

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**

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**JULY 20, 21, 2009  
NEW ORLEANS, LOUISIANA**

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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, July 20, 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  
Kweli J. Amusa, M.D.  
Melvin G. Bourgeois, M.D.  
Robert Earl Dawson, M.D.  
Cynthia Gail Montgomery, M.D.

Board Members absent as follows:

Mark Henry Dawson, M.D., Vice-President  
Kim Edward LeBlanc, M.D., Ph.D., Secretary-Treasurer

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  
Christine Holder, Program Compliance III  
Merian Gasper, 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

***First Session  
July 20, 2009***

1. **General Administrative Matters; Financial Report ; 2009 Audit.** Robert W. Hienz, CPA, Hienz & Macaluso, LLC, Certified Public Accountants, presented the 2009 Audit of the Board's financial statements for the year ending December 31, 2008. Mr. Hienz also presented information on accounting requirements relative to OPEB and its affect on the Board's finances. Following his presentation, upon motion made, duly seconded and passed by unanimous voice vote, the Board voted to challenge the accounting requirements relative to OPEB.
2. **Minutes of June 15, 16, 2009.** The Board reviewed the minutes of its meeting of June 15, 16, 2009. Motion was made by Dr. Robert Dawson 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: - Physicians and Surgeons – Waiver of Qualifications.** Pursuant to its current rules the Board may waive certain qualifications for licensure with respect to a physician who is appointed by an approved medical school or college in this state to a tenured track position as full professor or associate professor or to a clinical full professor or clinical associate professor on a full-time clinical track (46XLV.315, 327). Following review and discussion during its February 2009 meeting, the Board elected to provide notice of its intent to expand its rules to include an applicant who is offered a rank of assistant professor or above and to make clear that the practice of any individual issued a license on such basis is limited to the medical school or college for which such person has been approved by the Board, and to hospitals and clinics affiliated with the medical school or college. *Notice of Intent* of the proposed amendments appeared in the March 2009 edition of the Register. As neither a public hearing nor written comments were received, the proposed rule amendments were discussed by the Board at its April 2009 meeting. Following consideration, the Board elected to adopt the rules by and upon publication in the *Louisiana Register*. Said rules became final upon promulgation in the June edition of the *Louisiana Register*.
  - b. **Rules/Amendments – Noticed for Intent - Athletic Trainers** - The prior rule-making effort commenced by the Board in 2008 had expired by operation of law. A revised draft eliminating correlation between "license" and "certification" was presented for the Board's review at its meeting of April 2009. Following review, the Board voted to provide *Notice of*

Intent to adopt the rules. Said notice appeared in the June edition of the *Louisiana Register*.

**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. Following discussion, the Board decided to adopt the recommendation and provide *Notice of Intent* to adopt the rules in the Louisiana Register. Such notice will appear in the July edition of the Register.

**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 for the Board's 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 rule, the Board elected to preview the draft to the State Board of Psychology Examiners, which licenses medical psychologists. A communication was sent to the Board of Psychology Examiners and its response was reviewed by the Board during its October 2008 meeting. Following discussion, the Board approved certain modifications and decided to provide *Notice of Intent* to adopt the rules in the Register. A copy of the proposed rules was noticed in the December 2008 edition of the Register. Following the timely receipt of written comments, along with a timely request, a public hearing was held by the Board on January 26, 2009. A copy of the proposed rules and a summary of the comments received were considered by the Board during its February 2009 meeting and the transcript of the public hearing and the written comments were made available for the Board's review and discussion. Following due consideration the Board directed that certain modifications be made and that the proposed rules be returned to the agenda. After further discussion during its March meeting, the Board directed that proposed substantive amendments and a public hearing be noticed in the Louisiana Register. Such notice appeared in the April 2009 edition of the Register. As noticed, a public hearing was convened by the Board on June 15, 2009, at 4 o'clock p.m. to receive comments on the proposed changes to the rules. There were no attendees at the public hearing nor were any written comments received concerning the proposed changes published in the April 2009 Register. Upon motion, duly seconded and passed by unanimous voice vote, the Board voted to adopt the rules upon promulgation in the Louisiana Register.

**Physicians and Surgeons – Telemedicine** - Due to the lack of sufficient numbers of psychiatrists and facilities available to provide mental health services to the citizens of this state, combined with advancements in technology in recent years, the Board considered the issuance of permits that would allow board certified psychiatrists and/or addictionologists to conduct examinations by telemedicine (in lieu of in person) for the treatment of mental health and addictive disorders in facilities approved by the Department of Health and Hospitals (DHH) for these purposes. A draft of the proposed rules was presented to the Board at its April 2008 meeting. A revised draft was considered by the Board at its July 2008 meeting. Following review and discussion the Board elected to approve the draft with suggested modifications. By virtue of the modifications, a revised draft was provided for discussion during the Board's October 2008 meeting. In the interim, legislation was adopted by the Louisiana legislature relative to telemedicine (Acts, 850 (2008)) that required additional consideration. Revised drafts were returned to the agenda for Board discussion at its December 2008 and March 2009 meetings. Following discussion the

Board decided to provide *Notice of Intent* to adopt the rules in the Louisiana Register. Such notice appeared in the May 2009 edition of the Register. Neither a request for a public hearing nor written comments were received by 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 made in 2007 and provided its recommendations for review. 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 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 - 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 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, but otherwise approved the draft amendments incorporating the Committee's recommendations. At its March 2008 meeting, the Committee approved the recommendation concerning U.S. military trained CLS-G or CLS-T applicants. The Committee also considered other modifications to the draft. A final draft of the rules that included the military exception and other modifications was considered by the Board at its December 15, 2008 meeting. Following review and discussion, the Board decided to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. *Notice of Intent* of the increase in the fee for Clinical Laboratory Personnel will appear in the July edition of the *Louisiana Register*. The remainder of the rule making effort will follow in a rule making effort. 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 presented to the Board for initial review and discussion at its October 2008 meeting. Suggested modifications will be incorporated into a subsequent draft and presented to the Board 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:** The Board directed staff to prepare an amendment to its rules to address certification of midwifery training by a national accrediting entity. At its April 2009 meeting the Board elected to ask its Midwife Advisory Committee to provide its suggestions for the proposed amendment in question. Members of the Advisory Committee have contacted the Board and expressed an interest to assist on this project.

**[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.] Investigative Report: Motion to Quash Subpoena Duces Tecum.** On the motion of Dr. Amusa, the Board convened in executive session to consider the Motion to Quash Subpoena Duces Tecum, as a matter relating to allegations of misconduct and the character and professional conduct of licensees La.Rev.Stat. § 42:6.1A(1)(4). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, the Board voted to quash the Subpoena Duces Tecum in question.

**[7.] Personal Appearances/Docket Calendar.** On the motion of Dr. Bourgeois, the Board convened in executive session, to review 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.

**[8.] 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. Administrative Complaints. The following administrative complaints were approved for filing and for scheduled of a formal hearing:

Docket No. 09-I-060  
Docket No. 08-I-052

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

Milton Moore Slocum, M.D., Docket No., 09-I-142  
Scott Mitchell Sondes, M.D., Docket No., 08-I-816  
Gordon Ellis White II, M.D., Docket No., 07-I-735  
James Scott Brown, M.D., Docket No., 08-I-280  
Fred M. Sullivan, Jr., M.D., Docket No., 09-I-112  
Douglas Wayne Cook, M.D., Docket No., 08-I-079  
Thomas Perry Oresman, PA, Docket No., 09-I-003  
Maria Migdalia Fontanez, M.D., Docket No., 09-I-150

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

Docket No. 04-I-12400

- d. Stipulation and Agreement for Voluntary Surrender of Medical License. The following Stipulation and Agreement for Voluntary Surrender of Medical License was accepted:

James Whitton Lowe, M.D., Docket No., 07-I-803

- e. Discontinued: The following matter was discontinued:

Docket No., 08-I-627

- f. Closed. The following matter was closed:

Docket No., 08-I-962

- g. Follow-Up Information: Follow-up information was presented on the following matters:

Docket No., 07-I-571

Docket No., 09-I-209

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

**[9.] Physicians Health Program.** On motion of Dr. Bourgeois, the Board convened in executive session to consider the report of Julie Alleman, M.Ed., LPC, LMFT, LAC, Administrative Director, on Physicians Health Program participants.

**[10.] Investigative Report; Personal Appearance; Scott Mitchell Sondes, M.D.** On the motion of Dr. Amusa, the Board convened in executive session, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Scott Mitchell Sondes, M.D., appeared before the Board in connection with the acceptance of his Consent Order.

**[11.] Investigative Report; Personal Appearance; Gordon Ellis White II, 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. § 42:6.1A(1) and (4), Gordon Ellis White II, M.D., appeared before the Board in connection with the acceptance of his Consent Order.

**[12.] Investigative Report; Personal Appearance; Fred M. Sullivan, Jr., 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. § 42:6.1A(1) and (4), Fred M. Sullivan, Jr., M.D., appeared before the Board in connection with the acceptance of his Consent Order.

**[13.] Investigative Report; Personal Appearance; Douglas Wayne Cook, 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. § 42:6.1A(1) and (4), Douglas Wayne Cook, M.D., appeared before the Board in connection with the acceptance of his Consent Order.

**[14.] Investigative Report; Personal Appearance; Thomas Perry Oresman, PA.** Continuing in executive session, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4), Thomas Perry Oresman, PA, accompanied by his attorney, Judith Giolando, Attorney, appeared before the Board in connection with the acceptance of his Consent Order.

**[15.] Investigative Report; Personal Appearance; Maria Migdalia Fontanez, 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. § 42:6.1A(1) and (4), Maria Migdalia Fontanez, M.D., appeared before the Board in connection with the acceptance of her Consent Order.

**[16.] General Disciplinary Matters; Personal Appearance; Mark Anthony Schneider, 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), Mark Anthony Schneider, M.D., accompanied by Nat Blaumer and Joann Blaumer, owners, LA Imaging, Inc., appeared before the Board in connection with his request for approval of his clinical practice setting. Following their dismissal, the Board resumed in open session and upon motion made, duly seconded and passed by unanimous voice vote, approved the request of Mark Anthony Schneider, M.D. to work at LA Imaging, Inc.

**[17.] General Disciplinary Matters; Personal Appearance; Barbara Ann Denais Smith, M.D.** On the motion of Dr. Bourgeois, the Board convened 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). Barbara Ann Denais Smith, M.D., appeared before the Board in connection with her request for reinstatement of her license to a full, unrestricted status off probation. Following her dismissal, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, the Board approved reinstatement of the license of Barbara Ann Denais Smith, M.D., off probation.

**[18.] General Disciplinary Matters; Personal Appearance; Nicholas Hugh Fruge, Jr., M.D.** On the motion of Dr. Montgomery, the Board convened 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). Nicholas Hugh Fruge, Jr., M.D., appeared in connection with his request for reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the

Board resumed in open session and upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the request of Nicholas Hugh Fruge, Jr., for reinstatement of his license to a full, unrestricted status, off probation.

**[19.] 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.

**[20.] General Disciplinary Matters.** On the motion of Dr. Robert Dawson, 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:

- 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. Parent, Mark Alan, M.D. – To deny the request of Mark Alan Parent, M.D., for reinstatement of his prescribing privileges.
- e. Daniels, Larry Clyde, M.D. – To approve the request of Larry Clyde Daniels, M.D., to serve as a supervising physician for an advanced practice registered nurse working at Fortch Wade Correction Center.
- f. Crear-Perry, Joia, M.D. - To approve the request of Joia Crear-Perry, M.D., for Jennifer L. Lapeyrolerie, M.D. to serve as her monitoring physician.
- g. Moody, Kasimu Senghor, M.D. – To deny the request of Kasimu Senghor Moody, M.D., for reinstatement of his prescribing of Schedule III controlled substances.
- h. Vajnar, David, M.D. – To deny the request of David Vajnar, M.D., for reinstatement of his prescribing privileges.

**21. Rulings and Advisory Opinions; Respiratory Therapy; Scope of Practice.** The Board noted receipt of a request for an advisory opinion on whether respiratory therapists are able to do nasal swabbing for use in the determination of the influenza virus. Following review and discussion, it was the consensus of the Board that under §3353(3)(l)(ii) of the Respiratory Therapy Act, respiratory therapists are able to do nasal swabbing for determination of the influenza virus.

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- 22. Rulings and Advisory Opinions; Obligation to Treat Patients Postoperative.** The Board reviewed correspondence received from Lori Cormier, LSU Health System, University Medical Center, Lafayette regarding the legality of physicians to treat patients postoperatively, and, if so, how long are they obligated to treat the patient. Following review and discussion, it was the consensus of the Board to have Dr. Marier draft a response for consideration at the next meeting of the Board.
- 23. Rulings and Advisory Opinions; Office Prescription Refill Fulfillment Program.** The Board reviewed correspondence received from Brian Ward, President, CEO, DocRxDispensing, regarding an Office Prescription Refill Fulfillment Program. Following review and discussion it was the consensus of the Board to have Dr. Marier draft a response for consideration at the meeting of the Board.
- 24. Rulings and Advisory Opinions; Aspen Clinic; Medication Inquiry.** The Board reviewed correspondence received from Steven J. Dupuis, Jr., President, Aspen Clinic, Inc., regarding the ability of the Aspen Clinic to utilize the services of a licensed pharmacist to ship the medications for their patients to the clinic. Following review and discussion, it was the consensus of the Board to have Dr. Marier draft a response for consideration at the next meeting of the Board.
- 25. Rulings and Advisory Opinions; Aspen Clinic; Use of Injectables.** The Board reviewed correspondence received from Steven J. Dupuis, Jr., President, Aspen Clinic, Inc., regarding the ability of the Aspen Clinic to use injectable B-12 and lipotropic substances. Following review and discussion it was the consensus of the Board to inform Mr. Dupuis that injectables are prohibited under §6905 of the Board's rules entitled "Medications Used in the Treatment of Obesity".
- 26. Rulings and Advisory Opinions; Use of Needle EMGs by Chiropractors.** The Board reviewed follow-up information relative to the use of needle EMGs by chiropractors. Following review it was the consensus of the Board to defer action on this matter until the next meeting of the Board.
- 27. Communications and Information; Louisiana Forensic Center.** The Board reviewed correspondence received from Roy Provost, D-ABMDI, President/CEO, Louisiana Forensic Center, L.L.C., requesting an appearance before the Board. Following review and discussion of the nature of his appearance, it was the consensus of the Board to inform Mr. Provost that the Board was not able to circumvent the licensure process.
- 28. Communications and Information; Louisiana Academy of Medical Psychologists,** The Board reviewed correspondence received from Warren C. Lowe, PhD., M.P., President, Louisiana Academy of Medical Psychologists, expressing their gratitude to Dr. Marier for his untiring effort in the passing of Act 251, Medical Psychologists Practice Act. Following review and discussion, it was the consensus of the Board to acknowledge receipt and thank Dr. Lowe and the members of the Louisiana Academy of Medical Psychologists for their gracious letter.
- 29. Communications and Information; Medical Psychologists Advisory Committee,** The Board reviewed correspondence received from Warren C. Lowe, PhD., M.P., President, Louisiana Academy of Medical Psychologists, submitting their nominations to the Medical Psychologists Advisory Committee. Following review and discussion, upon motion made, duly seconded and

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passed by unanimous voice vote, the Board approved the appointments of Glenn Ally, Ph.D., M.P., John Bolter, Ph.D., M.P., Warren C. Lowe, Ph.D., M.P., and James W. Quillin, Ph.D., M.P., to the Medical Psychologists Advisory Committee.

**30. General Administrative Matters; Financial Reports.**

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending May 31, 2009 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of May 31, 2009. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending May 31, 2009, and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of May 31, 2009.

**31. 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. He reported that Rozas Ward has been chosen as the Architect for the renovation project and that following their assessment, a 5<sup>th</sup> floor was able to be added to the building. He also reported on the Prescription Monitoring Program, and passage of Acts 397 and 251 in the 2009 session of the Louisiana legislature. He further reported that implementation of online renewals would begin August 1, 2009. He concluded the report stating that beginning in October everyone would be required to renew their licenses online.

**32. General Administrative Matters; Occupational Therapy Advisory Committee.** The Board reviewed the nomination of George "Capp" LaCour, OTR, CHT, by Lucinda Murray, OTD, LOTR, to the Occupation Therapy Advisory Committee. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the appointment of George "Capp" LaCour to the Occupational Therapy Advisory Committee following verification of the acceptability of his geographic location.

**33. General Administrative Matters; 2009 Legislation.** The Board reviewed a copy of House Resolution 76 regarding patient safety and choice of treatment regarding self referral for radiation therapy, Act 12 regarding Board's and Commission's websites providing certain information and Senate Concurrent Resolution No. 62 regarding the formation of a joint committee to study possible strategies, methods, and policies to prevent prescribing physicians and other health care practitioners from prescribing an alternative brand of medication because of financial incentives recognizing that follow-up action may be required.

**[34.] Licensure and Certification; Clinical Laboratory Personnel.** On the motion of Dr. Bourgeois, 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 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:

Laboratory Assistants

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Adger, Sylvia

Gipson, LaTressa Rena

Technician

Jones, Tikico Antonia

Generalist

Neel, Jared Brett

**[35.] 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) Acosta, Bryant Anthony, PA - Supervising physicians: Drs. Mark Shelton, Julio Igesias and Ricky Hendrix, Winn Parish Medical Center, 301 W. Boundary Street, Winnfield.
- 2) Bolton, Greg Howard, PA - Supervising physicians: Drs. Seth Womack and James Hebert, VA Medical Center, 2495 Shreveport Highway 71 North, Pineville.
- 3) Buller, Eric John, PA - Supervising physicians: Drs. Joseph Brierre, John Rainey, David Rinaldi, James Cole and Karen Roden, LA Oncology Associates, 501 West Mary #20, Lafayette.
- 4) Case, Mary Felicia, PA - Supervising physicians: Drs. Joseph Brierre, John Rainey, David Rinaldi, James Cole and Karen Roden, 501 West Mary, Suite 200, Lafayette.
- 5) Chauvin, Bradley Paul, PA - Supervising physicians: Drs. Michael Romaguera, Thomas Trahan and William Freeman, 6300 Main Street, Zachary.
- 6) Gates, Dwayne Allen, PA - Supervising physicians: Drs. Seth Womack and James Hebert, Louisiana Army National Guard, 805 F Street, Pineville.
- 7) Grant, Emilye Jessica, PA – Supervising physicians: Drs. Ghiath Mikdadi and Douglas Mendoza, Ochsner Health Center/Medical Center, 1000 Ochsner Boulevard, Covington.
- 8) Hebert, Michael Joseph, PA – Supervising physicians: Drs. Seth Womack and James Hebert, Southern Emergency Consultants, 3330 Masonic Drive,

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- 9) Jenkins, Martha Lee, PA – Supervising physician: Dr. Wilson Wang, Earl K. Long Medical Center, 5825 Airline Highway, Baton Rouge.
- 10) Lee, Raven Smith, PA – Supervising physicians: Drs. Joseph Ortenberg and Kurt Eeg, 200 Henry Clay Avenue, New Orleans.
- 11) McCurdy, Benjamin Scott, PA – Supervising physicians: Drs. Seth Womack and James Hebert, 714 Osiris, Alexandria.
- 12) Midyett, Susan C., PA – Supervising physician: Dr. John Kilpatrick, Nephrology Consultants, LLC, 745 Olive Street, Suite 200, Shreveport.
- 13) Moore, Marla Lofton, PA – Supervising physician: Dr. Edward Milligan, 708 Coachlight Road, Shreveport.
- 14) Nguyen, Lily Diep Ngoc, PA – Supervising physician: Dr. Robert Kilpatrick, Women's and Children Hospital, 4600 Ambassador Caffrey, Lafayette
- 15) Peluso, Jessica Rae, PA – Supervising physician: Dr. Clois Slaughter, 2530 Lucky Lee Parkway, Poplar Bluff, MO.
- 16) Rhoades, Nicholas Anthony, PA - Supervising physicians: Drs. Jennifer Crist, James Crowell, Marci Fabre, Beverly Gladney, Robert Gruner, Pamela Payment, Steven Ragusa, Eric Rowley, Keith Schwager and Joseph Thomas, Jr., 5010 Mancuso Lane, Apt. 210, Baton Rouge.
- 17) Richard, Leroy, PA – Supervising physician: Dr. Winston Riehl, 134 Crescent Lane, Sunset.
- 18) Ross, Terri Lynn, PA – Supervising physicians: Drs. William Collier, Jr., Christopher Ferguson, Lisa Baldrige, Si Nguyen, James Runnels, Jon Cuba, Todd Howell, Eric Teschke, Munir Akil Khalid-Abasi, Baton Rouge General Medical Center, 3600 Florida Boulevard, Baton Rouge.
- 19) Schavrien, Lisa Ann, PA – Supervising physician: Dr. Scott Soleau, The Neuromedical Center Clinic, 10600 Lakes Boulevard, #1802, Baton Rouge.
- 20) Sepulveda, David Henry, PA – Supervising physician: Dr. Scott Petrie, 1014 West St. Clare Boulevard, Suite 1020, Gonzales.
- 21) Shumaker, Shalane Yvonne, PA – Supervising physician: Dr. Terry Rehn, Louisiana Cardiology Associates, 7777 Hennessy Boulevard, Suite 1000, Baton Rouge.

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b. Non-Routine - To approve the following non-routine applications provided all requirements had been met:

Clary, Nikki Alexis  
Cramer, Carl Stephen

Harold, Trey Michael  
Sparks, Brian Wayne

**[36.] 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 for licensure provided all requirements had been met:

Licensed Respiratory Therapist

Taylor, Kelsey Kai

**[37.] Licensure and Certification; Podiatrists.** On motion of Dr. Bourgeois, 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:

Advance Practice – Conservative Treatment of the Ankle

Hake, Sue  
Le, Elizabeth

Mundine, Sandra

Advance Practice – Surgical Treatment of the Ankle

Groves, Mack

**[38.] Licensure and Certification; Polysomnographer.** On motion of Dr. Montgomery, 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:

Technologist

Green, Dallas Cody

**[39.] Licensure and Certification; Physicians & Surgeons; Foreign Medical Graduates.** On motion of Dr. Amusa, the Board convened in executive session to consider the non-routine

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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 implementing the policy to waive §311 A(5) of the Board's rules relative to passage of a licensing examination within the prior 10 years for those applicants who has, within the past three years, completed training in a residency program accredited by the ACGME and has, since that time been engaged in the practice of medicine or will be completing training and entering practice, or continuing in a fellowship program in the same specialty or subspecialty:

- a. Hildebrandt, Gerhard Carl, M.D. – To approve waiver of the licensure requirements for Gerhard Carl Hildebrandt, M.D., in accordance with § 315 of the Board's rules inasmuch as he had been appointed as Associate Professor of Medicine in the Hematology-Oncology Section at Louisiana State University Health Sciences Center.
- b. Approved – To approve the following non-routing applicants for licensure provided all requirements had been met:

Abdulhak, Munzer  
Anwar, Mohammad K.  
Aventura, Emily Tan  
Choudry, Bilal Ahmad  
Juan, Vemilyn Nocon  
Khan, Saba Waqar

Leon, Alejandro  
Nishat, Arifa  
Ravi, Ajay Kumar  
Sharma, Gyanendra K.  
Smith, Rita Ghosh

**[40.] 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. Vander, Helde, Richard S., M.D. – To approve waiver of the licensure requirements for Richard S. Vander Heide, M.D. in accordance with § 315 of the Board's rules inasmuch as he had been appointed as Professor at Louisiana State University Health Sciences Center in the Pathology Department.
- b. Sinegal, Dametria A., M.D. – To defer action on the application of Dametria A. Sinegal, M.D. pending receipt of additional information.
- c. Non-Routine - To approve the following for licensure provided all requirements had been met:

Alvarez, Mary Elizabeth  
Baker, Jaqwiana Samia  
Chao, Chun-Huai  
Gates, Donald Lyle

Lawson, Purdy McNary  
Overdyke, Jeffrey Tucker  
Romero, Neil Cameron

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Sanfiel, Francisco Jose

**[41.] Licensure and Certification; Other Licensure Matters; Relicensure/Reinstatement.** On motion of Dr. Montgomery, 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 made the following decision:

Cotter, John Kern, M.D.- To approve reinstatement of the license of John Kern Cotter, M.D., on a temporary permit pending receipt of verification of acceptance into a training program.

**[42.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report.** On motion of Dr. Robert 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, approved the following for licensure provided all requirements had been met:

Physicians and Surgeons

Durairaj, Vikram  
Hall, Eric Louis

Ochsner, Jessica C.(Disp)

Clinical Laboratory Personnel

Johnson, Michelle Leah  
Lee, Labricia Ann

Magri, Marissa Blair  
Risin, Breyon William

**[43.] 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

Admire, Beau Douglas  
Becker, Caren Beth  
Burns, Charla Nicole  
Bruno, Todd Stephen  
Chamberlain, Ryan Joseph.  
Durel, Jason Joseph

Fitzgerald, Jill Eileen  
Gowda, Abhishek Aileen  
Haase, Anthony Donald  
Kalsow, Sergei E.  
Tarleton, Andrew Anthony  
Zeringue, Amy Waguespack

Graduate Educational Temporary Permits

Aiello, Dana Christopher  
Del Toro Beauchamp, Fernando

Li, Yi Qun

**44. Licensure and Certification; Other Licensure Matters; Licensees for Suspension.** The Board reviewed the list of licensees, who had failed to renew their licenses by June 30, 2009. 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 6:00 p.m. to reconvene at the Board at 8:30 a.m., Tuesday, July 21, 2009.

***Second Session***  
***Tuesday, July 21, 2009***

The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:30 a.m., Tuesday, July 21, 2009, at the offices of the Board with everyone in attendance from the day before with the exception of Dr. Bourgeois.

**[45.] Personal Appearances/Docket Calendar; Formal Hearing; Vinicio E. Madrigal, M.D.** On the motion of Dr. Amusa, the Board convened in executive session for the purpose of a formal hearing in the matter of Vinicio E. Madrigal, M.D., 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 (10) and conduct an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act., La. Rev. Stat.49:951, *et Seq.*

**46. Next Meeting of Board.** The President reminded members that the next meeting of the Board was scheduled for August 17, 18, 2009.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 5:00 p.m., on Tuesday, July 21, 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 July 20, 21, 2009 as approved by the Board on the 17<sup>th</sup> day of August 2009.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 17<sup>th</sup> day of August 2009.

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Mark Henry Dawson, M.D.  
Secretary-Treasurer

Attest:

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Kweli J. Amusa, M.D.  
President