

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 14, 2009
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 14, 2009, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members were present as follows:

Linda Gage-White, M.D., Ph.D., President
Mark Henry Dawson, M.D., Vice-President
Kim Edward LeBlanc, M.D., Ph.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
Melvin G. Bourgeois, M.D.
Robert Earl Dawson, M.D.

Board Member absent as follows:

Cynthia Gail Montgomery, 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
Thania Elliott, RN, Investigator
Grace Hammons, Program Compliance Officer Manager
Leslie Rye, Program Compliance Officer III
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

1. **Physician Assistant Advisory Committee; Personal Appearance; Peter C. Stevens, PAC, Chairman.** Peter C. Stevens, PA, Chair, Physician Assistant Advisory Committee appeared before the Board to discuss various issues regarding the scope of practice for physician assistants and interpretation of the law and rules of the Board on the issuance of temporary permits following an examination failure. Following review and discussion, it was the consensus of the Board to defer action on a scope of practice issues until the next meeting of the Board and to advise the Committee that the issuance of a temporary permit following the failure of the NCCPA examination for licensure was set forth in the law as had previously been communicated in writing by the Board. It was also the consensus of the Board to remind the Committee of its function with respect to the Board.
2. **Minutes of October 19, 20, 2009 Meeting.** The Board reviewed the minutes of its meeting of October 19, 20, 2009. 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.
3. **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.
4. **Rules and Regulations.**
 - a. **Final Rules/Amendments: - Clinical Laboratory Personnel** - Following a review of its balance sheet, financial information and budgetary needs, the Clinical Laboratory Personnel Advisory Committee voted to recommend that the Board accept staff's recommendation for a license/annual renewal fee increase of Fifteen Dollars (\$15.00) for all CLP licensees. These rules became final upon promulgation in the *Louisiana Register*.
 - b. **Rules/Amendments – Noticed for Intent** – None published since the last meeting of the Board.
 - 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. A revised draft was received from the Committee in August 2009. As soon as a final draft has been prepared, it will be presented to the Board for review and discussion. **Perfusionist** - The Perfusion Advisory Committee prepared an initial draft of rules for this newly regulated category of allied health care professionals. Following review, a revised draft was written and received by the Board. 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** – The Clinical Laboratory Advisory recommended that the Board undertake the following additional rule-making efforts: (i) to adopt staff=s recommendations to include a number of 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 and received clarification on item (iii) from the Committee, which is being reviewed by the liaison Board member. **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. **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. **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 considered by the Board at its August 2008 meeting. Following review and discussion, the Board approved the draft and voted to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. Prior to publication, the Board granted the request of the Physician Assistant Advisory Committee and the Louisiana Association of Physician Assistants to discuss the proposed rules at its December 15, 2008 meeting. Following discussion among these parties and the Board at that time, the Board decided to withhold publication of the *Notice of Intent* and study the proposed draft further. **Midwifery** – At the Board request, an amendment to its rules to address certification of midwifery training by a national accrediting entity is being prepared by staff/counsel. **Medical Psychologists** – The Board decided to undertake a rule making effort to implement and effectuate the provisions of Act 251 of the 2009 session of the Louisiana Legislature which, among other matters, transfers medical psychologists from the Louisiana State Board of Examiners of Psychologists to the Board. Draft rules will be submitted to the Board for its consideration and discussion in due course. **Physicians and Surgeons – Technical, Administrative Amendments** - The Board directed staff/counsel to work on a number of technical and administrative amendments to its rules and reviewed the technical administrative amendments to the following: All Licensees – Provisional Temporary Permit Pending Results of Criminal History Record Information, Physicians – Board Certification, Continuing Medical Education, Physicians – Clinical Trails, and Physicians – Chapter 831 Following review and discussion, it was the consensus of the Board to move forward with all administrative amendments with the exception of Physicians – Board Certification and Continuing Medical Education. **Private Radiologic Technologists** - The Board reviewed the draft proposed amendments relative to Private Radiologist Technologists which moved the fee schedule from Chapter 81 to Chapter 1 and revised the training requirements needed for certification. Following review and discussion, it was the consensus of the Board to move forward with the administrative amendment relative to Private Radiologic Technologists.

[5.] 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.

[6.] 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(4).

[7.] Investigative Reports. On the motion of Dr. Amusa the Board convened in executive session, to consider the investigative reports as a matters relating to character and professional conduct of a licensee and allegations of misconduct, 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. Administrative Complaints. The following administrative complaints were approved for filing and for scheduling of a formal hearing:

Docket No., 08-I-124
Docket No., 07-I-526
Docket No., 09-I-703

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

Randall Wayne Jennings, M.D., Docket No., 09-I-429
Horace Lee Mitchell, M.D., Docket No., 09-I-602
Stephen Kuplesky, M.D., Docket No., 09-I-742
Stacey March Johnson, M.D., Docket No., 09-I-594
Dennis W. Pope, Jr., RRT, Docket No., 08-I-387
Sharon Ann Michel, OT, Docket No., 09-I-722
Mark Allan Carbo, PA, Docket No., 09-I-458
Lynn Edward Foret, M.D., Docket No., 09-I-239
Theresa Holmes, CRT, Docket No., 08-I-128
Robert Lyle Cleveland, M.D., Docket No., 09-I-256
David Kristopher Caletri, M.D., Docket No., 09-I-489
Gregg Spauldng Hunter, M.D., Docket No., 08-I-852

c. Discontinued: The following matter was discontinued with a Letter of Concern:

Docket No., 09-I-007

d. Closed: The following matters were closed:

Docket No., 09-I-680
Docket No., 09-I-676

- e. Information Only: The following matters were presented for information only:

Docket No., 09-I-182

Docket No., 09-I-821

- f. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report. No further action was required or taken on this matter.

- g. Summary Suspension: The following Order for Summary Suspension of Medical License was approved:

Andy Van Tran, M.D., Docket No., 09-I-908

[8.] Professional Liability Report. On the motion of Dr. Bourgeois, the Board convened in executive session to consider the report of Dr. Eisenhauer, 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.

[9.] General Disciplinary Matters. Continuing in executive session, the Board considered 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 and allegations of misconduct, pursuant to La. Rev. Stat. §42:6.1A(1) and (4). Following review and discussion, the Board resumed in open session and upon motion made and passed by unanimous voice vote, took the following actions:

- 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 the dispensing physicians' site visits submitted for this month.
- d. Phillips, Gregory Scott, M.D. – To deny the request of Gregory Scott Phillips, M.D. for reinstatement of his ability to prescribe Schedule II and III controlled substances.
- e. Crear-Perry, Joia, M.D. – To deny the request of Kevin U. Stephens, Sr., M.D., JD, for relief of Joia Crear-Perry's suspension in order for Dr. Crear-Perry to serve a Chief of Clinical Services for the City of New Orleans Health Department.
- f. Affiliated Monitors – To note the report of the Investigating Officer of the use of Affiliated Monitors, Inc., to handle the monitoring of physicians as needed.

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[10.] Physicians Health Committee. On the motion of Dr. LeBlanc the Board convened in executive session to receive the report of Julie Alleman, M.Ed., LPC, LMFT, LAC, Administrative Director, Physicians Health Foundation, accompanied by Drs. Brian Thibodaux, Robert Jackson, Victor Jackson, on participants in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). No further action was required or taken on this matter.

[11.] General Disciplinary Matters; Personal Appearance; Mark Anthony Portacci, M.D. On the motion of Dr. Amusa, the Board convened in executive session, for the personal appearance of Mark Anthony Portacci, M.D., concerning a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Mark Anthony Portacci, M.D., appeared before the Board in connection with the request for reinstatement of his license to a full, unrestricted status. Following his appearance, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the reinstatement of the license of Mark Anthony Portacci, M.D., to full, unrestricted status, off probation.

[12.] Investigative Report; Personal Appearance; David Kristopher Caletri, M.D., On the motion of Dr. Mark Dawson, the Board convened in executive session, for the personal appearance of David Kristopher Caletri, M.D., concerning a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). David Kristopher Caletri, M.D., appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

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

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

[15.] Investigative Report; Personal Appearance; Mark Allan Carbo, PA, Continuing in executive session, Mark Allan Carbo, PA, appeared before the Board, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4), in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[16.] Investigative Report; Personal Appearance; Lynn Edward Foret, M.D., Continuing in executive session, Lynn Edward Foret, M.D., appeared before the Board as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§

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42:6.1A(1) and (4), in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

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

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

[19.] General Disciplinary Matters; Personal Appearance; Geoffrey Jerrome Glover, M.D. On the motion of Dr. Bourgeois, the Board convened in executive session, for the personal appearance of Geoffrey Jerrome Glover, M.D., concerning a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Geoffrey Jerrome Glover, M.D., accompanied by his attorney (brother) and wife, appeared before the Board in connection with his request for reinstatement of his suspended license. Following his appearance, the Board resumed in open session, and upon motion made and unanimously carried, denied his request for reinstatement of his suspended license.

[20.] Personal Appearances/Docket Calendar; Formal Hearing; Joia Crear-Perry, M.D. On the motion of Dr. Mark Dawson, the Board convened in executive session for review and discussion of the formal hearing in the matter of Joia Crear-Perry, M.D., as a matter relating to allegations of misconduct in an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act, La. Rev. Stat. § 42:6.1 A(4) and (10) and La.Rev. Stat. 49:951, *et. Seq.* Following the discussion, the Board resumed in open session and upon motion made, duly seconded, and passed by unanimous voice vote, rendered a decision in the matter of Joia Crear-Perry, M.D., and instructed Judge Ellis to prepare a written opinion and order to reflect the ruling.¹

[21.] Personal Appearances/Docket Calendar; Formal Hearing; Charles Callan Mary III, M.D. On the motion of Dr. Robert Dawson, the Board convened in executive session for review and discussion of the formal hearing in the matter of Charles Callan Mary III, M.D., as a matter relating to allegations of misconduct in an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act, La. Rev. Stat. § 42:6.1 A(4) and (10) and La.Rev. Stat. 49:951, *et. Seq.* Following the discussion, the Board resumed in open session and upon motion made, duly seconded, and passed by unanimous voice vote, rendered a decision in the matter of Charles Callan Mary III, M.D., and instructed Judge Ellis to prepare a written opinion and order to reflect the ruling.

22. General Administrative Matters; Financial Reports.

¹ Drs. Robert Dawson and Kim Edward LeBlanc abstained from participation in this opinion and order.

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a. Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending September 30, 2009 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of September 30, 2009. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending September 30, 2009, and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of September 30, 2009.

b. 2010 Board Budget. The Board reviewed the proposed budget for 2010 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. 2010 Clinical Laboratory Budget. The Board reviewed the proposed budget for 2010 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.

23. Community and Information; Louisiana State Radiologic Technology Board of Examiners. The Board noted receipt of correspondence from the Louisiana State Radiologic Technology Board of Examiners regarding the establishment of an advisory committee to build a consensus on issues relating to the practice of radiologist assistants and inviting the Board to participate. Following review and discussion, it was the consensus of the Board that most of what was proposed constituted the practice of medicine and that the Louisiana State Radiologic Technology Board of Examiners should be informed of its great opposition to most of what was proposed.

24. Community and Information; Shared Medical Regulation; JAMA. The Board reviewed an article entitled ‘Shared Medical Regulation in a Time of Increasing Calls for Accountability and Transparency’ publishing in the November 2009 issue of JAMA. No further action was no longer required or taken on this matter.

25. Community and Information; State Alliance e-Health License Portability Summit Summary Document. The Board reviewed a summary document on State Alliance e-Health License Portability relative to streamlining the licensure process for recognition across state lines.

26. Community and Information; Federation of State Medical Boards; Board Attorney Workshop. The Board noted receipt of communication from the Federation of State Medical Board

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thanking Philip O. Bergeron, Esq., for his participation in the Board Attorney Workshop. The Board expressed its appreciation for his leadership and attendance on behalf of the Board.

27. Rulings and Advisory Opinions; Attorney Ownership Interest in Imaging Centers The Board reviewed correspondence received from Herbert W. Marks, M.D., F.A.C.S., Physician/Chairman Medical/Legal Interprofessional Committee, a Standing Committee of the Louisiana State Medical Society and the Louisiana Bar Association, requesting an advisory opinion on the propriety of physicians permitting attorneys to purchase a financial interest in imaging centers. Following review and discussion, it was the consensus of the Board to inform Dr. Marks that the Board would need more information to render an opinion as the extent the laws and rules administered by the Board are implicated by the type of arrangement described and advise that Louisiana Anti-kickback law prohibits payments by or to a physician as a financial incentive for the referral of patients and its federal counterpart makes it a criminal offense to knowingly and willfully offer, pay, solicit or receive any remuneration to induce or reward referrals reimbursable by a federal health care program.

28. Rulings and Advisory Opinions; Dispensation Registration; Ability to Delegate. The Board reviewed correspondence received from J. Barrett Benton, Esq., Benton, Benton & Associates seeking clarification of the Board's ruling that in accordance with Attorney General's Office Opinions ("AG Opinions) AG No. 88-165 and 91-135 dispensing physicians are unable to delegate any dispensing functions to a nurse or any other employee citing changes in the Louisiana Pharmacy Practice Act. Following review and discussion, it was the consensus of the Board that the Medical Practice Act does not include a provision authorizing the use of assistants and the Board's earlier position remained in force absent a change in the law.

29. Ruling and Advisory Opinions; Administration of Flu Vaccines to School-Aged Children. The Board reviewed correspondence received from Diana Merendino, MHS, RRT-NPS, RPFT, Assistant Professor, Cardiopulmonary Science, LSU Health Sciences Center, School of Allied Health Professions, seeking a ruling from the Board on the ability of respiratory therapists to administer influenza vaccinations. Following review and discussion, it was the consensus of the Board to inform Ms. Merendino that under the current law and rules of the Board, respiratory therapists are not authorized to administer influenza vaccinations.

30. Ruling and Advisory Opinions; Supervision of Lithotripsy Technician. The Board reviewed correspondence received from Angela Green, Medical Staff Coordinator, Byrd Regional Hospital, Leesville, regarding the supervision of a lithotripsy technician specifically whether the physician supervisor is required to be present in the room while the technician performs his/her duties. Following review and discussion, it was the consensus of the Board to inform Ms. Green that inasmuch as lithotripsy technicians are not licensed under any category in the state of Louisiana, they are considered unlicensed personnel and can only function under the direct and immediate on-site, i.e., physically present, supervision of a physician.

31. Rulings and Advisory Opinions; USP 797; Ability of a Physician to Compound Medications; Follow-Up. The Board reviewed follow-up information relative USP 797 regulations on the ability of physicians to compound medications in their offices. Following review and discussion, it

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was the consensus of the Board to inform physicians that they would be required to follow USP 797 regulations and that the Board would undertake a rule making effort that would require compliance.

32. General Administrative Matters; President Report. The Board received the report of the President on her activities since the last meeting of the Board. Dr. Gage-White allowed Dr. LeBlanc to give a report on the meeting of the Board of Directors, Federation of State Medical Boards ("FSMB"), held in November. Dr. LeBlanc reported the FSMB would be opening an office in Washington, DC in January and everyone was invited to the grand opening to be held January 25, 2010 at 6:00 p.m.

33. 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 on the renovation project stating an appeal had been made to the New Orleans Historic District Landmarks Commission relative to the addition of the fifth floor. He also presented an updated drawing of each floor's renovation and the authorization from the Office of Facility Planning and Control for the Board to lease space at 1515 Poydras, 27th Floor, during the renovation. He concluded his report with a copy of the Memorandum of Understanding between the Board and the Louisiana State Board of Examiners of Psychologists regarding the transfer of the licensure of medical psychologists to the Board.

34. General Administrative Matters; Clinical Laboratory Personnel Committee. The Board noted the nomination of James A. Taylor, M.D., submitted by the Louisiana State Medical Society and Gerald Luizza, M.D., submitted by the Louisiana Pathology Society, to the Clinical Laboratory Personnel Committee. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the appointment of Drs. James A. Taylor and Gerald Luizza to the Committee.

35. General Administrative Matters; Athletic Trainers Advisory Committee. The Board noted the nomination of B.J. Duplantis, ATC, submitted by John Porche, Chair, Athletic Trainers Advisory Committee to replace Donnie Krone, who is no longer a practicing athletic trainer. Following review and discussion, upon motion made and unanimously carried, the Board approved the appointment of B.J. Duplantis, ATC, to the Athletic Trainers Advisory Committee.

36. Rulings and Advisory Opinions; Ability of Respiratory Therapists to Perform Polysomnography/Sleep Disorder Services. The Board noted receipt of correspondence from the Respiratory Therapy Advisory Committee relative to interpretation of the Board's rules on the ability of respiratory therapists to perform polysomnography/sleep disorder services. It was the opinion of the Committee that it is within the scope of practice for respiratory therapists to perform polysomnography/sleep disorder services. Following review and discussion, it was the consensus of the Board to agree with the interpretation of the Board's rules.

[37.] Licensure and Certification; Clinical Laboratory Personnel. On the motion of Dr. Mark Dawson, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competency, or physical or mental health of an applicant pursuant to La.Rev.Stat. 42:6.1A(1). Following review and discussion, the Board resumed

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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:

Generalists

Merz, Julie A.
Norman, Eric Michael

Taylor, Crystal Viola
Woodruff, Sarah Elizabeth

Phlebotomist

Sampson, Brittany Clairice

[38.] Licensure and Certification; Occupational Therapy. On motion of Dr. Mark 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, approved the following for licensure provided all requirements had been met:

Occupational Therapist

West, Sharon Kay

[39.] 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, made the following decisions:

- a. Prescriptive Authority. To approve the applicants for prescriptive authority in accordance with promulgated of the rules effective January 20, 2005 provided all requirements had been met:
 - 1) Baye, Robert, PA – Supervising physicians: Drs. Leigh Henderson and Carl Goodman, LSU Health Sciences Center, PA Program, 1501 Kings Highway, Shreveport.
 - 2) Boffy, Nathalie, PA – Supervising physicians: Drs. Jonathan Allen, Michael Butler, Pamela Capik, Thomas Falterman, Gregory Fernandez, Brent Tatford, John Stephenson, Stephen C. Lim, Christine Butts and Adam Arcement, 1978 Industrial Boulevard, Houma.
 - 3) Catalanotto, Anthony Joseph, PA - Supervising physicians: Drs. William Clark, Michael St. Romain, Chris Tom Trevino and Brent Mazock, St. Elizabeth Hospital/Emergency Room, 1125 W. Highway 30, Gonzales.

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- 4) Chauvin, Bradley Paul, PA - Supervising physicians: Drs. Toby Marvin Tinsley, David Harper, Steven Ragusa, Brent Mazoch, Chris Trevino, William Clark and Michael St. Romain, 6300 Main Street, Zachary.
- 5) Culpepper, Charles Wayne, PA - Supervising physician: Dr. Wen Liu, 8001 Youree Drive, #880, Shreveport.
- 6) Daigle, Sherry Marie, PA - Supervising physicians: Drs. Robert McKinney II, Keith Holmes, Caroline Flint and Osei Prempeh, 16777 Medical Center Drive, Baton Rouge.
- 7) Deggans, Natalie Jenkins, PA - Supervising physicians: Drs. Rufus Hixon, III, Michael Brumund, Anuj Narang, Shaun Kemmerly, Firdous Laique, Erika Rabalais, Erin Hauck and Stephen Papizan, Pediatric Cardiology Associates, 7777 Hennessy Boulevard, Baton Rouge.
- 8) deGravelle, Dana Doshier, PA - Supervising physicians: Drs. Alan Conrad Schroeder and Joseph Broyles, Ochsner Clinic, 7301 Hennessy Boulevard, Suite 200, Baton Rouge.
- 9) Drummond, Claire Allain, PA – Supervising physician: Dr. Yaw Twun-Antwi, 723 E. Highway 30, Gonzales.
- 10) Fifer, Nicole Elaine, PA – Supervising physician: Dr. Christopher Voight, Ochsner Emergency Department, 1514 Jefferson Highway, New Orleans.
- 11) Grinstead, Robert Lee, Jr., PA – Supervising physicians: Drs. Cuong Bui, Olawale Sulaiman and Roger Smith, Ochsner Medical Center, Neurosurgery, 1514 Jefferson Highway, New Orleans.
- 12) Hebert, Michael Joseph, PA – Supervising physician: Dr. Michael Brown, Southern Emergency Consultants, 3330 Masonic Drive, Alexandria.
- 13) Leary, Cheri Devon, PA – Supervising physician: Dr. Francesco Turturro, LSU Health Sciences Center, 1501 Kings Highway, Shreveport.
- 14) Ledoux, Shea Marette, PA – Supervising physician: Dr. Gabriel Dersam, 4704 Ambassador Caffery Parkway, Lafayette..
- 15) Maguire, Stephanie Louise, PA – Supervising physicians: Dr. Herbert Maguire, Pretty Skin Again, 1657 E. 70th Street, Shreveport.
- 16) McAllister, Jeannie Shim, PA – Supervising physicians: Drs. Mark Cimino, Jared Schaan, John McLean, Jerel Raney, Kevin Huston and Kenneth Miller, 2MDG, Family Practice Clinic, 243 Curtiss Road, Suite 100, Barksdale Air Force Base.

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- 17) McCurdy, Benjamin Scott, PA – Supervising physician: Dr. Marcus Brown, Christus St. Francis Cabrini Hospital, 3330 Masonic Drive, Alexandria.
- 18) McIntosh, Julie Dowling, PA- Supervising physician: Dr. Christopher Dominique, 420 Gunby Avenue, Bastrop.
- 19) Melerine, Misty Santita, PA – Supervising physician: Dr. Barbara Bopp, Primary Care Specialists, LLC, 4225 Lapalco Boulevard, Marrero.
- 20) Porter, Kimberly Jean, PA – Supervising physicians: Drs. Richard Jacobson, John Soud, Walter Bounds, Arthur Brister, Jr., Thomas Caskey, James Cotter III, Mark Cimino, Jared Schaan, John McLean, Jerel Ramey, Kevin Huston, Kenneth Miller, John Netterville and Carmell Lenert, Barksdale Air Force Base, 243 Curtis Road, Suite 100, Barksdale Air Force Base.
- 21) Rhoades, Nicholas Anthony, PA – Supervising physicians: Drs. Neil Chaudhary, Christiane Eisele, William Elliott III, James Linford, David Henry Melton, and Kathleen Varnes, Baton Rouge General, 3600 Florida Boulevard, Baton Rouge.
- 22) Smith, Marla Kay, PA – Supervising physicians: Drs. Jerry Sessions and David Law, 2001 Doctors Drive, Springhill.
- 23) Troyer, Rachel Lynn, PA – Supervising physician: Dr. Paul Stafford, Ark-LA-Tex Cardiology, 1800 E, 70th Street, Shreveport.
- 24) Verdun, Shawna Nikia, PA – Supervising physician: Dr. Keith Thomas Schwager, 46 Sgt. Prentiss Drive, Suite 101, Nathez, MS.
- 25) Wallace, Jamie Marie, PA – Supervising physician: Dr. James Wallace, Jr., Mid Louisiana Surgical Specialists, 3311 Prescott Road, Suite 201, Alexandria.
- 26) Williams Amanda Leigh, PA – Supervising physicians: Drs. Rufus Hixon, III, Michael Crapanzano, Anuj Steve Narang, Shaun Kemmerly, and Erin Hauck, Pediatric Hospital of Louisiana, LLC, 7777 Hennessy Boulevard, Suite 103, Baton Rouge.
- 27) Williams, Janice Patricia, PA – Supervising physician: Dr. John Tucker III, Thomas Community Health Center, 51704 Highway 438, Franklinton.

[40.] Licensure and Certification; Respiratory Therapy. On motion of Dr. Robert 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, approved the following provided all requirements had been met:

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Carroll, Jeremiah Matthew
Dartez, Christina Deanne
Posey, Ruby Denise

Robichaux, Candace Grace
Taylor, Francis Stanley, Jr.

[41.] Licensure and Certification; Polysomnography. 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:

Polysomnography Technologist

Guire, Rebecca Lynn.

[42.] 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. Attia, Hosam, M.D. – To deny the request for a waiver of an examination attempt by Hosam Attia, M.D., inasmuch as there were no extenuating circumstances surrounding his failed examination attempt.
- b. Ezell, Larry Don, M.D. – To grant the request of Larry Don Ezell, M.D., for a waiver of the ECFMG certificate inasmuch as he was currently certified by the American Board of Family Practice; English is his native language; and he has practiced medicine in the state of Arkansas since 1986.
- c. Non-Routine applicants - To approve the following for licensure provided all requirements had been met:

Braun, Derek Adam
Gawronski, Dariusz Waldemar
See, Sein Yin

Saddeek, Rafik Wassef
Tiwari, Sumit

[43.] 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. Hardin, Carl Wayne, M.D. – To accept the Maintenance of Certification examination

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for Carl Wayne Hardin, M.D., thereby making him eligible for licensure provided all other requirements are met.

b. Rochon, Paul J., M.D. – To deny the request for a waiver of an examination attempt by Paul J. Rochon, M.D., who cited stress from Hurricane Katrina as causing his examination failure.

c. Non-Routine - To approve the following for licensure provided all requirements had been met:

Bova, James Gregory
Gjeltema, Kenneth John
Jones, Jim Aubrey
Rhoden, Chad Allen

Schonbrun, Paul Joseph
Synek, Thomas Robert
Toaston, Tanisha Anjuelle, DO

[44.] Licensure and Certification; Other Licensure Matters; Relicensure/Reinstatement. On motion of Dr. Amusa, 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 relicensure/reinstatement of the following provided all requirements had been met:

Physicians and Surgeons

Murphy, James Jerome

Ramzy, Peter Ibrahim

[45.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report. On motion of Dr. Mark 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:

Respiratory Therapists

Crumbley, Jo Ann Louise

Clinical Laboratory Personnel

Brister, Liliana Ixtoh
Sims, Brenda Morace

Prater, Tiffany Olivia

Physicians and Surgeons

Hunter, Robert Earle III

Polysomnographer

Archer, Sherry M.

b. Deferred – To defer action on the application of the following pending receipt of additional information:

Polysomnographer

Jurgelsky, Terri Lynn

[46.] Licensure and Certification; Intern/Examination Registration. On motion of Dr. Amusa, 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:

U.S. Graduates Training Permits

Austin, Courtney Anne
Gordon, Kimberly Anne

Obey, Toria Hall

[47.] Licensure and Certification; Dispensing Registration. On the motion of Dr. Mark Dawson, the Board convened in executive session to consider the non-routine application of the following for dispensation 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 dispensation registration provided all requirements had been met:

Delahoussaye, Arthur Joseph IV, M.D. – 249 Corporate Drive, Houma.

48. Licensure and Certification; Other Licensure Matters; Respiratory Therapists; Re-Training. The Board reviewed a request from staff for clarification on whether respiratory therapists who graduate from a non-traditional training program and failed the certification examination for licensure four or more times and then re-train in a traditional training program would they be allowed to re-take the certification examination an additional four times. Following review and discussion, it was the consensus of the Board to advise staff that they would be allowed an additional four attempts upon graduation from a traditional training program to pass the certification examination.

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49. Licensure and Certification; Other Licensure Matters; Board Orientation. The Board reviewed the evaluations submitted on the Board Orientation Program held November 5, 2009 in New Orleans. No further action was taken or required on this matter.

50. Licensure and Certification; Other Licensure Matters; Licensees for Suspension. The Board reviewed the list of licensees, who had failed to renew their licenses by September 30, 2009. No further action was required or taken on this matter.

51. Next Meeting of Board. The President reminded members that the next meeting of the Board was scheduled for January 11, 12, 2010.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 6:00 p.m., on Monday, December 14, 2009.

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 14, 2009 as approved by the Board on the 11th day of January 2010.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 11th day of January 2010.

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

Attest:

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