

2022 Regular Session

SENATE BILL NO. 439

BY SENATOR PEACOCK

HEALTH SERVICES. Provides for bridge year graduate physicians. (8/1/22)

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AN ACT

To amend and reenact R.S. 37:1271(A) and the introductory paragraph of 1285(A) and to enact R.S. 22:1021.1 and Part I-D of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.11 through 1310.15, relative to bridge year graduate physicians; to provide for the certification of bridge year graduate physicians; to provide for collaborative practice agreements; to provide for the powers and duties of the Louisiana State Board of Medical Examiners; to provide for insurance reimbursement claims by bridge year graduate physicians; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1021.1 is hereby enacted to read as follows:

§1021.1. Prohibited discrimination; bridge year graduate physicians

A.(1) Whenever any health coverage plan delivered or issued for delivery in this state provides for reimbursement of any services which are within the lawful scope of practice of a bridge year graduate physician certified pursuant to R.S. 37:1310.11 et seq., the insured or other person entitled to benefits under the health coverage plan shall be entitled to reimbursement for

1 the services, whether the services are performed by a physician or a bridge year
2 graduate physician.

3 (2) Terminology in any health coverage plan policy or contract deemed
4 discriminatory against bridge year graduate physicians or that inhibits
5 reimbursement for services at the in-network rate is void and unenforceable.

6 B. The payment, benefit, or reimbursement to a bridge year graduate
7 physician shall not be less than the reasonable and customary amount of
8 payment, benefit, or reimbursement which a licensed physician receives for an
9 intermediate office visit or a primary care physician receives for the same
10 services.

11 C. The provisions of this Section shall be applicable only with respect to
12 policies, contracts, or other documents delivered, issued for delivery,
13 promulgated, or renewed in this state on or after January 1, 2023.

14 D. This Section shall not be construed to mandate that any benefit or
15 healthcare treatment be authorized and included in a policy, contract, or other
16 document.

17 Section 2. R.S. 37:1271(A) and the introductory paragraph of 1285(A) are hereby
18 amended and reenacted and Part I-D of Chapter 15 of Title 37 of the Louisiana Revised
19 Statutes of 1950, comprised of R.S. 37:1310.11 through 1310.15, is hereby enacted to read
20 as follows:

21 §1271. License to practice medicine or telemedicine required

22 A. No person shall practice medicine as defined ~~herein~~ in this Part until he
23 possesses a duly recorded license issued ~~under~~ pursuant to this Part, ~~or a permit or~~
24 registration as provided for ~~herein~~ in this Part, or a certificate issued pursuant to
25 Part I-D of this Chapter.

26 * * *

27 §1285. Causes for nonissuance; suspension; revocation; or the imposition of
28 restrictions; fines; reinstatement; publication of action; stays

29 A. The board may refuse to issue, or may suspend or revoke any license or

1 permit, or impose probationary or other restrictions on any license or permit issued
2 pursuant to this Part or Part I-D of this Chapter for the following causes:

3 * * *

4 **PART I-D. BRIDGE YEAR GRADUATE PHYSICIANS**

5 **§1310.11. Bridge year graduate physicians**

6 **A. The Louisiana State Board of Medical Examiners may certify an**
7 **individual, pursuant to the board's authority provided in R.S. 37:1275, to**
8 **practice medicine as a bridge year graduate physician if the individual meets all**
9 **of the following criteria:**

10 **(1) Is a citizen of the United States or a legal resident alien who**
11 **graduated from an accredited Louisiana medical school and who applied to, but**
12 **was not accepted into, an accredited medical residency training program for the**
13 **first year following medical school graduation.**

14 **(2) Has successfully completed Step 1 and Step 2 of the United States**
15 **Medical Licensing Examination, the Comprehensive Osteopathic Medical**
16 **Licensing Examination, or the equivalent of both steps of a board-approved**
17 **medical licensing examination and is applying for certification in the year**
18 **immediately following medical school graduation.**

19 **(3) Has no licensure, certification, or registration under current**
20 **discipline, revocation, suspension, or probation for cause resulting from the**
21 **applicant's medical practice, unless the board considers the conditions and**
22 **agrees to issue a certificate.**

23 **(4) Submits to the board the appropriate fee pursuant to R.S. 37:1281**
24 **and any other information that the board deems necessary to evaluate the**
25 **applicant's qualifications.**

26 **B. A bridge year graduate physician certificate issued pursuant to this**
27 **Part shall authorize the practice of medicine only in rural areas or other**
28 **underserved areas of physician shortage as determined by the board.**

29 **C. A bridge year graduate physician practicing medicine pursuant to**

1 this Part shall practice only under a board-certified family physician or
2 internist who has completed training required by the board to be a teaching
3 physician and who maintains training at intervals required by the board. The
4 teaching physician shall practice in the same or an adjacent facility and shall
5 formally review and cosign the work of the bridge year graduate physician.

6 D. A bridge year graduate physician certificate shall be valid for one
7 year and may be renewed for additional one-year periods upon application to
8 the board.

9 E. A bridge year graduate physician certificate shall not confer any right
10 to full unrestricted licensure and shall not qualify as a license for purposes of
11 the Interstate Medical Licensure Compact.

12 F.(1) A bridge year graduate physician certificate may be suspended,
13 terminated, or revoked prior to the expiration of one year for any reason
14 provided by law or board rule for the termination of licenses, permits,
15 registrations, or certificates issued by the board, including but not limited to a
16 violation of any provision of this Part or the rules promulgated by the board
17 pursuant to this Part.

18 (2) A bridge year graduate physician certificate may be suspended,
19 terminated, or revoked if the certificate holder discontinues participation in the
20 program or for good cause if the program is discontinued by the board.

21 §1310.12. Collaborative practice agreements; minimum requirements

22 A. A bridge year graduate physician shall only practice medicine in
23 accordance with a collaborative practice agreement with a physician who is
24 licensed by the Louisiana State Board of Medical Examiners and who meets the
25 requirements to serve as a teaching physician as provided in R.S. 37:1310.15.
26 The collaborative practice agreement shall comply with the provisions of this
27 Section.

28 B. A collaborative practice agreement shall be in the form of a written
29 agreement and contain jointly agreed-upon protocols or standing orders for the

1 delivery of healthcare services. The collaborative practice agreement may
2 delegate to the bridge year graduate physician the authority to administer drugs
3 and provide treatment if delivery of the healthcare services are both of the
4 following:

5 (1) Within the scope of practice of the bridge year graduate physician.

6 (2) Consistent with the bridge year graduate physician's skill, training,
7 and competence and the skill and training of the collaborating physician.

8 C. The written collaborative practice agreement shall have a term of one
9 year and shall contain, at a minimum, all of the following provisions:

10 (1) Complete names, business addresses, and telephone numbers of the
11 collaborating physician and the bridge year graduate physician.

12 (2) A list of offices or locations where the collaborating physician
13 authorizes the bridge year graduate physician to prescribe.

14 (3) All specialty or board certifications of the collaborating physician
15 and all certifications of the bridge year graduate physician.

16 (4) The manner of collaboration between the collaborating physician
17 and the bridge year graduate physician, including how the collaborating
18 physician and the bridge year graduate physician shall do all of the following:

19 (a) Engage in collaborative practice consistent with each professional's
20 skill, training, education, and competence.

21 (b) Maintain geographic proximity.

22 (c) Provide for coverage by the collaborating physician during absence,
23 incapacity, infirmity, or emergency.

24 (5) A description of the bridge year graduate physician's controlled
25 substance prescriptive authority in collaboration with the physician, including
26 a list of the controlled substances the physician authorizes the bridge year
27 graduate physician to prescribe and documentation that it is consistent with
28 each professional's education, knowledge, skill, and competence.

29 (6) A list of all other written practice agreements of the collaborating

1 physician and the bridge year graduate physician.

2 (7)(a) A description of the time and manner of the collaborating
3 physician's review of the bridge year graduate physician's delivery of healthcare
4 services, including the review of a sufficient sample of the bridge year graduate
5 physician's charts.

6 (b) The collaborating physician shall review every fourteen days a
7 minimum of twenty percent of the charts in which the bridge year graduate
8 physician prescribes controlled substances.

9 D. The Louisiana State Board of Medical Examiners shall promulgate
10 rules, in accordance with the Administrative Procedure Act, regulating the use
11 of collaborative practice agreements for bridge year graduate physicians. The
12 rules shall specify, at a minimum, both of the following:

13 (1) The methods of treatment that may be covered by the collaborative
14 practice agreement.

15 (2) The requirements for review of services provided under the
16 collaborative practice agreement, including delegating authority to prescribe
17 controlled substances.

18 E. No later than thirty days after any change to a collaborative practice
19 agreement and on each renewal for licensure, the Louisiana State Board of
20 Medical Examiners shall require every physician to identify whether the
21 physician is engaged in any collaborative practice agreement with a bridge year
22 graduate physician, including the name of each bridge year graduate physician
23 and whether the collaborative practice agreement delegates the authority to
24 prescribe controlled substances. The board shall track the reported information
25 and may routinely conduct random reviews of the agreements to ensure
26 compliance with the provisions of this Part.

27 F. The collaborating physician shall determine and document the
28 completion of at least a one-month period of time during which the bridge year
29 graduate physician shall practice with the collaborating physician continuously

1 present before practicing in a setting where the collaborating physician is not
2 continuously present.

3 G.(1) The Louisiana State Board of Medical Examiners shall develop,
4 adopt, and continuously revise rules and regulations governing the prescriptive
5 authority of bridge year graduate physicians, including but not limited to the
6 receipt and distribution of sample drugs and prepackaged drugs and the
7 prescribing of legend and certain controlled drugs.

8 (2) The collaborating physician shall maintain the right to limit a
9 specific scheduled drug or scheduled drug category that the bridge year
10 graduate physician is permitted to prescribe. Any limitations shall be listed in
11 the collaborative practice agreement. Bridge year graduate physicians shall not
12 prescribe controlled substances for themselves, a collaborating physician, or
13 members of their families. Bridge year graduate physicians who are authorized
14 to prescribe controlled substances pursuant to this Part shall register with the
15 United States Drug Enforcement Administration.

16 (3) The collaborating physician shall determine and document the
17 completion of at least one hundred twenty hours in a four-month period during
18 which the bridge year graduate physician shall practice with the collaborating
19 physician onsite prior to prescribing controlled substances when the
20 collaborating physician is not onsite.

21 H.(1) Nothing in this Part shall be construed to limit the authority of
22 hospitals or hospital medical staff to make employment or medical staff
23 credentialing or privileging decisions.

24 (2) No collaborative practice agreement shall supersede hospital policies
25 governing medication orders under protocols or standing orders for the purpose
26 of delivering inpatient or emergency care that have been approved by the
27 hospital's medical staff.

28 §1310.13. Designation of licensee

29 A bridge year graduate physician licensed pursuant to this Part shall not

1 use the title of "Doctor" or "Dr." as a prefix to his name unless he uses the
 2 phrase "Bridge year graduate physician" or its equivalent, as a suffix to his
 3 name or in connection with it.

4 **§1310.14. Rulemaking**

5 **The Louisiana State Board of Medical Examiners shall adopt rules and**
 6 **regulations for the administration of this Part as are necessary for the adequate**
 7 **protection of the health and welfare of the citizens of this state.**

8 **§1310.15. Termination**

9 **The provisions of this Subpart shall terminate on January 1, 2026.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 439 Engrossed

2022 Regular Session

Peacock

Proposed law provides that the La. State Board of Medical Examiners (LSBME) may certify an individual to practice medicine as a bridge year graduate physician if the individual is a citizen of the United States or a legal resident alien who graduated from an accredited Louisiana medical school and who applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation.

Proposed law provides for the qualifications for certification as a bridge year graduate physician. Further provides for the renewal and revocation of the certification.

Proposed law provides that a bridge year graduate physician shall only practice medicine in rural or underserved areas and in accordance with a collaborative practice agreement with a qualified board-certified family physician or internist licensed by the LSBME. Further provides for the required content of a collaborative practice agreement, including prescriptive authority delegated to the bridge year graduate physician.

Proposed law provides that, after January 1, 2023, covered healthcare services that are within a bridge year graduate physician's lawful scope of practice shall be reimbursed, whether the services are performed by a physician or a bridge year graduate physician. Further provides that the reimbursement to a bridge year graduate physician shall not be less than the reasonable and customary amount of reimbursement which a licensed physician receives for an intermediate office visit or a primary care physician receives for the same services.

Proposed law terminates January 1, 2026.

Effective August 1, 2022.

(Amends R.S. 37:1271(A) and 1285(A)(intro para); adds R.S. 22:1021.1 and R.S. 37:1310.11-1310.15)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes the occupational title from a licensed assistant physician to a certified bridge year graduate physician.
2. Provides for certification of bridge year graduate physicians.
3. Limits practice to rural or underserved areas.
4. Provides for teaching physicians.
5. Provides for a sunset date.