of the program director that the applicant is in good standing, has good credentials, and is recommend for such extracurricular practice engagement.”; (vii) 404.A: after the words *accredited by* to delete the words “(and not on probationary status with)”; (viii) in the title to 417 after the words *Renewal of License*; to add the words “Prerequisite Condition”; and (ix) 417: to add as a new Subsection 417.C, to read as follows: “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.” As substantively amended, these provisions will read as set forth below.

No fiscal or economic impact will result from the amendments proposed in this notice.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Chapter 3. Physicians
Subchapter B. Graduates of American and
Canadian Medical School and
Colleges

§311. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 5.h. ...

6. have:

a. ...

b. with respect to applications for licensure first received by the board on and after January 1, 2019, completed at least two years, or alternatively have completed one year and have a current commitment in a form and manner specified by the board for a second year, of postgraduate clinical training in the United States or in Canada in a medical residency or equivalent program accredited by the ACGME, AOA, or by the RCPS and approved by the board. For physicians pursuing training in oral and maxillofacial surgery, one year of such training may be in a program accredited by the Commission on Dental Accreditation of the American Dental Association. To be approved by the board such program must be: offered and taken in an institution offering not fewer than one residency or equivalent program accredited by the ACGME, AOA, or the RCPS; the program in which the applicant participates must evidence the applicant's progressive responsibility for patient care; the two years of such a program must be in the same specialty or alternatively, constitute the applicant, upon completion of the two years of such program, as eligible for specialty board certification or for postgraduate year three (PGY-3) training; and applicants are only permitted to engage in extracurricular medical practice outside of the program with the written permission and assurance of the program director that the applicant is in good standing, has good credentials, and is recommend for such extracurricular practice engagement.

A.7. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271, 37:1272, 37:1274 and 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:836 (June 2001), LR 31:1583 (July 2005), LR 37:337 (January 2011), LR 38:3173 (December 2012), amended by the Department of Health, Board of Medical Examiners, LR 44:

Subchapter H. Restricted Licensure, Permits
§404. Continuing Postgraduate Training
beyond Year One

A. The board shall issue a temporary permit to an applicant of an approved American or Canadian medical school or college (whether allopathic or osteopathic) for the purpose of participating in an

accredited program of postgraduate medical training (residency training), beyond postgraduate year one, in a Louisiana medical school, college or other medical institution that is fully accredited by the ACGME and approved by the board.

B. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1275, 37:1277, 37:1281 and 37:1285.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 27:844 (June 2001), amended by the Department of Health, Board of Medical Examiners, LR 44:

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

**§417. Renewal of License; Prerequisite
Condition**

A. - B. ...

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.

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), LR 44:

Public Comments

Interested persons may submit written comments on these proposed substantive changes 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., January 19, 2018.

Public Hearing

In accordance with R.S. 49:968(H)(2), the board gives notice that a public hearing to receive comments and testimony on these substantive changes to the rule amendments originally proposed will be held on Wednesday, January 24, 2018, at 8:30 a.m. in the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130.

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