

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 15, 16, 2008
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to call of the President and lawful notice, was duly convened and called to order at 8:30 a.m., Monday, December 15, 2008, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members were present as follows:

Kweli J. Amusa, M.D., President
Linda Gage-White, M.D., Ph.D., Vice-President
Mark Henry Dawson, M.D., Secretary-Treasurer
Melvin G. Bourgeois, M.D.
Keith C. Ferdinand, M.D.
Kim Edward LeBlanc, M.D., Ph.D.
Tonya Hawkins Sheppard, M.D.

The following members of the Board's staff were present:

Robert L. Marier, M.D., Executive Director
Cecilia Ann Mouton, M.D., Director of Investigations
Emily Diane Eisenhauer, M.D., Assistant Director of Investigations
Grace Hammons, Program Compliance Officer Manager
Christine Holder, Program Compliance Officer III
Merian Glasper, Director of Licensure
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Judge Frederick S. Ellis
Philip O. Bergeron

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First Session
Monday, December 15, 2008

1. Rules and Regulations; Personal Appearance; Rules/Amendments – Noticed for Intent - Podiatry – In connection with *Notice of Intent* to amend the rules relative to podiatry, Cindy Bishop, Louisiana Orthopedic Association, William Dabdoub, DPM, C. Kevin Hayes, Louisiana Podiatry Association and Jay Groves, DPM appeared before the Board to provide comments. Ms. Bishop reiterated objections made in correspondence to the Board from the American Association of Orthopedic Surgeons. The Podiatry Rules/Amendments Act 204 (2007) expands the scope of the practice of podiatry to include treatment of the ankle, muscles, or tendons of the lower leg governing the functions of the foot and ankle by a podiatrist who has completed advanced training determined to be sufficient by the Board at a program accredited by nationally recognized associations acceptable to the Board. Implementation of the expanded scope of practice must be preceded by rules promulgated by the Board that are predicated on the education or level of training, or both, of an applicant. In addition, the certificate (license) issued by the Board to a podiatrist must reflect an applicant's practice authority based on his or her level of training. Following receipt of all comments, review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board voted to adopt the rules as noticed upon publication in the *Louisiana Register*.

2. Rules and Regulations; Personal Appearance; Rules/Amendments Under Development - Physicians and Surgeons – Telemedicine – A rule-making effort relating to the use of telemedicine was undertaken in 2008 (1) in response to a request from the Department of Health and Hospitals to enable the use of telemedicine for provision of psychiatric services and (2) in response to Act 850 (HB 1384 by Rep Marchand) of the 2008 regular session of the state legislature. Wayne A. Wilbright, M.D. and Tom Winchell, representing the LSU Hospital System appeared before the Board to provide comments. They explained (1) the need for telemedicine to provide access to healthcare in various settings, (2) established practices with respect to the use of telemedicine by the LSU Hospital System in various settings, (3) the state of the art with respect to the use of telemedicine and (4) the regulation of telemedicine elsewhere. Following this presentation and further discussion by the Board and staff, the Board directed staff to draft alternatives to the rule under consideration in consultation with the stakeholders that would enable the use of telemedicine where appropriate

3. Rules and Regulations; Personal Appearance; Rules/Amendments Under Development - Physician Assistants – A draft of proposed amendments concerning scope of practice issues relating to physician assistants was referred to the PA Advisory Committee for input. A draft was presented to the Board for consideration at its July 2008 meeting. Suggested modifications, along with additional revisions from the Committee and staff were incorporated into a draft and presented to the Board for consideration at its August 2008 meeting. In connection with the proposed rules, Peter Stevens, PA, Chairman, Kenneth W. Betzing, MPAS, Alan Lynn LeBato, Carl Luikart and Julie Vajnar, members of the Physician Assistant Advisory Committee along with Jennifer Angelo, President of Louisiana Academy of Physician Assistants appeared to provide comments. Tom Falterman, M.D. provided input relative to the listing of procedures that were determined to be beyond the scope of practice for physician assistants. Amy Philips, Attorney, Louisiana State Medical Society also provided input stating the LSMS supported the Board in its rule-making endeavors. Following these presentations and a review of correspondence from various stakeholders generally

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expressing strong opposition, the Board directed staff to draft alternatives to the rule under consideration in consultation with the stakeholders.

4. General Administrative Matters; Dispensing Rules; Personal Appearance, Drs. Mignonne Mary, M.D., W. Allen Rader, Christopher Gayle, Roy Brandhurst. Drs. Mignonne Mary and W. Allen Rader appeared before the Board to seek an exception to the Board's dispensing rules adopted September 20, 2008. They specifically asked that phentermine be granted an exception to the dispensing rules citing the low risk of abuse and the benefits of office dispensing. Following their presentation and a review of correspondence from various stakeholders generally expressing strong opposition to the rule and comments provided by staff relating to (1) the Board's experience with phentermine; (2) the need to control the dispensing of controlled substances; (3) the implementation of the prescription monitoring program on January 1, 2009; and (4) various alternatives that providers might consider with respect to provision of medications subject to the rule, the Board voted to move forward with implementation of the rules effective January 1, 2009 and to review the issue in six months.

[5.] Investigative Reports. On the motion of Dr. Bourgeois, the Board convened in executive session to consider investigative reports as matters relating to allegations of misconduct and the character and professional conduct of a licensee, La. Rev. Stat. ' 42:6.1 A(1) and (4). Following the review, the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

Consent Orders. The following Consent Orders were accepted:

Vincent Charles Michell, M.D., Docket No., 07-I-829
William Todd Yates, M.D., Docket No., 08-I-022

[6.] Investigative Reports; Personal Appearance; Vincent Charles Michell, M.D. On the motion of Dr. Dawson, the Board convened in executive session for the personal appearance of Vincent Charles Michell, M.D., as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La. Rev. Stat. ' 42:6.1 A(1) and (4). Dr. Michell appeared in connection with the acceptance of his Consent Order. No further action was required or taken in this matter.

[7.] Investigative Reports; Personal Appearance; William Todd Yates, M.D. Continuing in executive session, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La. Rev. Stat. ' 42:6.1 A(1) and (4), William Todd Yates, M.D., appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken in this matter.

8. Minutes of October 20, 2008. The Board reviewed the minutes of its meeting of October 20, 2008. Motion was made by Dr. LeBlanc, duly seconded, and unanimously carried, to approve the minutes of the meetings together with the executive sessions conducted during such meeting with all necessary corrections.

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9. **Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted that action items as assigned to staff and counsel from previous meetings had been completed. No further action was required or taken on this matter.

10. **Rules and Regulations.**

- a. **Final Rules/Amendments: Licensure and Certification – Application Approval** – During its July 2008 meeting, the Board approved an amendment to its rules that would authorize it to act through its President or designee to approve the issuance and renewal of licenses, permits, certificates, registrations and other necessary authority for physicians and allied health care practitioners who satisfy all the requirements prescribed by law or Board rule. The Board elected to provide *Notice of Intent* to adopt the rule amendments. Such notice appeared in the August 20, 2008 edition of the *Louisiana Register*. No comments were received during the comment period. During its October 20, 2008 meeting, the Board voted to adopt the proposed rules. They were adopted upon promulgation in the November 20, 2008 edition of the *Louisiana Register*. **Licensure – Adjudication –Evaluation/Summary Suspension** – During its July 2008 meeting, the Board approved an amendment to its rules that would authorize it to act through its President, or other Board member designated by the President, to order an evaluation or, in the event that the public health, safety and welfare requires emergency action, to order summary suspension. The Board elected to provide *Notice of Intent* to adopt the rule amendments. Such notice appeared in the August 20, 2008 edition of the *Louisiana Register*. No comments were received during the comment period. During its October 20, 2008 meeting, the Board voted to adopt the proposed rules. They were adopted upon promulgation in the November 20, 2008 edition of the *Louisiana Register*.
- b. **Rules/Amendments – Noticed for Intent - Athletic Trainers** - The Board directed the preparation of certain changes to its athletic trainers= rules to reflect elimination of the state examination and to generally update other provisions in keeping with current practices. A draft was presented to and approved by the Board=s Athletic Trainers= Advisory Committee and presented to the Board at its October 2007 meeting. Following consideration and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register* which appeared in the January 20, 2008 edition. Thereafter, several written comments were received. Further activity on the rule-making effort will be in accord with the provisions of the Louisiana Administrative Procedure Act. **Midwifery** – The rule-making effort commenced by *Notice of Intent* in the October 2007 edition of the *Louisiana Register* expired by operation of Law. **Podiatry** - Act 204 (2007) expands the scope of the practice of podiatry to include treatment of the ankle, muscles, or tendons of the lower leg governing the functions of the foot and ankle by a podiatrist who has completed advanced training determined to be sufficient by the Board at a program accredited by nationally recognized associations acceptable to the Board.® Implementation of the expanded scope of practice must be preceded by rules promulgated by the Board that are predicated on the education or level of training, or both, of an applicant. In addition, the certificate (license) issued by the Board to a podiatrist must reflect an applicant’s practice authority based on his or her level of training. With the input of the Podiatry Advisory Committee and the Louisiana Orthopedic Association, a draft of such rules was presented for consideration and discussion. Further refinements were made to the draft and considered by the Board at its meeting of June 21, 2008. At its July meeting, the Board voted to provide *Notice of Intent* to adopt the proposed

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rules in the Louisiana Register. The *Notice of Intent* appeared in the September 20th edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, comments were submitted jointly by the American Association of Orthopedic Surgeons, the American College of Surgeons, and the Louisiana Orthopaedic Association. A request for a public hearing was not made. Further activity will be accordance with the provision of the Louisiana Administrative Procedure Act. . **Physicians and Surgeons – Consultation with Medical Psychologists** – Pursuant to Act 11 of the 2004 session of the Louisiana Legislature, medical psychologists were authorized to prescribe certain medications to their patients with prior consultation and concurrence of the patient’s primary or attending physician. The Board directed staff to develop rules that would address various physician concerns bearing on the issue since implementation of the law. A draft was presented was review and discussion at its June 2008 meeting and suggested modifications were incorporated. Following review and discussion at its July 2008 meeting, the Board approved the draft; however, prior to advancing the rules, the Board elected to solicit the input of the State Board of Psychology Examiners of Louisiana, which licenses medical psychologists. The Board acknowledged receipt of communication from the State Board of Psychology Examiners of Louisiana that they had received a copy of the Board’s proposed rules. A reply with recommendations was considered by the Board, and upon motion made, duly seconded and approved by unanimous voice vote, the Board voted to approve certain modifications and provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. **Physicians and Surgeons – Short Term Training Permits for International Graduates** - The Board discussed the concept of a short term permit that would allow international medical graduates to train in this state, at institutions with ACGME approved training programs, and directed staff to prepare a draft for consideration and further discussion. A draft was presented for initial review and discussion by the Board. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board voted to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. c. **Rules/Amendments Under Development - Respiratory Therapy**. The Advisory Committee for Respiratory Therapy reviewed the current rules to ascertain what modifications may be needed in light of the legislative changes to the Louisiana Respiratory Therapy Act in 2007 and provided its recommendations for review by Dr. Ferdinand and counsel. As soon as a final draft has been prepared, it will be presented to the Board for review and discussion. **Perfusionist**. The Advisory Committee for Perfusionists prepared an initial draft of rules for this regulated category of allied health care professionals. Following Board review, Dr. Ferdinand, Board member liaison and Board counsel met with the Advisory Committee Chair in an effort to develop a more comprehensive, focused set of rules for the Board=s consideration. A revised draft was received and is being studied. As soon as it has been refined, it will be presented to the Board for consideration. **Physicians and Surgeons - Mid-Level Providers**: The Board appointed a Committee to work on the development of rules for supervision, collaboration and consultation with mid-level providers. As soon as such draft is finalized, it will be presented to the Board for consideration. **Clinical Laboratory Personnel** - Following a review of its balance sheet, financial information and budgetary needs at its meeting of March 2007, the Clinical Laboratory Personnel Advisory Committee voted at its June 30, 2007 meeting to recommend that the Board accept the recommendation for a license/annual renewal fee increase of fifteen dollars (\$15.00) for all CLP licensees. At that time the Committee also voted to recommend that the Board undertake the following additional rule-making efforts: (i) to adopt staff=s recommendations to include a number of

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causes that may give rise to the denial, suspension, or revocation of licensure; (ii) to delete Chapter 111 of its rules so that the Board may continue to handle disciplinary proceedings relative to CLP applicants/licensees as it does for all other allied health care providers; and (iii) to eliminate certification examinations CLS-G/CLS-T offered by two organizations which, in the view of the Committee, do not provide the minimum acceptable education, clinical, employment or experience requirements requisite to licensure. The Board requested clarification on item (iii) for military personnel, approved the Committee's recommendations, and decided to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. At its March 2008 meeting, the Committee approved a recommendation concerning U.S. military trained CLS-G or CLS-T applicants. The Committee also considered other modifications to the draft. The Board considered the final draft and upon motion made, duly seconded and passed by unanimous voice vote, voted to provide *Notice of Intent* to amend the rules in the *Louisiana Register*. **Physicians and Surgeons - Supervision of Unlicensed Providers** - The Board directed staff/counsel to work on the development of rules for supervision of unlicensed providers of cosmetic and other medical services. As soon as a draft is finalized, it will be presented to the Board for consideration. **Physicians and Surgeons - Demonstration of Clinical Competency** - The Board directed staff/counsel to work on the development of rules for demonstration of physician clinical competency for licensure/renewal. A draft was circulated to staff for review and comments. An initial draft was presented to the Board for review and discussion. Following review and discussion of the initial draft, several changes were suggested and will be incorporated into a second draft for the Board's consideration. **Polysomnography** - The Board received a proposed draft of new rules for polysomnographers from its Advisory Committee on Polysomnography. As soon as a final draft has been prepared, it will be presented to the Board for review and discussion. **Midwifery** - The Board directed staff to prepare an amendment to its rules to address certification of midwifery training by a national accrediting entity. As soon as a draft is prepared, it will be presented to the Board for consideration.

[11.] Professional Liability Report. On the motion of Dr. Bourgeois, the Board convened in executive session to consider the report of Dr. Eisenhower, on professional liability cases reviewed since the last meeting of the Board as matters relating to allegations of misconduct and the character and professional conduct of a licensee, La. Rev. Stat. ' 42:6.1 A(1) and (4). No further action was required or taken on these matters.

[12.] Personal Appearances/Docket Calendar. Continuing in executive session, the Board reviewed the calendar of personal appearances and docketed hearings, as matters relating to allegations of misconduct and the character and professional conduct of licensees, La.Rev. Stat. ' 42:6.1 A(1), (4). No further action was required or taken on this matter.

[13.] Investigative Reports. Continuing in executive session, the Board considered the investigative reports as matters relating to allegations of misconduct and the character and professional conduct of a licensee, La. Rev. Stat. ' 42:6.1 A(1) and (4). Following the review, the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

- a. **Closed Complaint Cases.** The Closed Complaint Cases Report was reviewed.

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- b. Consent Orders. The following Consent Orders were accepted:

Garland Dupree Miller, M.D., Docket No., 08-I-659
Mohammed Albert Bey, Jr., M.D., Docket No., 06-I-127
Milton Randolph Eichmann, M.D., Docket No., 08-I-357
John Allen Heidingsfelder, M.D., Docket No., 07-I-409
Theresa Jones Ross, M.D., Docket No., 08-I-821

- c. Consent Order. The following Consent Order was rejected:

Kevin E. Gorin, M.D., Docket No., 06-I-006

- d. Orders. The following Interim Orders were presented for information only:

Curtis Lee Beauregard, M.D., Docket No., 08-I-778
Gregg Spaulding Hunter, M.D. Docket No., 08-I-852
Terri Lynn Ditta, M.D., Docket No., 08-I-851
Donald Peter Auzine II, M.D., Docket No., 08-I-351
Vahe Sarkissian, M.D., Docket No., 08-I-124

- e. Administrative Complaints. The following administrative complaints were approved for filing and for scheduling of a formal hearing:

Docket No., 08-I-501
Docket No., 08-I-547
Docket No., 07-I-575
Docket No., 08-I-351
Docket No., 07-I-081
Docket No., 08-I-124

- f. Discontinued. The following matter was discontinued:

Docket No., 08-I-905

[14.] Report on Pending Litigation. On the motion of Dr. Bourgeois, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board was a party and the status of proceedings for judicial review of prior Board decisions, La. Rev. Stat. § 42:6.1 A(2). No further action was required or taken on this matter.

[15.] General Disciplinary Matters. On the motion of Dr. LeBlanc, the Board convened in executive session to consider requests relating to the execution or modification of a Decision and/or Consent Order as a matter relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. ' 42:6.1A(1). Following review and discussion, the Board resumed in open session and upon motion made and passed by unanimous voice vote, took the following actions:

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- a. Probation Report - The Board noted the activity report for the probation department submitted for this month.
- b. Site Visits – The Board noted the report on site visits for physician assistants, supervising physicians, and those with collaborative practice agreements.
- c. Dispensing Physicians= Site Visits - The Board noted the report of site visits for dispensing physicians submitted for this month.
- d. Dunn, David Howard Lester, M.D. – To remove the requirement for a supervising physician to monitor his practice.
- e. Martin, Louis Frank, M.D. – To approve reinstatement of the license of Louis Frank Martin, M.D., to a full, unrestricted status off probation.
- f. Sabatier, Richard Edward, M.D. – To defer action on the request for reinstatement of Richard Edward Sabatier, M.D. pending a personal appearance with Dr. LeBlanc.
- g. Zweig, Mark Alan, M.D. – To deny the request of Mark Alan Zweig, M.D. for reinstatement of his revoked license.
- h. Schneider, Mark Anthony, M.D. – To approve modification of the terms of the order in the matter of Mark Anthony Schneider, M.D. to allow him to treat male patients of any age and female patients under the age of 12.
- i. Berkowitz, Roy Edward, M.D. – To deny the request of Roy Edward Berkowitz, M.D. for reinstatement of his prescribing privileges.
- j. Dugger, David Leon, M.D. – To approve reinstatement of the license of David Leon Dugger, M.D. to a full, unrestricted status, off probation.
- k. Kidd, Holly Ann, D.O. – To approve reinstatement of the license of Holly Ann Kidd, D.O., to a full, unrestricted status, off probation with the restriction remaining on prohibiting on the management of chronic pain patients.
- l. Daniels, Larry Clyde, M.D. – To approve reinstatement of the license of Larry Clyde Daniels, M.D. to an unrestricted status with the life-time prohibition on his serving as a collaborating physician for a nurse practitioner or supervising physician for a physician assistant.

16. Rulings and Advisory Opinions; VA Physicians. The Board reviewed correspondence received from Janice G. Gilbert, Esq., Department of Veterans, inquiring as to whether physicians employed by the VA and working within the confines of the Veterans Administration in Texas, and not licensed in Louisiana may order outpatient services to be provided to patients at non-VA facilities in Louisiana. Following review and discussion, it was the consensus of the Board that under the exemption provided in the Louisiana Medical Practice Act, a commissioned physician or a civilian

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physician employed by the United States Public Health Service, such as the VA is not required to be licensed by the Board, and subject to certain qualifications, a VA physician would not be required to be licensed by the Board when requesting health care services to legally eligible health care beneficiaries. W.C. Turner, M.D., UTMB Electronic Health Network, seeking an advisory opinion from the Board on the ability of UTMB Electron Health Network to set up a clinic in Louisiana to perform telemedicine, in the sense that Louisiana patients who present to the clinic located in Louisiana with general medical complaints would be seen and treated by physician/s licensed in another state, specifically Texas. Following review and discussion, it was the consensus of the Board to advise Doctor Turner that patients of the Louisiana clinic would be required to be examined in person at the clinic by a physician licensed in Louisiana and on site at the clinic.

17. Rulings and Advisory Opinions; Delegation of Authority. The Board reviewed correspondence received from Padmini Gupta, M.D., F.A.A.P. seeking an advisory opinion on whether the delegation of authority for the administration of vaccines to patients can be granted to a nursing assistant, properly trained by the physician. Following review and discussion, it was the consensus of the Board to advise Dr. Gupta that the administration of vaccine can be delegated to a nursing assistant as long as the nursing assistant is properly trained and the physician retains full responsibility to the patient for any adverse action.

18. General Administrative Matters; Financial Reports.

a. Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending October 31, 2008 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of October 31, 2008. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending October 31, 2008, and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of October 31, 2008.

b. 2009 Budget - The Board reviewed the proposed budget for 2009 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, motion was made, duly seconded and passed by unanimous voice vote to approve the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

c. 2009 Clinical Laboratory Budget. The Board reviewed the proposed budget for 2009 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, motion was made, duly seconded and passed by unanimous voice vote to approve the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

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19. General Administrative Matters; President's Report; Election of Officers. The President called for nominations for the office of President. On the motion of Dr. Dawson, seconded by Dr. Ferdinand, Dr. Linda Gage-White was nominated for the office of President. On the motion of Dr. Bourgeois, seconded by Dr. LeBlanc, Dr. Ferdinand was nominated for the office of President. Dr. Ferdinand declined the nomination. There being no further nominations, Dr. Dawson moved the nominations be closed. Upon the motion of Dr. Dawson, duly seconded and passed by unanimous voice vote, Dr. Gage-White was elected President. Upon opening the nominations for the office of Vice-President, Dr. LeBlanc moved and Dr. Sheppard seconded the nomination of Dr. Mark Henry Dawson for the office of Vice-President. There being no further nominations and the nominations duly closed, Dr. Dawson was elected Vice-President of the Board by acclamation. The President called for nominations for the office of Secretary-Treasurer. Dr. Dawson nominated Dr. LeBlanc for the office of Secretary-Treasurer. There being no further nominations and the nominations duly closed, Dr. LeBlanc was elected Secretary-Treasurer of the Board by acclamation. Following a brief discussion, motion was made, duly seconded and passed by unanimous voice vote that the newly elected officers take office at the conclusion of the December 2008 meeting.

20. General Administrative Matters; Executive Director's Report. The Board received the report of the Executive Director on his activities since the last meeting of the Board. Dr. Marier reported that the time had expired for the state purchase of the Dominion Towers and he would move forward with facility planning on obtaining an architect for renovation of the building. He also reported on the development of rules for eligibility requirements for international medical graduates who otherwise do not meet the requirements under the current rules and that Tom Falterman, M.D. had been recommended for appointment to the Physician Assistant Advisory Committee.

21. General Administrative Matters; Clinical Laboratory Committee. The Board reviewed a memorandum prepared by counsel on the definition of direct supervision under CLIA. No further action was required or taken on this matter.

22. General Administrative Matters; Athletic Trainers. The Board reviewed correspondence received from Senator Robert "Bob" Kostelka on behalf of Otis Jones, AT, detailing the problem Mr. Jones faced because he was advised the state examination for athletic trainer certification was no longer given by the Board. Following review and discussion, it was the consensus of the Board to ascertain whether the state examination could be given on a one-time basis and if given, to allow Mr. Jones one final attempt to take and pass the examination with a score of 75 or better within six months from December 15, 2008.

23. Communication and Information; Ryan Haight Online Pharmacy Consumer Protection Act of 2008. The Board reviewed a copy of the Ryan Haight Online Pharmacy Consumer Protection Act presented for the Board's information. No further action was required or taken on this matter.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 5:30 to reconvene at the Board at 8:30 a.m., Tuesday, December 16, 2008.

*Second Session
Tuesday, December 16, 2008*

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The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:30 a.m., Tuesday, December 16, 2008, at the offices of the Board with everyone in attendance except for Drs. Amusa and Sheppard.

[24.] Licensure and Certification; Clinical Laboratory Personnel. On motion of Dr. Gage-White, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Technicians

Benge, James Anton

Williams, Tikia U.

Laboratory Assistants

Bennett, Glenda R.

Taylor, Kimberly Ann

[25.] Licensure and Certification; Respiratory Therapy. On motion of Dr. Ferdinand, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Licensed Respiratory Therapist

Hilton, Curtis L.

Nguyen, Margaret T.

Kremer, Marc D

Scherer, Brent O.

Leggett, Kajumi J.

[26.] Licensure and Certification; Occupational Therapy. On motion of Dr. Dawson, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, made the following decisions:

a. Approve - To approve the following for licensure provided all requirements had been met:

Occupational Therapist Assistant - Examination

Cunningham, Toni Lynne

b. Deny – To reaffirm the Board’s decision to deny the request of the following for issuance of a third temporary permit.

Le, Michelle Ngoc

[27.] Licensure and Certification; Physician Assistants. On the motion of Dr. Bourgeois, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded, and carried by majority voice vote, approved the following applicants for prescriptive authority provided all requirements had been met:

- 1) Bolton, Greg Howard, PA – Supervising physicians: Drs. Larry Parker, Kelvin Spears, Howard Rigg, Stuart Yoas, Nickles Bergeron, Marcus Stokes, Charles Chehardy, Sara Kelly, Anthony Pruett and Ronald Coe, VA Medical Center, 2495 Shreveport Highway 71 North, Pineville.
- 2) Chappell, Rachel Naomi, PA - Supervising physicians: Drs. Freddy Abi-Samra, Samer Ali-Hasan, Jose Bernal, Robert Bober, Patrick Breaux, Tyrone Collins, Michael Cunningham, Homeyar Dinshaw, Timothy Donahue, David Elizardi, Yvonne Gilliland, Arthur Grant, Mark Grise, Stephen Jenkins, Carl Lavie, Michael Leece, Paul Lessig, Paul McMullan, Richard Milani, Zola N'Dandu, Hamang Patel, Stephen Ramee, John Reilly, Gary Rich, Sangeeta Shah, Hector Ventura. Christopher White, Sammy Khatib, Daniel Morin and Onajefe Nelson-Twakor, Ochsner Hospital/Clinic, 1514 Jefferson Highway, New Orleans.
- 3) Chauvin, Aaron Dean, PA – Supervising physician: Dr. Ronald Lambert, North Surgery Center, 1512 Doctors Drive, Bossier City.
- 4) Dominique, Cal Anthony, PA – Supervising physicians: Drs. Mitchell Lirtzman and Charles Wyatt, Cardiovascular Institute of the South, 2730 Ambassador Caffery Parkway, Lafayette.
- 5) Frederick, Barry Lane, PA – Supervising physicians: Drs. Daniel Jones and Wayne Berkowitz, St. Tammany Parish Hospital ER, 1202 S. Tyler Street, Covington.
- 6) Freeman, Nathan Carl, PA – Supervising physicians: Drs. Jay Silverstein and Waseem Jaffrani, 64040 Highway 434, Suite 200, Lacombe.
- 7) Gabler, Matthew George, PA – Supervising physicians: Drs. Bruce Iteld, Marc Bernstein, Keith Hickery and Frank Arena, Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans.
- 8) Grant, Emily Jessica, PA – Supervising physicians: Drs. Sammy Khatib, Daniel Morin and Onajefe Nelson-Twakor, Ochsner Heart and Vascular Institute, 2750 East Gause Boulevard, Slidell.

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- 9) Guillory, Brady Kirk, PA – Supervising physician: Dr. Elliott Leone, 102 Kettering Circle, Lafayette.
- 10) Hebert, Kristin, PA - Supervising physicians: Drs. Freddy Abi-Samra, Samer Ali-Hasan, Jose Bernal, Robert Bober, Patrick Breaux, Tyrone Collins, Michael Cunningham, Homeyar Dinshaw, Timothy Donahue, David Elizardi, Yvonne Gilliland, Arthur Grant, Mark Grise, Stephen Jenkins, Carl Lavie, Michael Leece, Paul Lessig, Paul McMullan, Richard Milani, Zola N'Dandu, Hamang Patel, Stephen Ramee, John Reilly, Gary Rich, Sangeeta Shah, Hector Ventura. Christopher White, Sammy Khatib, Daniel Morin and Onajefe Nelson-Twakor, Ochsner Hospital/Clinic, 1514 Jefferson Highway, New Orleans.
- 11) Hendrick John Chappell, PA – Supervising physicians: Drs. Mitchell Lirtzman and Charles Wyatt, Cardiovascular Institute of the South, 2730 Ambassador Caffery Parkway, Lafayette
- 12) Hulin, Clayt Walter, PA – Supervising physician: Dr. James Bellone, 17000 Medical Center Drive, Baton Rouge.
- 13) Jackson, Allison Rowland, PA – Supervising physicians: Drs. Kyle Dean and Herschel Dean, 17000 Medical Center Drive, Baton Rouge.
- 14) McIntosh, Julie Dowling, PA – Supervising physician: Dr. Robert Lyon, 320 N. Hood Street, Lake Providence.
- 15) Nguyen, Lily Diep Ngoc, PA- Supervising physicians: Drs. Karl Valcourt, James Swift, Juan Fukuda, Piayon Kobbah, Nandkishore Raghuram and Rebecca Doise, 4600 Ambassador Caffery, Lafayette.
- 16) Oldendorf, Melanie Ross, PA – Supervising physicians: Drs. Roger Smith and Cuong Bui, Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans.
- 17) Oresman, Thomas Perry, PA – Supervising physician: Dr. Rashid Tamimic, Motiva Enterprises, LLC, 15536 River Road, Norco.
- 18) Pippin, Kristin, Ann, PA – Supervising physicians: Drs. Mark Baabo, James Griffee, Robert Taylor, Raymond Baez and James Newcomb, 2750 E. Gause Boulevard, Slidell.
- 19) Ramirez, Laura Daigle, PA – Supervising physician: Dr. Elena Mann, Leonard J. Chabert Medical Center, 1978 Industrial Boulevard, Houma.
- 20) Redmond, James Ray, Sr., PA – Supervising physician: Dr. Adam Perry, 1211 Coolidge, Suite 100, Lafayette.
- 21) Rink, John Eric, PA – Supervising physician: Dr. Alton Sartor, 1430 Tulane Avenue, SL34, New Orleans.

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- 22) Robin, Richard Rodney, PA – Supervising physician: Dr. Jorge Belgodere, Southpark Hospital, 314 Youngsville Highway, Lafayette.
- 23) Schollard, Jack Franklin, Jr., PA – Supervising physician: Dr. Rashid Tamimic, Motiva Enterprises, LLC, 15536 River Road, Norco.
- 24) Scott, Steven M., PA – Supervising physician: Dr. Louis Blanda, 1000 W. Pinhook Road, Suite 305, Lafayette.
- 25) Waggoner, Ashley Elizabeth, PA – Supervising physicians: Drs. Deepak Dixit, Anthony Pham, Richard Hortman, 433 Plaza Street, Bogalusa.
- 26) Wilburn, Carol Priez, PA - Supervising physicians: Drs. Freddy Abi-Samra, Samer Ali-Hasan, Jose Bernal, Robert Bober, Patrick Breaux, Tyrone Collins, Michael Cunningham, Homeyar Dinshaw, Timothy Donahue, David Elizardi, Yvonne Gilliland, Arthur Grant, Mark Grise, Stephen Jenkins, Carl Lavie, Michael Leece, Paul Lessig, Paul McMullan, Richard Milani, Zola N'Dandu, Hamang Patel, Stephen Ramee, John Reilly, Gary Rich, Sangeeta Shah, Hector Ventura. Christopher White, Sammy Khatib, Daniel Morin and Onajefe Nelson-Twakor, Ochsner Hospital/Clinic, 1514 Jefferson Highway, New Orleans.

[28.] Licensure and Certification; Physicians & Surgeons; Foreign Medical Graduates. On motion of Dr. LeBlanc, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote made the following decisions:

- a. Anwar, Asif Hussain, M.D. – To defer action on the application of Asif Hussain Anwar, M.D., for a waiver of the licensure requirements in accordance with §315 of the Board's rules until receipt of an appointment letter from the Dean of Tulane School of Medicine stating he is fluent in English.
- b. Anwar, Dominique Marie, M.D. – To deny the request of Dominique Maria Anwar, M.D. for a waiver of the licensure requirements inasmuch as she did not possess an appointment letter from the Dean of Tulane School of Medicine in accordance with §315 of the Board's rules.
- c. Polanco, Pedro, M.D. – To inform Pedro Polanco, M.D., that he is ineligible for licensure in Louisiana because he had not taken and passed a licensing examination.
- d. Schwarm, Ted Le, M.D. – To grant the request of Ted Le Schwarm, M.D., for a waiver of an examination attempt on the USMLE licensing examination due to the nature of the extenuating circumstances surrounding his last attempt making him eligible for licensure.
- e. Non-Routine applicants - To approve the following for licensure provided all requirements had been met:

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Gregory, Chesley Lelwynn
Jalandhara, Mishant Bachubhai

McCauley, Shelagh Elisabeth

[29.] Licensure and Certification; Physicians & Surgeons; U.S./Canadian Medical Graduates.

On motion of Dr. Bourgeois, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote made the following decisions:

- a. Hoeldtke, Robert D., M.D. – To defer action on the application of Robert D. Hoeldtke, M.D., pending receipt of additional information.
- b. Husain, Asima, M.D. – To grant the request of Asima Husain, M.D. to receive a training permit to complete her residency training advising her that she must be presented to the Board for further review to be granted full licensure in Louisiana.
- c. Mitchell, George, D.O. – To inform George Mitchell, D.O. that he would be ineligible for licensure in Louisiana inasmuch as he did not meet the examination requirements.
- d. Rossini, Juan Pablo, M.D. – To defer action on the application of Juan Pablo Rossini, M.D. pending receipt of additional information.
- e. Non-Routine - To approve the following for licensure provided all requirements had been met:

Laufer, Frederick J.
Meade, Peter C.
Palmintier, Jon S.

Sandhu, Sukhwinder J.S.
Weber, Lawrence W.

[30.] Licensure and Certification; Intern/Examination Registration. On motion of Dr. Bourgeois, the Board convened in executive session to consider the applications for intern/examination registration as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for intern registration provided all requirements had been met:

Gaudet, Matthew A.

[31.] Licensure and Certification; Other Licensure Matters; Relicensure/Reinstatement. On motion of Dr. Gage-White, the Board convened in executive session to consider the application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed

in open session, and upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following for reinstatement/relicensure provided all requirements had been met:

Physicians and Surgeons – To approve the following for relicensure/reinstatement provided all requirements had been met:

Rupp, Sara

[32.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report. On motion of Dr. Dawson, the Board convened in executive session to review the report of Cecilia Ann Mouton, M.D., Investigating Officer, on the applicants for licensure with fingerprint discrepancies as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, made the following decisions:

a. Approved. To approve the following for licensure provided all requirements had been met:

Physicians and Surgeons

Attaway, Lindsay Powell
Bowlin, Timothy C.
Brennan, William A.

Carlson, Stephen Michael
O'Brien, Sean T.
Schnitzer, Maria F.

Respiratory Therapists

Brown, Kristy D.

Solace, Regina G.

Athletic Trainer

Barr, Thomas Boyd

Physician Assistants

Langlinais, Adam-Paul

Polysomnographer

Kubiak, Raymond L., Jr.

Clinical Laboratory Personnel

Davis, Shandra D.
Parker, Evelyn Hedley

Perkins, Toni Tennille
Turner, Monica Marie

d. Deferred - To defer action on the application of the following pending a personal appearance before Dr. Gage-White:

Provenzano, Bryan B.

[33.] Licensure and Certification; Podiatrist. On motion of Dr. Bourgeois, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Grizzaffi, Jeffery

[34.] Licensure and Certification; Acupuncture Assistant. On motion of Dr. Dawson, the Board convened in executive session to consider the application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Acupuncture Assistant

Huval, Anne Margaret

[35.] Licensure and Certification; Collaborative Drug Therapy Management. On motion of Dr. LeBlanc, the Board convened in executive session to consider the application for collaborative drug therapy management as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following provided all requirements had been met:

Borgman, Theodore J.

[36.] Licensure and Certification; Perfusionist. On motion of Dr. Bourgeois, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Harmon, Michael Ryan

37. Licensure and Certification; Dispensing Registration. The Board reviewed the application submitted and upon motion made, duly seconded and carried by unanimous voice vote approved the following for an addition of a dispensing location:

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Gayle, Christopher A., M.D. – Add: 1205 Royal Avenue, Monroe.

- 38. Licensure and Certification; Other Licensure Matters; Board Orientation.** The Board reviewed the evaluations submitted by attendees at the Board Orientation Program held in New Orleans, November 7, 2008. No further action was required or taken on this matter.
- 39. Licensure and Certification; Other Licensure Matters; Licensees for Suspension.** The Board reviewed the list of licensees, who had failed to renew their licenses by October 31, 2008. No further action was required or taken on this matter.
- 40. Next Meeting of Board.** The President reminded members that the next meeting of the Board was scheduled for January 12, 13, 2009.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 11:00 a.m., on Tuesday, December 16, 2008.

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on December 15, 16, 2008 as approved by the Board on the 12th day of January 2009.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 12th day of January 2009.

Kim Edward LeBlanc, M.D., Ph.D.
Secretary-Treasurer

Attest:

Linda Gage-White, M.D., Ph.D.
President

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