

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**SEPTEMBER 21, 23, 24, 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, September 21, 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 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

First Session
Monday, September 21, 2009

1. **Minutes of August 17, 18, 2009.** The Board reviewed the minutes of its meeting of August 17, 18, 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.
2. **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.
3. **Rules and Regulations.**
 - a. **Final Rules/Amendments: - 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 Board member 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 Board member 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. Following consideration at its meeting of July 20, 2009, the Board voted to adopt the rules upon promulgation in the Louisiana Register. The rules appeared as final in the August 2009 edition of 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 year, 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 public hearing nor written comments were received by the Board. At its meeting of July 2009, the Board voted to adopt the rules upon promulgation in the *Louisiana Register*. The rules appeared in the August 2009 edition of the *Louisiana Register*.

b. **Rules/Amendments – Noticed for Intent - Athletic Trainers** - The prior rule-making effort commenced by the Board in 2008 expired by operation of law. A revised draft eliminating correlation between “license” and “certification” was presented for Board 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*. The rule is expected to appear in the September 20, 2009 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 appeared in the July edition of the *Louisiana Register*. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board approved publication of the rules as final in the *Louisiana Register*. The final legislative report was mailed on September 2, 2009. It is anticipated that the rules will be promulgated in the October edition of 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. 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 recommends 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 approved a recommendation concerning U.S. military trained CLS-G or CLS-T applicants. 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, however, prior to publication of the *Notice of Intent* the Board became aware of changes relative to organizations offering certifying examinations and requested further information from the Committee. As soon as the information is received, it will be presented to the Board. **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** - 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. The Board is awaiting receipt of the Committee's recommendations. **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, transfer 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. As soon as a draft of the amendments is prepared, it will be presented to the Board for review

and discussion.

[4.] Report on Pending Litigation. On the motion of Dr. LeBlanc, 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.

[5.] Personal Appearances/Docket Calendar. On the motion of Dr. Amusa, 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.

[6.] 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 scheduling of a formal hearing:

Docket No. 08-I-572
Docket No. 07-I-186
Docket No. 08-I-366

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

Lemuel Newton, M.D., Docket No., 08-I-415
Fara Spring, OT, Docket No., 09-I-331
Phyllis Bryan Wallo, M.D., Docket No., 07-I-746
David Adam Jones, M.D., Docket No., 09-I-466

7. Licensure and Certification; Other Licensure Matters; Personal Appearance; Sandra S. Harper, PhD., President, Carol Waters, Dean, Our Lady of the Lake College. Sandra S. Harper, PhD., President, accompanied by Carol Waters, Dean, Our Lady of the Lake College (OLOL), appeared before the Board to request the Board interpretation of its rules relative to graduates of their Physician Assistant Program, should OLOL surrender the Program's accreditation, to allow for licensure for those currently enrolled in the Program's 2010 and 2011 graduating classes. Following their appearance, upon motion made, duly seconded and passed by unanimous voice vote, ¹ based upon a review of the facts and consideration of the details provided and the Board's perception of the progress and commitment made by OLOL to the Program, the Board approved acceptance of the students of the graduating class of 2010 for licensure provided all other requirements are met and to grant the same consideration to the class of 2011 provided the Board receives an application for provisional accreditation in the Spring of 2010 and based upon the totality of facts and circumstances at that time.

¹ Dr. LeBlanc abstained from voting in this matter.

[8.] Personal Appearances/Docket Calendar; Formal Hearing; Rosalind Annette Cropper, 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 Rosalind Annette Cropper, 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 Rosalind Annette Cropper, M.D., and instructed Judge Ellis to prepare a written order to reflect the ruling.

[9.] Investigative Reports. On the motion of Dr. Robert Dawson, the Board convened in executive session, to consider 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. Discontinued: The following matters were discontinued with a Letter of Concern:

Docket No., 09-I-145
Docket No., 09-I-295
Docket No., 09-I-248
Docket No., 09-I-170

- b. Information Only: The following matter was presented for information only:

Docket No., 08-I-128

- c. Closed: The following matter was closed without further action :

Docket No., 08-I-846

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

[10.] 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.

[11.] 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, 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:

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

- 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. Halim, Neil L., M.D. – To deny the request of Neil L. Halim, M.D., for early reinstatement of his license to a full, unrestricted status one year in advance.
- e. McCann, Jay Carroll, RRT – To approve reinstatement of the license of Jay Carroll McCann, RRT to a full, unrestricted status, off probation.

12. Rulings and Advisory Opinions; Patient Pronouncement of Death. The Board reviewed correspondence received from Paul R. Zehnder, Jr., M.D., asking for reconsideration of the Board's position that a physician must make a pronouncement of death on a patient. Following review and discussion, it was the consensus of the Board to inform Dr. Zehnder that even though the Board may agree with his assessment, the Board's position is based upon the statutory authority, La.Rev.Stat. 9:111 which states that a person will be considered dead, if in the announced opinion of a physician, duly licensed in the state of Louisiana, based upon ordinary standards of approved medical practice, and it does not have the ability to deviate from the law.

13. Rulings and Advisory Opinions; Department of Health and Hospitals; Public Immunization Program. The Board considered a request from Carol L. Hayes, Esq., Bureau of Legal Services, Department of Health and Hospitals ("DHH"), for approval of its immunization program ("Program") to address the spread of H1N1 and seasonal influenza to be administered by the Office of Public Health ("OPH") through the State Health Officer, Jimmy Guidry, M.D., with the assistance of DHH's Regional Medical Directors. The immunizations are to be administered by OPH protocol and administered by private/independent pharmacists located at pharmacies throughout the state. Following review and discussion, it was the consensus of the Board to approve the immunization program for administration of seasonal influenza and H1N1 influenza immunizations according to the protocol set forth in OPH's Emergency Order and Protocol, provided the Program is supplemented to include additional provisions as set forth by the Board.

[14.] Investigative Report; Personal Appearance; Lemuel Newton, M.D. On the motion of Dr. LeBlanc, the Board convened in executive session, for the personal appearance of Lemuel Newton, 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). Lemuel Newton, M.D., accompanied by his attorney, Eugene P. Cicardo, Jr., Esq., appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[15.] Investigative Report; Personal Appearance; David Adam Jones, M.D. On the motion of Dr. Bourgeois, the Board convened in executive session, for the personal appearance of David Adams Jones, M.D., concerning a matter relating to allegations of misconduct and the character

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

and professional conduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). David Adam Jones, 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.

[16.] General Disciplinary Matters; Personal Appearance; Justin Casey Beard, PA. On the motion of Dr. Robert Dawson, the Board convened in executive session, for the personal appearance of Justin Casey Beard, PA, 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). Justin Casey Beard, PA, appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status, off probation. Following his appearance, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved reinstatement of the license of Justin Casey Beard, PA, to a full, unrestricted status, off probation.

[17.] General Disciplinary Matters; Personal Appearance; Kay Lorraine Nelson, M.D. On the motion of Dr. Amusa, the Board convened in executive session, for the personal appearance of Kay Lorraine Nelson, 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). Kay Lorraine Nelson, M.D., appeared before the Board in connection with the request for reinstatement of her license to a full, unrestricted status. Following her appearance, the Board resumed in open session, and upon motion made, duly seconded and unanimously carried, approved reinstatement of the license of Kay Lorraine Nelson, M.D., to a full, unrestricted status.

[18.] General Disciplinary Matters; Personal Appearance; Sheila Kalka Jeff, M.D. On the motion of Dr. Mark Dawson, the Board convened in executive session, for the personal appearance of Sheila Kalka Jeff, 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). Sheila Kalka Jeff, M.D., appeared before the Board in connection with the request for reinstatement of her license to a full, unrestricted status. Following her appearance, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved reinstatement of the license of Sheila Kalka Jeff, M.D., to a full, unrestricted status, off probation.

[19.] General Disciplinary Matters; Personal Appearance; Wanda Gail Timpton-Holt, M.D. On the motion of Dr. Amusa, the Board convened in executive session, for the personal appearance of Wanda Gail Timpton-Holt, 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). Wanda Gail Timpton-Holt, M.D., appeared before the Board in connection with the request for reinstatement of her license to a full, unrestricted status. Following her appearance, the Board resumed in open session, and upon motion made, duly seconded and unanimously carried, approved reinstatement of the license of Wanda Gail Timpton-Holt, M.D., to a full, unrestricted status.

[20.] General Disciplinary Matters; Personal Appearance; Charles Raymond Genovese, Jr., M.D. On the motion of Dr. Robert Dawson, the Board convened in executive session, for the personal appearance of Charles Raymond Genovese, 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). Charles Raymond Genovese, Jr., M.D., accompanied by his attorney, Christopher Johnston, Esq., appeared before the Board in connection with the request for

reinstatement of his license to a full, unrestricted status. Following his appearance, the Board deferred action on his request pending a full report at the next meeting of the Board.²

21. Rulings and Advisory Opinions; Physician Assistants; Scope of Practice; Ability to Obtain Informed Consent. The Board reviewed a copy of electronic correspondence received from Cecile Gordon, Attorney, Phelps Dunbar, LLC, asking whether it is within the scope of practice for a physician assistant ("PA") to obtain informed consent for his/her supervising physician; specifically, may a PA obtain informed consent for his/her supervising physician-anesthesiologist or on behalf of a CRNA who the supervising physician is also supervising. Following review and discussion, it was the consensus of the Board to inform Ms. Gordon that the PA may only obtain informed consent for the procedures within his/her training and experience and which he/she may be delegated to perform, and inasmuch as a PA may not administer anesthesia, a PA may not obtain informed consent for the anesthesia services of the supervising physician or the CRNA who will be performing the services.

22. Rulings and Advisory Opinions; Ability of LPN's to Administer Botox Injections. The Board reviewed a copy of electronic correspondence received from Claire Doody Glaviano, Executive Director, Louisiana State Board of Licensed Practical Nurse Examiners, asking whether an LPN can give botox injections in his/her doctor's office. Following review and discussion, it was the consensus of the Board to advise Mr. Glaviano that consistent with his previous advisory opinions on injection, a LPN may administer Botox Injections in the physician's office provided that (i) the physician has examined the patient and made a determination relative to the injection; (ii) he/she is properly trained to perform the procedure; (iii) and said procedure is performed under the direction and supervision of the physician where the physician is physically present on the premise and immediately available at all times and retains full responsibility to the patient for the manner and result of such procedure.

23. Community and Information; Federation of State Medical Boards; Board Liaison Representative; Ram R. Krishna, M.D. The Board noted receipt of correspondence from Ram R. Krishna, M.D., Member, Board of Directors; Federation of State Medical Boards, stating he has been assigned to the Board as the Liaison Representative. No further action was required or taken on this matter.

24. Community and Information; Federation of State Medical Boards; Draft Strategic Plan. The Board reviewed a memorandum from the Federation of State Medical Boards ("FSMB") requesting feedback on the FSMB's draft strategic plan. The deadline to submit feedback is October 26, 2009.

25. Community and Information; Federation of State Medical Boards; Board; FCVS Bulletin. The Board noted receipt of the FCVS e-Bulletin. No further action was required or taken on this matter.

26. General Administrative Matters; Financial Reports.

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending July 31, 2009 and approved all expenditures as noted therein. The Board also

² Dr. Bourgeois recused himself from participation in this matter.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

reviewed the status of investments as of July 31, 2009. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending July 31, 2009, and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of July 31, 2009.

[27.] Personal Appearance/Docket Calendar; Formal Hearing; Eileen Clare Lynch-Ballard, M.D. On the motion of Dr. LeBlanc, the Board convened in executive session, for the personal appearance of Eileen Claire Lynch-Ballard, 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). Eileen Claire Lynch-Ballard, M.D., accompanied by her daughter, appeared before the Board in connection with her request for a re-hearing on the administrative complaint filed against her. The hearing was held June 16, 2009 and the Opinion and Ruling rendered August 31, 2009. Following her appearance, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, denied her request for a re-hearing.

28. 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 reported that she had scheduled a meeting with the Physician Assistant Advisory Committee for Tuesday, September 22, 2009 at 8:30 a.m., and other Board members were invited to attend.

29. 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 the Board had received permission from the Division of Administration to submit a request for an emergency lease for 18 months during the renovations to the building. Six sites had been visited and written requesting bids on the lease. The top selection was 1515 Poydras Street. Following review and discussion, upon motion made, duly seconded and unanimously passed, the Board voted to award the lease to 1515 Poydras Street, provided all was in order. Dr. Marier further reported on the Department of State Civil Service's Human Resources Program Evaluation Report which will become final after close of business September 25, 2009. His report also included a request for dissemination to all physicians a copy of the FSMB's Pain Management/Opioid Book to be available for free online and at the time of initial licensure or renewal. It was the consensus of the Board to have the Book available at the Board Orientations. He concluded his report with an update on the implementation of online renewals.

30. General Administrative Matters; Medical Psychology Advisory Committee. The Board reviewed correspondence received from Geraldine Leche stating that the Louisiana State Medical Society was pleased to nominate Anita Kaplinger, M.D., of Shreveport, to the Medical Psychology Advisory Committee. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the appointment of Anita Kaplinger, M.D., to the Medical Psychology Advisory Committee.

31. General Administrative Matters; Medical Psychology Advisory Committee. The Board noted the first meeting of the Medical Psychology Advisory Committee was held on September 16, 2009 and viewed the agenda of the meeting. No further action was required or taken on this matter.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

32. General Administrative Matters; Occupational Therapy Advisory Committee. The Board noted receipt of follow-up correspondence received relative to the appointment of George LaCour, OT, to the Occupational Therapy Advisory Committee and his geographic location. No further action was required or taken on this matter.

33. General Administrative Matters; Podiatry Advisory Committee. The Board reviewed the list of nominees to the Podiatry Advisory Committee submitted by the Louisiana Podiatric Medical Association. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board approved appointment of Mack Jay Groves, William Dabdoub, Amy Shunemeyer-Purdy, O. Christian Hall and Lawrence Welker to the Podiatry Advisory Committee.

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

Generalist

Doerr, Sheila Kay

Technician

Sherdon, April Lynn

[35.] 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

Davis, Katrina

Matranga, Marc Anthony

[36.] Licensure and Certification; Physician Assistants. On the motion of Dr. Mark Dawson, 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

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

requirements had been met:

- 1) Becnel, Steven Michael, PA – Supervising physician: Dr. Jay Silverstein, 901 Gause Boulevard, 2nd Floor, Slidell.
- 2) Behbahani, Sholeh S. PA – Supervising physician: Dr. Frederick Heard, Louisiana State University Health Sciences Center, 1501 Kings Highway, Shreveport.
- 3) Bethiaume, Michael Christopher PA - Supervising physician: Dr. Adam Arcement, Leonard Chabert Medical Center, 1978 Industrial Boulevard, Houma.
- 4) Boudreaux, Staci Simon, PA - Supervising physician: Dr. John Noble, Jr., Radiation Oncology Department, 1701 Oak Park Boulevard, Lake Charles.
- 5) Catalanotto, Anthony Joseph, PA - Supervising physician: Dr. Adam Arcement, Leonard Chabert Medical Center, 1978 Industrial Boulevard, Houma.
- 6) Chappell, Rachel Naomi, PA - Supervising physician: Dr. Richard McConnell, Ochsner Emergency Department, 1514 Jefferson Highway, New Orleans,.
- 7) Chauvin, Bradley Paul, PA - Supervising physician: Dr. Adam Arcement, 6300 Main Street, Zachary.
- 8) Cummins, Paul James, PA - Supervising physician: Dr. Adam Arcement, Leonard Chabert Medical Center, 1978 Industrial Boulevard, Houma.
- 9) deGravelle, Dana Doshier, PA - Supervising physicians: Drs. Joseph Broyles and Gerard Murtagh, Ochsner Clinic, 7301 Hennessy Boulevard, Suite 200, Baton Rouge.
- 10) Diedrich, Scott Frost, PA - Supervising physician: Dr. Adam Arcement, Leonard Chabert Medical Center, 1978 Industrial Boulevard, Houma.
- 11) Eastwood, Robert Wilson, PA - Supervising physician: Dr. Frederick Heard, Louisiana State University Health Science Center - Family Practice, 1501 Kings Highway, New Orleans.
- 12) Estep, Piper Shields, PA - Supervising physician: Dr. Philip Padgett, 2030 Springmorning Drive, Baton Rouge.
- 13) Fort, Ashley Nicole, PA – Supervising physician: Dr. Arthur Fort III, 3833 Doris Street, Shreveport.
- 14) Gabler, Matthew George, PA – Supervising physician: Dr. Jay Silverstein, La Heart Center, 901 Gause Boulevard, 2nd Floor, Slidell.
- 15) Guthrie, Tiffany Armond, PA – Supervising physicians: Drs. Tryone Collins,

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

Mark Grise, James Jenkins, Paul McMullan, Jr., Stephen Ramee, John Reilly, Christopher White, Ochsner Heart & Vascular Institute, 1514 Jefferson Highway, New Orleans.

16) Harris, Lauren O'Brien, PA – Supervising physicians: Drs. Alfred Hathorn, Jr., and Simon Combs, Jr., 907 Polk Street, Mansfield.

17) Hyatt, James Bradley, PA – Supervising physicians: Drs. Adam Arcement and William Freeman, Lane Regional Medical Center, Emergency Department, 6300 Main Street, Zachary.

18) Lambert, Connie Garetino, PA – Supervising physician: Dr. Thomas Horsman, 7777 Hennessy Boulevard, Suite 406, Plaza 1, Baton Rouge.

19) Maguire, Stephanie Louise, PA – Supervising physician: Dr. Herbert Maguire, Pretty Skin Again, 1657 E. 70th Street, Shreveport.

20) Porter, Nikki Buffington, PA – Supervising physician: Dr. Arthur Fort III, Louisiana State University Health Sciences Center, Department of Family Practice, 1501 Kings Highway, Shreveport.

21) Powell, Christopher Wayne, PA – Supervising physician: Dr. Adam Arcement, Leonard Chabert Medical Center, 1978 Industrial Center, Houma.

22) Stough, Cheryl Cline, PA- Supervising physicians: Drs. Mohammad Alam, Thomas Arnold, Steven Conrad, Sandra Ellis, Derrel Graham, Simon Mahler, Brian Martin, Patrick McGauly, James Small, Jennifer Springhart, Marcus Stokes, Thomas Swoboda, Todd Thoma, Hao Wang, Christopher Wolcott and Laurie Grier, Louisiana State University Medical Center, Emergency Department, 1501 Kings Highway, Shreveport.

23) Stutes, Rachel Bullard, PA – Supervising physicians: Drs. Norris Guidry and Julio Castro-Quero, 115 Audubon Boulevard, Lafayette.

24) Templet, Jessica H., PA – Supervising physicians: Drs. Jeffrey Deyo, Shelia Moore and Emma Jones, St. Jude Clinic, 7777 Hennessy Boulevard, Suite 312, Baton Rouge.

25) Welsh, Jason Paul, PA – Supervising physician: Dr. Mark Field, Baton Rouge Orthopedic Clinic, 8080 Bluebonnet Boulevard, Suite 1000, Baton Rouge.

26) Wilson, Terry Roger, PA – Supervising physician: Dr. Kevin Carter, 920 Oliver Road, Suite 1400 Monroe.

b. Prescriptive Authority - To inform the following he does not met the requirements for prescriptive authority at this time:

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

Bergeron, Louis Chad

[37.] Licensure and Certification; Podiatrists. 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, made the following decisions:

Podiatrist

Ray, George Edward, DPM – To defer action on the application of George Edward Ray, DPM, pending receipt of additional information.

Advance Practice – Conservative Treatment of the Ankle

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

Cortez, Jayson G.
Gisclair, Jonathan James

Harvey, Jim B.
Ziegenbusch, Adam Joseph

[38.] Licensure and Certification; Respiratory 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, approved the following provided all requirements had been met:

Labruzzo, Maria Ann

[39.] 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

Vice, Tammy B.

[40.] 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

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

unanimous voice vote, made the following decisions:

- a. Sood, Ravi, M.D. – To inform Ravi Sood, M.D., that he is ineligible for licensure in Louisiana due to the number of times he took and failed the USMLE, Step 3 examination.
- b. Non-Routine applicants - To approve the following for licensure provided all requirements had been met:

Dulam, Vikramaitya
Nguyen, Steven T.
Pudhota, Sunitha G.
Punukollu, Sumanth

Ravi, Ajar Kumar
See, Sein Yin
Schurman, Kim Doreen

[41] 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. Danon, Moris Jak, M.D. – To defer action on the application of Moris Jak Danon, M.D., pending receipt of additional information regarding his position at Ochsner Medical Center, New Orleans.
- b. Meggs, Leonard G., M.D. – To approve the request of a waiver of the licensure requirement for Leonard G. Meggs, M.D., in accordance with the §315 of the Board's rules inasmuch as he will serve as Chairman of the Nephrology Department at Ochsner Medical Center, New Orleans.
- c. Washington, Kimberly Riley, DO – To approve the waiver of an examination attempt for Kimberly Riley Washington, DO, due to the extenuating circumstances cited in her correspondence.
- d. Non-Routine - To approve the following for licensure provided all requirements had been met:

Adduci, Alexander Jude
Brown-Woods, Ebonique Farrah
Herrin, Virgle Offe, Jr.

Morgan, Christopher John
Williams, Robert Davis
Torres-Torres, Jessica

[42.] 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:

Occupational Therapists

Nitschke, Paulette D'Aquin

[43.] 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, approved the following for licensure provided all requirements had been met:

Respiratory Therapists

James, Latanya Marie

Clinical Laboratory Personnel

Cains, Eleanor
Hood, Angela Jean
Kelly, Angela Atrass

Laborde, Jeremy Patrick
Leblanc, Lack Nunez
Sims, Brenda Morace

Physicians and Surgeons

Humpries, Jerry F.

Liegmann, Justin Kurt

Dispensation Registration

Alden, William W.

[44.] 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

Conrad, Kristy Lynn

45. Licensure and Certification; Other Licensure Matters; Short-Term Residency Training Program. The Board reviewed the request for approval of a short-term residency training program

received from Kenneth D. Abreo, M.D, Professor and Chief, Division of Hypertension and Nephrology, Program Director, Nephrology Fellowship Program, Louisiana State University Health Sciences Center, for the Section of Nephrology. Following review and discussion, upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the short-term residency training rotation for nephrology.

46. Licensure and Certification; Other Licensure Matters; Board Orientation. The Board reviewed the evaluations submitted on the Board Orientation Program held August 7, 2009 in Shreveport. No further action was taken or required on this matter.

47. Licensure and Certification; Other Licensure Matters; Licensees for Suspension. The Board reviewed the list of licensees, who had failed to renew their licenses by August 31, 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 4:45 p.m. to reconvene at the Board at 8:30 a.m., Wednesday, September 23, 2009.

Second Session
Wednesday, September 23, 2009

The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:30 a.m., Wednesday, September 23, 2009, at the offices of the Board joined by Dr. Montgomery with Drs. Robert Dawson, Mark Dawson, Melvin Bourgeois and Kim LeBlanc absent.

[48.] Personal Appearances/Docket Calendar; Formal Hearing; George Allan Farber, 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 George Allan Farber, 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.*

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 5:30 p.m. to reconvene at the Board at 8:30 a.m., Thursday, September 24, 2009.

Third Session
Thursday, September 24, 2009

The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:30 a.m., Thursday, September 24, 2009, at the offices of the Board with everyone present from the day before.

[49.] Personal Appearances/Docket Calendar; Formal Hearing; George Allan Farber, M.D. Continuing in executive session, the Board took up the formal hearing in the matter of George Allan Farber, 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

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING
SEPTEMBER 21, 23, 24, 2009

provided by the legislature in the Louisiana Administrative Procedure Act., La. Rev. Stat.49:951, *et Seq.*

50. Next Meeting of Board. The President reminded members that the next meeting of the Board was scheduled for October 19, 20, 2009.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 1:00 p.m., on Thursday, September 24, 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 September 21, 23, 24, 2009 as approved by the Board on the 19th day of October 2009.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 19th day of October 2009.

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

Attest:

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