



LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Plain Language Guidance Regarding Board Changes During the COVID-19 Crisis

In response to the needs of the state, and proclamations by the Governor, the Board has chosen to not enforce parts or clauses of certain rules given the unprecedented emergency of the COVID-19 pandemic. Please see details below:

1. Fingerprinting

During this public health emergency:

- Applicants for licensure will not be required to submit fingerprints for the complete criminal background check as is usually required by the Board before issuance of a temporary provisional permit
- All other requirements for issuance of a temporary provisional permit will be upheld
- The usual 90 day limit on a temporary provisional permit will be suspended until the end of the declared public health emergency

This recognizes the Louisiana State Police's overall suspension of its "in person fingerprinting" program, and the Board's compliance with the Governor's Proclamation (1) that the Board is "authorized and directed to cooperate in actions the State may take" and (2) that the State of Louisiana intends to encourage social distancing and unnecessary personal interactions.

2. Residency training permits

- Given the suspension of the USMLE testing, permits will be extended or renewed for all PGY 1 through PGY-3 and GETP for the time period up to and including 120 days after the Governor ends the Public Health Emergency

This complies with the Governor's proclamation that the Board is "authorized and directed to cooperate in actions the State may take" including the State's efforts to increase the number of health care providers licensed and practicing in the State of Louisiana during this unprecedented and unique public health emergency (29 JBE 2020).

3. Continuing medical education (CME)

- General CME requirements and CME audits will be temporarily suspended for 2020

- However, this does not apply to the 3 hour required CME on controlled dangerous substances (CDS) for first time license renewal of authorized prescribers of CDS. There are many online options provided for this educational requirement

4. Telehealth

- The following categories of licensees fall under the Telehealth Access Act: physician assistants, licensed midwives, podiatrists, occupational therapists, occupational therapy assistants, medical psychologists, licensed perfusionists, licensed respiratory therapists and clinical laboratory personnel
- These licensees may perform patient visits and interactions via telecommunications devices if the usual standards of care are being met
- As per the Telehealth Access Act, the scope of practice of each group of licensees does not change

This complies with the, Governor’s proclamation that the Board is “authorized and directed to cooperate in actions the State may take” including the State’s efforts to increase the number of health care providers licensed and practicing in the State of Louisiana during this unprecedented and unique Public Health Emergency (29 JBE 2020).

5. Physician Assistants (with and without prescriptive authority) working with a new supervising physician (SP)

- For the duration of the COVID-19 public health emergency, to notify the Board of a new locum tenens or Supervising Physician and/or a new location, the new locum tenens or Supervising Physician (SP) must send an email to the Board via Covid19-pa@lsbme.la.gov with their name, license number, the new practice location, and the name and license number of the physician assistant (PA)
- The PA may work under the same practice guidelines as before the public health emergency or at the direction of the new locum tenens/SP

During the COVID-19 public health emergency, physician assistants need flexibility with regard to their practice site and supervision.

6. Administrative proceedings and actions against licensees

Currently, pursuant to 27 JBE 2020 all legal deadlines in Louisiana are currently suspended until April 13, 2020. While it is likely the Governor will act again to suspend these deadlines, the Board provides as follows, in order to facilitate the orderly administration and continuity of investigations and cases:

- All preliminary review and formal investigation deadlines, and all deadlines pertaining to summary suspension hearings and administrative hearings, are extended until 90 days after the end of the COVID-19 public health emergency
- Administrative hearing dates currently set are postponed until 90 days after the end of the COVID-19 public health emergency, to be reset thereafter

7. Enforcement standard during COVID-19 Emergency

- To ensure Board licensees are not disciplined, troubled or rendered ineffective by their inability to comply with the letter of their practice act rules as a result of the COVID-19 emergency, in its discretion, the Board chooses not to enforce the violation provisions of each licensee's practice act for healthcare services arising out of the COVID-19 public health emergency where:
 - (i) the Board's licensee or permit holder acts in good faith and in accordance with patients' immediate health needs;
 - (ii) his/her actions do not constitute gross negligence, willful or intentional misconduct; and
 - (iii) his/her actions are in response to, as a result of, or arise out of, the lack of personnel, equipment and/or resources arising from the COVID-19 pandemic.

8. Dispensing of non-controlled medications

- The Board will not enforce requirements of dispensing rules, (Chapter 65), as they pertain to the dispensing of non-controlled medications during the public health emergency
- When dispensing non-controlled medications, the practitioner shall document the amount, dosage and instructions for any dispensed medication in the patient's record
- **This exception does not apply to controlled substances and expires upon termination of the public health emergency or as otherwise as determined by the Board**

The Board has been notified by the Governor's office and/or LDH that practitioners need to be able to dispense non-controlled medications such as albuterol and other drugs from practice locations, where there is no pharmacy, for the patients' home use, isolation use and/or quarantine use during the COVID-19 emergency

9. Telemedicine treatment of chronic pain and special recommendations for medical marijuana during the COVID-19 emergency

- The Board will not require an in-person initial visit to recommend medical marijuana.
- The Board will not require chronic pain patients, including chronic pain patients for whom medical marijuana is recommended, to be seen in person initially prior to prescribing controlled substances or in person every 90 days afterward
- The Board's statement regarding medical marijuana does not impact any federal laws presently in effect

These temporary exceptions are in place due to the Governor's proclamations, the known characteristics of COVID-19 transmission, and the Board's authority under the law and its rules, R.S. 37:1271(B)(3) and LAC 46XLV.7515A.1, to exempt the need for an in-person examination prior to prescribing a controlled substance to a patient.

10. Monetary compensation for services rendered by student respiratory therapists (SRTs) during the COVID-19 emergency

- The Board will not enforce its prohibitions against monetary compensation for services rendered by student respiratory therapists as part of their education processes during the public health emergency.

11. During COVID, the scope of practice for Board licensed mid-wives *has not changed* with regard to the types of unapproved midwifery practice.

- There are no waivers and/or suspensions of any midwifery “scope of practice” rules. Thus, the Board refers midwives to the Board’s rules on “Unapproved Practice” detailing several situations and conditions that preclude midwife care. See the Board’s website, www.lsbme.la.gov, click on “Rules”, then “Licensed Midwives”, and scroll to LAC 46 XLV.5315 titled “Unapproved Practice.”

The Board has temporarily suspended enforcement of LAC 46XLV.2573.A.3, based on the Governor’s proclamation 25 JBE 2020, Section 11, authorizing and directing all state agencies to cooperate in actions the State takes to respond to the public health emergency, and the Governor’s Proclamation 38 JBE 2020, Section 2, (P) permitting the temporary suspension, waiver or amendment of board rules or regulations that would prohibit, limit or interfere with the licensing of healthcare professionals that are necessary to address the declared public health emergency.

All of these temporary changes in the Board’s enforcement practices are pursuant to Governor Proclamations, including but not limited to 25 JBE 2020, 27 JBE 2020, 29 JBE 2020, 30 JBE 2020, 32 JBE 2020, 33 JBE 2020, 37 JBE 2020 and 38 JBE 2020; and a result of the Governor’s Public Health Emergency Declaration under La. R.S. 29:760 *et seq.* In this entirely unique and unprecedented emergency situation, the Governor has instructed that “all departments, commissions, Boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this event.” 25 JBE 2020 (Section 11).