

NOTICE OF INTENT
Department of Health
Board of Medical Examiners
Physicians
Continuing Medical Education
(LAC 46:XLV.417, 418, 435, and 447)

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 Louisiana State Board of Medical Examiners (the board) by the Louisiana Medical Practice Act., R.S. 37:1270 *et seq.*, the board proposes to amend its rules governing continuing medical education to allow for physicians to receive credit for participating on medical review panels.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Chapter 3. Physicians
Subchapter K. Continuing Medical Education

§433. Scope of Subchapter [Error! Bookmark not defined.](#)

A. The rules of this Subchapter provide standards for the continuing medical education ("CME") requisite to the renewal or reinstatement of licensure, as provided by §§417 and 419 of these rules and prescribe the procedures applicable to satisfaction and documentation of continuing medical education in connection with applications for renewal or reinstatement of licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:730 (June 2021).

§435. Continuing Medical Educational Requirement

A. Subject to the waiver of and exceptions to CME prescribed by §§445 and 447 and the special requirements attendant to initial renewal of licensure specified in §449, every physician seeking the renewal or reinstatement of licensure shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 20 hours of board approved CME.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021).

§437. Qualifying Continuing Medical Education Programs

A. Any program, course, seminar, or other activity offering Category 1 CME shall be deemed approved for purposes of satisfying the continuing medical education requirements under this Subchapter, if sponsored or offered by:

1. an organization or entity accredited by the Accreditation Council for Continuing Medical Education (ACCME);
2. a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;
3. the American Academy of Family Physicians (AAFP);
4. the American College of Obstetricians and Gynecologists (ACOG);

5. the American Osteopathic Association (AOA); or
6. an organization or entity accredited by the Louisiana State Medical Society or any other ACCME recognized state medical society.

B. Service on a Medical Review Panel established pursuant to La. R.S. 40:1231.8 shall be approved for 3.5 credit hours of CME. No more than 7 hours of CME may be credited for service on Medical Review Panels annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 31:1584 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021).

§439. Documentation Procedure

A. Licensees shall ensure that documentation of CME ~~(or continuing education)~~ sufficient to satisfy the annual continuing education requirement is submitted to the board. Each licensee shall request the organization or entity sponsoring or offering the activity to submit proof of the licensee's completion of a continuing education activity to the board's designated electronic education tracker (EET). In the event the sponsoring or offering organization fails or refuses to do so, the licensee shall submit such proof directly to the EET.

B. To obtain CME credit for service on a Medical Review Panel as approved by §437(B), licensees shall submit documentation in a manner established by the board which, at a minimum, contains the:

1. physician's name;
2. Louisiana Patient's Compensation Fund File Number; and
3. inclusive date or dates and location of the MRP;

~~B.C.~~ Each licensee shall be:

1. ~~sent access~~ a transcript of the hours/credits/units of qualifying continuing education, ~~which the board has then received from the board's~~ its designated EET ~~for the licensee~~. The transcript shall reflect the amount of continuing education needed to satisfy the continuing education requirement for license renewal. ~~The transcript shall be electronically transmitted to the licensee's preferred email address on file with the board at periodic intervals in advance of the date for licensure renewal;~~

2. ~~obligated and~~ be responsible for reviewing his/her continuing education transcript for accuracy and resolving any discrepancies in the amount of credit awarded, lack of reporting to the board, or other issues, with the organization or entity sponsoring or offering the continuing education activity. If issues remain unresolved, the licensee shall attempt resolution by way of the board's designated EET. If still unsuccessful, the licensee may then supply documentation of his/her efforts to resolve the discrepancy or other issues to the board and request its assistance; and

3. ~~A licensee's~~ be aware that failure to notify the board of a change in preferred email address will not absolve the licensee from his/her obligations and responsibilities under this Section.

~~C.D.~~ A physician shall maintain a record ~~or certificate~~ of attendance for at least four years from the date of completion of the continuing medical education activity. Satisfactory evidence shall consist of a certificate or other documentation which shall, at a minimum, contain the:

1. program title;
2. sponsor's name;
3. physician's name;
4. inclusive date or dates and location of the CME event; and
5. documented verification of successful completion of 20 hours of Category 1 CME by stamp, signature, official or other proof acceptable to the board.

~~D.E.~~ In addition, ~~t~~ The board has the right to audit any ~~questionable~~ documentation of activities.

~~E. 1.~~ _____—Verification of continuing medical education satisfying the requirements of this Subchapter shall be submitted by a physician to the board within 30 days of the date of mailing

of notification of audit or such longer period as the board may designate in such notification. A physician's failure to notify the board of a change of mailing address will not absolve the licensee from the audit [response](#) requirement.

~~F~~ 2. —Any certification of continuing medical education which is not approved by the board pursuant to §437 shall not be considered as qualifying for CME recognition by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021).

§441. Failure to Satisfy Continuing Medical Education Requirements

A. Non-Compliance; Reinstatement of Licensure. A licensee:

1. who fails to satisfy the continuing education requirement shall not be eligible for licensure renewal ~~consideration~~;

2. whose license has not been renewed for failure to satisfy the continuing education requirement may be reinstated upon application to the board, accompanied by payment of the renewal fee required by Subpart 1 of these rules, in addition to all other applicable fees and costs, ~~together with~~ [and](#) confirmation of completion of the continuing education requirement.

B. The license of a physician which has expired for nonrenewal or been revoked for failure to satisfy the CME requirements of §435 of these rules, may be reinstated pursuant to §419 upon written application to the board, accompanied by payment of the reinstatement fee required by §419, in addition to all other applicable fees and costs, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license was last issued or renewed, completed an aggregate of 20 hours of board approved CME.

C. The license of a physician which has expired, has not been renewed, or [has](#) been revoked for failure to meet the requirements of §449, or one which has expired, has not been renewed or [has been](#) revoked on more than one occasion for failure to satisfy the CME requirements of §435 of these rules, shall be deemed in violation of R.S. 37:1285.A(30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8) and 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021).

§443. Application of Requirements to All Licensees; Resolution of Conflict

A. Sections 439 and 441 of this Chapter shall apply to physicians and all allied health care providers licensed by the board who are required to complete continuing education as a prerequisite to the renewal of a license or other authority to practice a profession regulated by the board. All references to CME or continuing education and credits or hours, shall apply equally to any word or term utilized in this Part to describe the requirement for or amount of continuing education required for the renewal of such license or other authority. In the event of a conflict between §439 and §441, and those of any other Section in this Part, §439 and §441 shall govern and control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021).

§444. Falsification of Continuing Medical Education (Formerly §443)

A. Any licensee or applicant who falsely certifies attendance at and/or completion of the required continuing medical education requirements of §§433-449 shall be deemed in violation of R.S. 37:1285.A(3), (4), (13) and/or (30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners, LR 47:732 (June 2021).

§445. Waiver of Requirements

A. The board may, in its discretion, waive all or part of the CME required by these rules in favor of a physician who makes written request to the board and evidences to its satisfaction a permanent physical disability, illness, financial hardship, or other similar extenuating circumstances precluding the individual's timely satisfaction of CME requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:696 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021).

§447. Exceptions to the Continuing Medical Education Requirements ~~Error! Bookmark not defined.~~

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. who is engaged in military service longer than one year's duration outside of Louisiana;
2. who has held an initial Louisiana license on the basis of examination for less than one year;
3. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;
4. who is in a residency training program approved by the board; or
5. who is a retired physician in accordance with §418 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021).

§449. CME Requirement for Initial Renewal of License

A. Effective on and after January 1, 2002, every physician seeking the initial renewal of medical licensure, whether such license was originally issued by the board on the basis of examination, reciprocity, or reinstatement shall, as part of the continuing medical education required by this Subchapter as a condition prerequisite to licensure renewal, evidence and document ~~upon forms supplied by the board attendance at an orientation program sponsored and/or approved completion of the Laws and Rules for Physicians course provided~~ by the board.

B. The ~~course program~~ required pursuant to §449.A ~~shall be conducted at such locations, on such dates and at such times as may be designated by the board will be accessible online and~~, shall consist of not less than two hours in duration and involve such content, topic and structure as the board may from time to time deem appropriate.

C. ~~Notification of the dates, times and locations at which such programs will be offered, as well as the enrollment procedure, shall be mailed to the most recent address of each applicant subject to the requirements of §449.A as reflected in the official records of the board.~~ A physician's failure to notify the board of a change of mailing address will not absolve the applicant of the requirement to ~~attend a board sponsored/approved orientation program complete the course as~~ a condition of approval of an initial request for licensure renewal.

D. A physician ~~required to attend an orientation program~~ completing the laws and rules course pursuant to §449.A shall ~~receive 3 hours, for each hour of attendance as may be required by the board, be granted an hour-for-hour of~~ credit towards the annual CME requirement specified by §435.

~~E. A physician who at the time of the initial renewal of medical licensure resides and practices medicine exclusively outside of Louisiana or who has held an unrestricted license to practice medicine in any state for at least 10 years may, in lieu of personal attendance, satisfy the mandatory requirements of Subsection A of this Section by successfully completing the board's orientation program on line in a manner specified by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 27:850 (June 2001), LR 36:1243 (June 2010), amended by the Department of Health, Board of Medical Examiners LR 47:733 (June 2021).