

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**JUNE 21, 22, 2010
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to call of the Vice-President and lawful notice, was duly convened and called to order at 8:30 a.m., Monday, June 21, 2010, by order of the Vice-President, at the offices of the Board, 1515 Poydras Street, Suite 2700, New Orleans, Louisiana.

Board Members were present as follows:

Robert Earl Dawson, M.D., Vice-President
Melvin G. Bourgeois, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
John Michael Burdine, M.D.
Kim Edward LeBlanc, M.D., Ph.D.

Board Members absent as follows:

Mark Henry Dawson, M.D., President
Cynthia Gail Montgomery, M.D.

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

Robert L. Marier, M.D., Executive Director
Cecilia Ann Mouton, M.D., Director of Investigations
Emily Diane Eisenhauer, M.D., Assistant Director of Investigations
Thania Elliott, RN, Investigator
Grace Hammons, Program Compliance Officer Manager
Leslie Rye, Program Compliance Officer III
Merian Glasper, Director of Licensure
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Judge Frederick S. Ellis
Judge John W. Greene
Philip O. Bergeron

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First Session
Monday, June 21, 2010

1. **Minutes of May 17, 2010 Meeting.** The Board reviewed the minutes of its meeting of May 17, 2010. On the motion of Dr. LeBlanc, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board approved 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; Personal Appearance; Samuel Leonard, M.D., Trenton L. James II, M.D.; Rules/Amendments Under Development; Physicians and Surgeons – Unprofessional Conduct.** Samuel A. Leonard, M.D., MBA, Medical Director for Utilization Review, EQ Health Solutions, along with Trenton L. James II, M.D., former Board member, appeared before the Board to discuss the rules under development relative to physicians and surgeons - unprofessional conduct. Drs. Leonard and James offered input on the development of the rules to include quality of care issues that impact patient or public safety. They offered insight to problems they face when reviewing medical charts for utilization review. Following their dismissal it was the consensus of the Board to allow Dr. Marier and counsel to modify the draft presented to include the concerns presented by Drs. Leonard and James and to resubmit the rules to the Board for consideration.
4. **General Administrative Matters; Personal Appearance; Physician Assistants Advisory Committee.** Peter Boyd Stevens, PAC, Chairman, Physician Assistant Advisory Committee accompanied by Kenneth Edward Nida, PA, Louisiana Academy of Physician Assistants, appeared before the Board to discuss the requirement of co-signature by the supervising physician on every chart seen by the physician assistant. Mr. Stevens suggested that the Board investigate other possibilities for the handling of co-signatures and stated he would follow-up with information on how many supervising physicians a physician assistant is allowed in other states. The Board advised Mr. Stevens they would take the matter under advisement and reminded them of the Board's duty to protect the public.
5. **Rules and Regulations.**
 - a. Final Rules/Amendments: - None published since the last meeting of the Board.
 - b. Rules/Amendments – Noticed for Intent - **Physicians and Surgeons – Technical, Administrative Amendments:** The Board directed staff/counsel to work on a number of technical and administrative amendments to its rules to incorporate needed modifications noted over the course of time. The Board reviewed several technical, administrative amendments at its December 2009 meeting and approved *Notice of Intent* to adopt rule amendments on criminal history record information, dispensing/clinical trials, the repeal of Chapter 83 and Private Radiologic Technologists in the *Louisiana Register*. The Board also offered suggested modifications to the proposed rules on CME, which were incorporated into a revised draft considered by the Board at its January 2010 meeting. At

that meeting, the Board, upon motion made, duly seconded and unanimously passed, approved *Notice of Intent* to adopt the rule amendments in the next issue of the *Louisiana Register*. The Fiscal and Economic Impact Statement was submitted to the Legislative Fiscal Office for approval and the *Notice of Intent* to adopt each of the rules as follows appeared in the March 2010 edition of the *Louisiana Register*.

Licensees – Provisional Temporary Permit Pending Results of Criminal History Record Information. The proposed rules allow issuance of a full and unrestricted license to any applicant whose fingerprints have been rejected by state/federal authorities, but thereafter require the submission of such additional sets of fingerprints as the Board may direct to obtain criminal history information. Following publication, the Board did not receive a request for a public hearing nor were any comments received during the comment period. Following discussion at its May 2010 meeting, the Board elected to promulgate the rule amendment by and upon publication in the *Louisiana Register*. It is anticipated the final rule amendment will appear in the June 2010 edition of the *Louisiana Register*.

Physicians – Continuing Medical Education. The proposed rule permits physicians who have held an unrestricted license to practice medicine in any state for at least 10 years, or those who reside in another state, to satisfy the Physician Orientation Program CME requirement by completing the Board's online version of the Program in lieu of personal attendance at a Board orientation session. Following publication, the Board did not receive a request for a public hearing nor were any comments received during the comment period. Following discussion at its May 2010 meeting, the Board elected to promulgate the rule amendment by and upon publication in the *Louisiana Register*. It is anticipated the final rule amendment will appear in the June 2010 edition of the *Louisiana Register*.

Physicians- Dispensing/Clinical Trials. The proposed rule provides that a dispensing registration is not required by a physician who dispenses in connection with *clinical trial research* as defined therein. Following publication, the Board did not receive a request for a public hearing nor were any comments received during the comment period. Following discussion at its May 2010 meeting, the Board elected to promulgate the rule amendment by and upon publication in the *Louisiana Register*. It is anticipated the final rule amendment will appear in the June 2010 edition of the *Louisiana Register*.

Physicians – Chapter 83. The proposed rules repeals Chapter 83 related to investigation of impairment, which provisions have been inapplicable by federal/state law relating to medical records, confidentiality, and by operation of the Physicians' Health Program. Following publication, the Board did not receive a request for a public hearing nor were any comments received during the comment period. Following discussion at its May 2010 meeting, the Board elected to promulgate the rule amendment by and upon publication in the *Louisiana Register*. It is anticipated the final rule amendment will appear in the June 2010 edition of the *Louisiana Register*.

- c. Rules/Amendments Under Development – Respiratory Therapy - The Respiratory Therapy Advisory Committee 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 category of allied health care professionals. A revised draft was received and is being studied. As soon as it has been refined, it will be presented to the Board for consideration. **Physicians and Surgeons - Mid-Level Providers** - The Board appointed a Committee to work on the development of rules for supervision, collaboration and consultation with mid-level providers. As soon as such draft is finalized, it will be presented to the Board for consideration. **Clinical Laboratory Personnel** - The Clinical Laboratory Advisory Committee recommended that the Board undertake the following additional rule-making efforts: (i) to adopt staff's recommendations to include a number of causes that may give rise to the denial, suspension, or revocation of licensure; (ii) to delete Chapter 111 of its rules so that the Board may continue to handle disciplinary proceedings relative to CLP applicants/licensees as it does for all other allied health care providers; and (iii) to eliminate certification examinations CLS-G/CLS-T offered by two organizations, which in the view of the Committee, do not provide the minimum acceptable educational, clinical, employment or experience requirements requisite to licensure. The Board previously reviewed, discussed and decided to provide *Notice of Intent* to adopt items (i) and (ii) in the *Louisiana Register* and further requested and received clarification on item (iii) from the Committee. Representatives of the Board's CLP staff and CLP Advisory Committee appeared at the March 2010 meeting to discuss the recommendations to item (iii). Following discussion, the Board authorized publication of *Notice of Intent* to adopt the proposed rule amendments in the *Louisiana Register*. In furtherance of preparing the *Notice of Intent* to adopt the rules, the following technical changes are noted: (a) the ASCP changed its name several years ago from the American Society of Clinical Pathologists to the American Society of Clinical Pathology - a subtle difference but more inclusive of all laboratorians, and (b) the NCA merged with the ASCP. These changes were adopted by the Board in connection with the current rule effort. So as not to impact those current applicants, implementation is deferred until June 1, 2011. Following discussion, it was the consensus of the Board to highlight the changes for future consideration. **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. **Medical Psychologists** – The Board decided to undertake a rule making effort pursuant to Act 251 of the 2009 session of the Louisiana Legislature which, among other matters, transfers medical psychologists from the Louisiana State Board of Examiners of Psychologists to the Board. Draft rules will be submitted to the Board for its consideration and discussion in due course. **Physicians and Surgeons – Demonstration of Clinical Competency**: The Board instructed staff/counsel to work on the development of rules for demonstration of physician clinical competency for licensure reinstatement/renewal. A draft was presented to the Board for initial consideration and discussion at its April 2009 meeting. During its January 11, 2010 meeting, the Board reviewed, discussed and decided to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. **Private Radiologic Technologists**: - The Board reviewed the proposed rule amendments that move the fee schedule for private radiologist technologists from Chapter 81 to Chapter 1 and revise the training requirements needed for certification. The Board approved providing a *Notice of Intent* to adopt the rule amendment at its December 2009 meeting.. **Physicians and Surgeons – Unprofessional Conduct**: - The Board decided to undertake a rule-making effort to identify some of the instances which may, in the Board's view, constitute unprofessional conduct, and, thereby provide a basis for enforcement of disciplinary action. An initial draft was presented and reviewed for consideration at its March 2010 meeting. Following review and discussion and acceptance of technical changes to the draft, the Board approved publication of a *Notice of Intent* to adopt the rule amendment in the *Louisiana Register*. **Physicians and Surgeons – Board Certification**: The Board directed staff/counsel to work on establishing and identifying criteria for Board Certification to be employed by the Board. Pursuant to this request, a draft was presented and discussed by the Board during its December 2009 and January 2010 meetings. A revised draft, incorporated suggested modifications was presented for discussion during its March 2010 meeting. Following review and discussion, it was the consensus of the Board to defer action on the proposed rules pending receipt of additional information. **Physicians and Surgeons – Combined Internship/Exception to 10 year Rule**: As a further technical and administrative amendment to its rules, the Board directed the development of amendments to Section 311 of its rules to: (i) provide that a combined internship program which is not accredited shall be deemed to satisfy the internship requirement for licensure, provided that each program of the combined program is accredited; and (ii) consider for licensure applicants who completed a residency or fellowship within the last four years and are continuing training or practicing in their specialty, irrespective of whether or not the applicant passed the qualifying national examination within the past ten years as is otherwise required for applicants. A draft was presented for initial consideration and discussion during its March 2010 meeting. Following discussion, the Board, upon motion made, duly seconded and passed by unanimous voice, approved publication of a *Notice of Intent* to adopt the proposed amendments in the *Louisiana Register*. Following review and discussion on the intent of the rule amendment, upon the motion of Dr. Amusa, duly seconded by Dr. LeBlanc, the Board approved publication of the *Notice of Intent* with the modification to Paragraph B with respect to applicants who took more than 10 years to complete all steps or components of the examination. **Physicians and Surgeons – Emergency Transfer of Patients**: As a further technical amendment to its rule, the Board directed the development of a rule that would exempt from licensure physicians and allied health care professionals, licensed in another state, who are part of a transport team

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providing emergency or other medical services to patients during transfer or transportation to or from a hospital in this state. A draft was presented for initial consideration and discussion during its March 2010 meeting. Following discussion, the Board decided to approve publication of a *Notice of Intent* to adopt the proposed amendments in the *Louisiana Register*. **Physicians and Surgeons - Reciprocity:** As a further technical and administrative amendment to its rules, the Board directed the development of amendments to Section 353 to: (i) make patent that its application of the rule limiting examination attempts (Section 387) applied equally to reciprocity applications; and (ii) allow the proposed amendment to Section 311B, e.g. those completing residency training and continuing fellowship or practicing in their specialty need not have taken the qualifying examination for licensure within a span of ten years. A draft was presented for initial consideration and discussion during its March 2010 meeting. Following discussion, the Board decided to approve publication of a *Notice of Intent* to adopt the proposed amendments in the *Louisiana Register*.

[6.] Report on Pending Litigation. On the motion of Dr. Bourgeois duly seconded by Dr. Amusa and passed by unanimous voice vote, 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.

[7.] Personal Appearances/Docket Calendar. On the motion of Dr. LeBlanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, to review the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, 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 the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:6.1 A(1) and (4). Following review and discussion the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

- a. Administrative Complaint: The following administrative complaint was approved for filing and scheduling of a formal hearing:

Docket No. 02-I-1163

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

Edward Matthew Smith, M.D., Docket No., 10-I-123
 Sharon L. Huffman, M.D., Docket No., 04-I-563
 James Thomas Nichols III, M.D., Docket No., 08-I-484
 Stephen Christopher Ayers, M.D., Docket No., 08-I-572
 Bart Anthony Folse, ATH, Docket No., 10-I-333
 Michael Lynn Holleyfield, RRT, Docket No., 10-I-140

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Barry Philip Haas, Jr., CRT, Docket No., 10-I-186
Gray Wesley Barrow, M.D., Docket No., 08-I-674
Miranda C. Johnston, PA, Docket No., 10-I-096
Bernard Luke Manale, M.D., Docket No., 08-I-940
Michael Shane Harris, PA, Docket No., 10-I-080

- c. Closed: The following matters were closed with no further action:

Docket No., 06-I-474
Docket No., 09-I-231
Docket No., 07-I-156
Docket No., 09-I-649

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

Docket No., 10-I-396
Docket No., 10-I-211
Docket No., 09-I-373
Docket No., 10-I-205
Docket No., 10-I-415
Docket No., 09-I-566
Docket No., 10-I-481

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

9. Rules and Regulations; Personal Appearance; William J. Carbone, Chief Executive Officer, American Board of Physician Specialties, and Others; Rules/Amendments Under Development; Physicians and Surgeons – Board Certification. William J. Carbone, Chief Executive Officer, American Board of Physician Specialties (“ABPS”), along with other interested parties, including William K. McVisk, Esq, American Board of Medical Specialties (“ABMS”), appeared before the Board regarding the presentation of the ABPS in support of their request to be recognized as a certifying body for physician board certification and to gather input as to whether diplomats of the respective bodies would qualify for recognition under the proposed rule. Following the presentation by Mr. Carbone and several others and a question and answer session regarding this matter, the Board advised all present that they would take the matter under advisement and gather more input as needed before publication of a *Notice of Intent* to adopt the rule amendment.

[10.] Professional Liability Report. On the motion of Dr. LeBlanc duly seconded by Dr. Burdine and passed by unanimous voice vote, 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 the character and professional conduct of a licensee and allegations of misconduct, La. 1Rev. Stat. § 42:6.1 A(1) and (4). No further action was required or taken on these matters.

[11.] Investigative Report; Personal Appearance; Sharon Lea Huffman, M.D., On the motion of Dr. Amusa, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board

convened in executive session, for the personal appearance of Sharon Lea Huffman, M.D., and several other licensees, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Dr. Huffman appeared before the Board in connection with the acceptance of her Consent Order. No further action was required or taken on this matter.

[12.] Investigative Report; Personal Appearance; James Thomas Nichols III, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of James Thomas Nichols III, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). James Thomas Nichols III, M.D., appeared before the Board in connection with the acceptance of his Consent Order.

[13.] Physicians Health Committee. Continuing in executive session, the Board considered the report of Jeanne M. Este, M.D., on the participates in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). No further action was taken on this matter.

[14.] Investigative Report; Personal Appearance; Stephen Christopher Ayers, M.D. On the motion of Dr. Burdine, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Stephen Christopher Ayers, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Stephen Christopher Ayers, M.D., accompanied by his attorney Linda Rodrigue, appeared before the Board in connection with the acceptance of his Consent Order.

[15.] Investigative Report; Personal Appearance; Eddie Matthew Smith, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Eddie Matthew Smith, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Dr. Smith appeared before the Board in connection with the acceptance of his Consent Order.

[16.] Investigative Report; Personal Appearance; Barry Philip Haas, CRT. On the motion of Dr. Amusa, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Barry Philip Haas, CRT, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Mr. Haas appeared before the Board in connection with the acceptance of his Consent Order.

[17.] Investigative Report; Personal Appearance; Miranda C. Johnston, PA. On the motion of Dr. Bourgeois, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Brian Miranda C. Johnston, PA, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee,

La.Rev.Stat. § 42:6.1A(1) and (4). Ms. Johnston appeared before the Board in connection with the acceptance of her Consent Order.

[18.] Investigative Report; Personal Appearance; Gray Wesley Barrow, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Gray Wesley Barrow, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Dr. Barrow appeared before the Board in connection with the acceptance of his Consent Order

[19.] Investigative Report; Personal Appearance; Michael Shane Harris, PA. On the motion of Dr. Amusa, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Michael Shane Harris, PA, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Mr. Harris appeared before the Board in connection with the acceptance of his Consent Order.

[20.] General Disciplinary Matters; Personal Appearance; John Craig Crawford, M.D. On the motion of Dr. Burdine, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of John Craig Crawford, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Dr. Crawford appeared before the Board as required by the terms of the Consent Order executed with the Board dated June 14, 2005, and the 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 and passed by unanimous voice vote, approved reinstatement of the license of John Craig Crawford, M.D., to a full, unrestricted status, off probation.

[21.] General Disciplinary Matters; Personal Appearance; Gerald Alan Ross, M.D. On the motion of Dr. Bourgeois, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Gerald Ross, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Dr. Ross appeared before the Board as required by the terms of the Consent Order executed with the Board dated June 18, 2007, and the 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 and passed by unanimous voice vote, approved reinstatement of the license of Gerald Alan Ross, M.D., to a full, unrestricted status, off probation.

[22.] General Disciplinary Matters; Personal Appearance; David Howard Lester Dunn, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of David Howard Lest Dunn, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Dr. Dunn appeared before the Board as required by the terms of the Consent Order executed with the Board dated April 16, 2007, and the request for reinstatement of his prescribing privileges. Following his dismissal, the Board resumed in open session, and upon motion made and passed by unanimous voice vote, approved reinstatement of the prescribing privileges of David Howard Lester Dunn, M.D.

[23.] General Disciplinary Matters; Personal Appearance; Abner Martin Landry III, M.D. On the motion of Dr. Amusa, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Abner Martin Landry III, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Landry appeared before the Board as required by the terms of his order and 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 and passed by unanimous voice vote, approved reinstatement of the license of Abner Martin Landry III, M.D., to a full, unrestricted status, off probation.

[24.] General Disciplinary Matters; Personal Appearance; Thomas Lamar Denley, M.D. On the motion of Dr. Burdine, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Thomas Lamar Denley, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Denley appeared before the Board 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 and passed by unanimous voice vote, approved reinstatement of the license of Thomas Lamar Denley, M.D., to a full, unrestricted status, off probation.

[25.] General Disciplinary Matters; Personal Appearance; John Gibson Fasick II, DPM. On the motion of Dr. LeBlanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of John Gibson Fasick II, DPM, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Fasick appeared before the Board regarding 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 and passed by unanimous voice vote, approved reinstatement of the license of John Gibson Fasick II, DPM, to a full, unrestricted status, off probation.

[26.] General Disciplinary Matters. On the motion of Dr. Bourgeois, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the 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 and discussed compliance with the rules relative to supervision of physician assistants by primary and locum tenens physicians.

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- c. Dispensing Physicians Site Visits - The Board noted the report of the dispensing physicians' site visits submitted for this month.
- d. Madrigal, Vinicio E., M.D. – To approve the request of Vinicio E. Madrigal, M.D., to allow Michael D. Chafetz, Ph.D., ABPP, to perform the first examination and subsequent evaluations for two years following reinstatement of his suspended license.
- e. Otte, Rachel Sharon, CLP – To approve reinstatement of the suspended license of Rachel Sharon Otte, CLP, to practice as a clinical laboratory technician in the state of Louisiana.

27. Rulings and Advisory Opinions; Treatment of Family Members by Physicians or Other Allied Health Professions. The Board reviewed the inquiry submitted by Robert C. Peltier, M.D., regarding the treatment of family members by a physician or other allied health professionals, specifically a physician assistant. Following review and discussion it was the consensus of the Board to advise Dr. Peltier that the occasional treatment of a family member for acute illness would not cause concern by the Board absent some other fact that would be considered unprofessional conduct and in the instance that was more than occasional, the establishment of a bona-fide physician-patient relationship would be required as a pre-condition for providing care, the requirements of which are spelled out in Board advisory opinions, statements of position and more recently the Board's Telemedicine rules and with respect to physician assistants, the same accommodation and requirements exist with the additional requirement that the supervising physician provide the level of supervision as required in the PA rules.

28. Rulings and Advisory Opinions; Purchase of Ultrasound Equipment by a Physician. The Board reviewed the request received from Bridget Vita-Schlamp, Administrator, Schlamp Family Medical Clinic, for written confirmation as to whether ultrasound services are within the scope of practice of a licensed physician. Following review and discussion it was the consensus of the Board to inform Ms. Vita-Schlamp that because the laws under which physicians are licensed to practice medicine in Louisiana does not require specialty training with respect to the services that they may perform, the provision and diagnosis of ultrasonography is within the scope of practice of a physician licensed to practice medicine in this state, which does not mean that all physicians are qualified to administer such testing and interpret the results. The Board further cautioned that physicians should not provide services that they are not qualified to perform as a result of their training and experience and advised that the Board has in the past taken disciplinary action against physicians who performed and billed third parties for self-referred, in-office ultrasound and other diagnostic services and testing that they were ill-trained to provide and less equipped to properly evaluate.

29. Rulings and Advisory Opinions; Cosmetic Treatment by Dentists. The Board reviewed correspondence received from W. Trent Messingale, M.D., for an advisory opinion as to whether cosmetic treatment such as botox, filler, chemical peels, or laser resurfacing falls within the scope of practice of dentistry. Following review and discussion, it was the consensus of the Board to defer action on this matter pending further research.

30. General Administrative Matters; Financial Reports.

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Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending April 30, 2010 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of April 30, 2010. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending April 30, 2010 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of April 30, 2010.

31. General Administrative Matters; President's Report. There was no report submitted this month.

32. 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 on the renovation project and provided an update on proposed legislation that may impact the Board.

33. General Administrative Matters; Physician Assistants Advisory Committee ("Committee"). The Board noted receipt of input of the Committee favorably supporting the proposed revision to the Clinical Practice Guideline form as developed by Joseph Bonck, Jr., replacing the current Intent to Practice, Application for Prescriptive Authority and Sample Clinical Practice Guideline as well as the revised Application for PA Supervision by a Registered Supervising Physician to be used for adding/deleting supervising physician and/or delegation of prescriptive authority. Following review and discussion, it was the consensus of the Board to inform Mr. Bonck of the Committee's approval.

34. General Administrative Matters; Physician Assistants Advisory Committee ("Committee"). The Board noted receipt of input of the Committee's input regarding re-entry to prescriptive authority after substance abuse treatment by physician assistants. Following review and discussion, it was the consensus of the Board to inform the Committee it would take the matter under advisement and to thank the Committee for its input.

[35.] Licensure and Certification; Clinical Laboratory Personnel. On the motion of Dr. Bourgeois, duly seconded by Dr. Burdine and passed by unanimous voice vote, 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 made the following decisions:

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

Phlebotomist

Wilmore, Kayla Ann

Laboratory Assistant

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Young, Christy Michelle

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

Guillory, Shannon Briody

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

Denied – To deny the request of the following for a waiver of an examination attempt:

Occupational Therapist

Brown, Lorunda Sherolesky

[37.] Licensure and Certification; Physician Assistants. On the motion of Dr. Bourgeois, duly seconded by Dr. Amusa and passed by unanimous voice vote, 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) Barkerding, Amy Landry, PA – Supervising physicians: Drs. Sherri Casey and William Terral, Children’s Medical Center, 71107 Highway 21, Covington.

2) Boudreaux, Staci Simon, PA - Supervising physician: Dr. Gerald Byrd, Radiation Oncology Department, 1701 Oak Park Boulevard, Lake Charles.

3) Crumbley, Kimberly Renee, PA - Supervising physicians: Drs. Muhammad Khan, Hazem Eissa and Eric Inman Royster, Pain Management Center, Ochsner-Baptist, 4429 Clara Street, Suite 540, New Orleans.

4) Delcambre, Michael-Ann Bryant PA – Supervising physician: Dr. Harry Donias, Glenwood Regional Medical Center, 503 McMillan Road, West Monroe.

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- 5) Dietrich, Jennifer Lauren, PA - Supervising physician: Dr. Siva Yadlapati, Medical Oncology, LLC, 8119 Picardy Avenue, Baton Rouge.
- 6) Dufour, Ronni Bliss Arceneaux, PA - Supervising physicians: Drs. Shaun Kemmerly, Anuj Narang, Erin Hauck, Natalie Evans, Clay Jones, Michael Crapanzano, Rufus Hixon III and Erika Rabalias, Prairieville.
- 7) Ellerbe, Misty Lee, PA - Supervising physicians: Drs. Mohammad Malik, Christopher Domingue, Ruby Hio and Abiodun Kuku, 502 Ross Street, Oak Grove.
- 8) Emerson, Cynthia Diane, PA - Supervising physicians: Drs. Dennis Venable, John Mata, Donald Elmajian, Alexander Gomelsky, Rowena DeSouza and Robert Moore, 1446 Belle Bower Road, Logansport.
- 9) Frederick, Barry Lane, PA - Supervising physician: Dr. Edward Lirette, St. Tammany Parish Hospital, Emergency Room, 1202 S. Tyler Street, Covington.
- 10) Guthrie, Tiffany Armond, PA – Supervising physicians: Drs. Rajan Patel and Stanley Thornton, Ochsner Heart and Vascular Institute, 1514 Jefferson Highway, New Orleans.
- 11) Harris, Michelle Winter, PA – Supervising physicians: Drs. Larry Parker, Marcus Stokes, Howard Rigg III, Stuart Yoas, Marcus Brown, Seth Womack, Anthony Pruett, Sara Kelly, James Hebert and Kelvin Spears, 3330 Masonic Drive, Alexandria.
- 12) Johnston, Miranda C., PA – Supervising physician: Dr. Tania Levi, 190 N. Highway 190, Covington.
- 13) LaFleur, Julie Morein, PA – Supervising physicians: Drs. Kevin Courville and James Dobbs, 3330 Masonic Drive, Alexandria.
- 14) Latiolais, Matthew Stephen, PA – Supervising physicians: Drs. Cher Aymond Nina Hall, Laura Rogers, Sabina Luke and Rosemary St. Clergy, Lake After Hours, 7777 Hennessy Boulevard, Suite 1004-154, Baton Rouge.
- 15) LeBlanc, Allison Engle, PA – Supervising physicians: Drs. William Baird, Robert Hart and Melissa Love, 16220 Airline Highway, Prairieville.
- 16) Ledet, Stephanie Michelle, PA – Supervising physicians: Drs. Freddy Abi-Samra, Jose Bernal-Ramirez, Robert Bober, Patrick Breaux, Tryone Collins, Homeyar Dinshaw, Davis Elizardi, Yvonne Gilliland, Mark Grise, James Jenkins, Carl Lavie, Jr., Michael Lecce, Paul Lessig, Paul McMullan, Jr., Richard Milani, Stanley Thornton, Stephen Ramee, John Reilly, Gary Rich, Sangeeta Shah, Hector Venture, Hamang Patel, Sapna Desai, Stacy Mandras, Patrick Fisher, Christopher White, Sammy Khatib, Onajefe Nelson-Twakor, Daniel Morin, Patrick Delaney, Jr., Rajan Patel,

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Cardiology Center, LLC, 1111 Medical Center Boulevard, S-350, Marrero.

17) Lewis, Emily Holliday, PA – Supervising physician: Dr. Christopher Babycos, 1319 Jefferson Highway, New Orleans.

18) Monsour, Mary Katherine, PA – Supervising physician: Dr. Louie Crook, Jr., 2509 Broadmoor Boulevard, Monroe.

19) O'Donnell, Julie Price, PA – Supervising physician: Dr. Robert Benson, 180 N. 5th Street, Ponchatoula.

20) Paige, Denton Lucas, PA – Supervising physician: Dr. Lee Grafton.

21) Petty, Lainey Medine, PA – Supervising physician: Dr. Christopher Ritchey, 1 St. Mary Place, Shreveport.

22) Richie, Moriah Bethany, PA – Supervising physician: Dr. Sapna Desai, Ochsner Cardiology, 1514 Jefferson Highway, New Orleans.

23) Schooley, Jarrod Lesley, PA – Supervising physician: Dr. William Foust, American Stat Care Centers, 206 Bell Lane, Suites C and D, West Monroe.

24) Smith, Kathryn Comarda, PA – Supervising physicians: Drs. Firdous Laique, Stephen Papizan, Brian Binck, Kelechi Iheagwara and Michael Brumund, Lake Imaging, 7135 Perkins Road, Baton Rouge.

25) Sturges, Daytheon De'ron, PA – Supervising physician: Dr. Gregory Bevels, Primary Care Specialist, LLC, 3802 Prescott Road, Alexandria.

26) Watson, Erin Leigh, PA – Supervising physicians: Drs. Larry Parker, James Hebert, Howard Rigg III, Stuart Yoas, Marcus Brown, Seth Womack, Anthony Pruett, Sara Kelly, Marcus Stokes, Kelvin Spears, 3311 Prescott Road, Suite 201, Alexandria.

b. Pugao, Irish Faye, PA – To defer action on the application for prescriptive authority for Irish Faye Pugao, PA, pending receipt of additional information.

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

Beabout, Karen Joyce
Messina, Jodine Erica
Nicholas, Joseph Andrew

Polizo, Diana Caryn
Sontag, Michael David

[38.] Licensure and Certification; Podiatry. On motion of Dr. Bourgeois, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, 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, approved the following for licensure provided all requirements had been met:

Advanced Practice – Conservative Treatment of the Ankle

Williams, Gregg Joseph

[39.] Licensure and Certification; Respiratory Therapy. On motion of Dr. Burdine, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, 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, approved the following for licensure provided all requirements had been met:

Anderson, Roneika Monique
Bruton, Hunter O'Neal
Charles, Nyasha Suzette

Cutrer, Jonathon Claude
Stephens, Cherie Cognevich

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

- a. Geller, Mirfrida Z., M.D. – To deny the request of Mirfrida Z. Geller, M.D., for a waiver of an examination attempt on the USMLE, Step 3 examination.
- b. Non-Routine – To approve the following non-routine applicants for licensure provided all requirements had been met:

Alshareef, Bashar Niman
Muniga, Lukasz

Venturini, Andrea Arsenia

[41.] Licensure and Certification; Physicians & Surgeons; U.S./Canadian Medical Graduates. On motion of Dr. Bourgeois, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, 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 approved the following for licensure provided all requirements had been met:

Black, Jonathan Gregory Wade
Fernandez, Michelle Christine
Linn, Heather Maude

Murray, Howard Nigel
Smith, Bridgette Mechele
Soberon, Jose Raul Jr.

[42.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report.

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

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

Clinical Laboratory Personnel

Guerin, Alaine L.
Houston, Amanda E.
Lockett, Manuella F.

Moses, Kenyatta M.C.
Russell, Kerry D.

Respiratory Therapists

Knight, Angela M.
Reed, Curry J.

Richardson, Marvin G.

Polysomnographer

Gardner, Carmen C.

Young, Lorie M.

Occupational Therapy Assistants

Audas, Lainie K.

Daigle, Kimberly

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

Montgomery, Kinsey K.D.

[43.] Licensure and Certification; Other Licensure Matters; Relicensure/Reinstatement. On motion of Dr. LeBlanc, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the

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

Physicians and Surgeons

Jerius, John Teodor

Mathis, Jean Ann

Respiratory Therapist

Baker, Tiffany Lynn

[44.] Licensure and Certification; Intern/Examination Registration. On motion of Dr. Montgomery, duly seconded by Dr. Burdine and passed by unanimous voice vote, 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, made the following decisions:

U.S. Graduated Training Permits

a. Non-Routine – To approve issuance of intern training permits to the following provided all requirements had been met:

Ahmed, Nafisa
 Anthony, Kristyn Elizabeth
 Burrell, Roy Louis
 Christakis, Ares Michael
 Deleon, Jason Robert
 Flowers, Adolph W.
 Gates, Talia Judge
 Guillory, Matthew Paul
 Ikemire, Paul A.R.
 Sacks, Elizabeth Anne
 Schwarz, Adam Michael
 Seymour, Justin Whitney
 Syed, Sarah

Johnson, Ryan Wesley
 Lago, Lourdes Roxanna
 McCormick, Laurie Kolder
 McVey, Erin Heather
 Mixon, Tarnisha Renee
 Primeaux, Holly Womack
 Pruitt, Spencer Allen
 Rennie, Kelly Victoria
 Richards, Jonathan Mark
 Turnage, Thomas Albert
 Whitmer, David Michael
 Wang, Wenjia

International Medical Graduates – GETPs

Hebert, Brent Eugene
Parr, Alexander Webb

Scott, Sylvester Michael

[45.] Licensure and Certification; Acupuncture Assistant. On motion of Dr. Bourgeois, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the request for a waiver of a supervising physician as required for an acupuncture assistant 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, denied the request of the following in accordance with the Board's rules:

Johnson, Ashley R.

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46. Licensure and Certification; Other Licensure Matters; Licensees for Suspension. The Board reviewed the list of licensees, who had failed to renew their licenses by May 31, 2010. 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 4:30 p.m., to reconvene at the Board at 8:30 a.m., Tuesday, June 22, 2010.

Second Session
Tuesday, June 22, 2010

The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:30 a.m., Tuesday, June 22, 2010, at the offices of the Board with everyone in attendance except for Drs. Melvin G. Bourgeois and Robert Earl Dawson.

[47.] Personal Appearances/Docket Calendar; Formal Hearing; Steve Taylor, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session for the purpose of a formal hearing in the matter of Steve Taylor, 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(4) 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.

48. Next Meeting of Board. The President reminded members that the next meeting of the Board was scheduled for July 19, 20, 2010 at the temporary offices of the Board, 1515 Poydras Street, Suite 2700.

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 June 21, 22, 2010 as approved by the Board on the 19th day of July 2010.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

JUNE 21, 22, 2010

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 19th day of July 2010.

Melvin G. Bourgeois, M.D.
Secretary-Treasurer

Attest:

Mark Henry Dawson, M.D.
President