

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 Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., Thursday, April 24, 2025.

Public Hearing

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. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Thursday, April 24, 2025 at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Physicians; Retired Physician License

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

The proposed changes will result in a one-time publication expense estimated at \$1,000 in FY 25 for the Louisiana State Board of Medical Examiners (LSBME) to cover the costs of publishing the notice of intent and proposed rule revision. Additionally, the addition of the *Retired Physician License* section and amendments to the *Reduced Renewal Fees for Certain Physicians* section are expected to incur additional expenses due to the required modifications to the online LSBME application system.

These changes are also anticipated to increase workload, paperwork, and processing time for the Department of Licensure. However, since the number of physicians who will apply for or renew licenses under these provisions is unknown, it is not currently possible to estimate the associated costs and workload impact.

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

There will be a decrease in revenue collections for the LSBME based on the number of physicians who choose not to renew their unrestricted active licenses. However, the exact reduction in revenue cannot be anticipated, as the number of physicians opting not to renew is unknown.

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

The proposed amendments will benefit the public by enabling physicians who might have otherwise fully retired to maintain an active license at a reduced fee. This allows experienced professionals to continue offering voluntary medical services, thereby increasing access to care, particularly in underserved communities. By providing a structured pathway for retired physicians to remain engaged in practice, the amendments help retain valuable medical expertise within the healthcare system.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr. M.D.
Executive Director
2503#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

Rules of Procedure; Complaints and Investigations
(LAC 46:XLV.9703, 9707, and 9709)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board proposes to amend §9703 to define the “Executive Director” position and “sufficient cause”; to amend §9707.B and §9709.A to ensure that the language comports with the law, R.S. 37:1285.2 on the same topic; to amend §9709.B.3 to add a provision that ensures licensee-respondents will receive notice where the board elects to utilize prior complaints in investigation and adjudication proceedings; and to revise §9709.D to eliminate unnecessary language. The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 97. Complaints and Investigations

§9703. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

Executive Director—a physician possessing qualifications specified by the board who serves as the Chief Executive Officer of the Agency.

Sufficient Cause—information received by the Board pursuant to La. R.S. 37:1285(A)(2) and Rule 9705 which indicates that a violation of the law or of a rule administered by the board may have occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended by the Department of Health, Board of Medical Examiners, LR 46:339 (March 2020), amended LR 51:

§9707. Complaint Processing

A. ...

B. Upon delegation by the DOI, any staff member of the board, except the executive director, may act as the lead investigator on any complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016), amended LR 51:

§9709. Preliminary Review

A. A preliminary review shall be initiated to determine if information received by the board pursuant to La. R.S. 37:1285.2 and Rule 9705 is jurisdictional and whether sufficient cause exists to warrant formal investigation only upon one or more of the following:

1. - 3. ...

B. A preliminary review is initiated upon the receipt, review and assignment of a case number at the direction of the DOI or the assigned investigator. During a preliminary review such action may be initiated and taken as deemed necessary or appropriate and additional information may be obtained to assist in the determination. As part of the preliminary review:

1. - 2. ...

3. the licensee may be provided the opportunity to respond to the complaint or provide related information; provided, at the time of the first communication from the board to a licensee regarding a complaint the licensee shall be provided:

a.

b. notice that the licensee may, at his own expense, retain legal counsel of his choice to represent his interest;

c. notice that past complaints and investigations may be utilized in all phases of the disciplinary process; and,

d. such other information as may be deemed appropriate.

C. ...

D. Preliminary review of a complaint shall be completed as promptly as possible within ninety days of initiation unless extended by the board for satisfactory cause. However, this period shall not apply to information received from local, state or federal agencies or officials relative to on-going criminal, civil or administrative investigations or proceedings.

E. - F.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5) and 37:1285.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2628 (December 2015), amended LR 42:571 (April 2016), amended by the Department of Health, Board of Medical Examiners, LR 46:340 (March 2020), amended LR 51:

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 one hundred 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.

Small Business Analysis

It is not anticipated that the proposed amendments will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:978.1 et seq.

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 developmental 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 Jacintha Duthu, LSBME, 630 Camp Street, New Orleans, LA 70130. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., Thursday, April 24, 2025.

Public Hearing

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. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on Thursday, April 24, 2025 at 9 a.m., at the office of the LSBME, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call in advance to confirm.

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

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Rules of Procedure; Complaints and Investigations

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

Other than the costs of rulemaking, the proposed rule change is not anticipated to impact the LSBME or any state or local governmental unit, including adjustments in workload and paperwork requirements. The proposed changes will result in a one-time publication expense estimated at \$1,000, in FY 25 for the Louisiana State Board of Medical Examiners (LSBME) for the costs of publishing the notice of intent and proposed rule revision.

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

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

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

There are no anticipated economic benefits or losses resulting from the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition or employment.

Vincent A. Culotta, Jr. M.D.
Executive Director
2503#038

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office