

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**  
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**AUGUST 15, 2011  
NEW ORLEANS, LOUISIANA**

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A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, August 15, 2011, by order of the President, at the offices of the Board, 1515 Poydras Street, Suite 2700, New Orleans, Louisiana.

Board Members were present as follows:

Mark Henry Dawson, M.D., President  
Melvin G. Bourgeois, M.D., Vice-President  
Kweli J. Amusa, M.D., Secretary-Treasurer  
John Michael Burdine, M.D.  
Kim Edward LeBlanc, M.D., Ph.D.  
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 Supervisor  
Christine Holder, Program Compliance Officer III  
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  
Philip O. Bergeron

**1. Minutes of July 18, 2011 Meeting.** The Board reviewed the minutes of its meeting of July 18, 2011. On the motion of Dr. Amusa duly seconded by Dr. Montgomery 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.**

- a. Final Rules/Amendments: - None published since the last meeting of the Board.
- b. Rules/Amendments – Noticed for Intent. **Clinical Laboratory Personnel** – By rule amendments promulgated in February 2011, but effective June 30, 2012 (*LR, Vol. 37, No. 2, pp. 597-598*) the Board, on the recommendation of the Clinical Laboratory Advisory Committee, amended the CLP rules to revise the list of certifying organizations for new applicants for CLP scientist-generalists and technicians (3509A and 3509C) by deleting several organizations. The effect of the amendments is that the certifying examination accepted for licensure as a CLP generalist or technician after June 30, 2011, is the American Society of Clinical Pathology (ASCP). During its April 2011 meeting, the Board considered petitions to repeal the rule and decided to delay implementation of the amendments to Section 3509A and 3509B for one-year (until June 30, 2012) in order to further confer with stake holders and consider the issues. In the interim, the certifying organizations accepted under the Board's current rules will continue to be recognized. The *Notice of Intent* appeared in the May 20, 2011 edition of the *Louisiana Register*. The Board noted receipt of a comment from the American Medical Technologists supporting the delay in implementation of the rules amendments. Following review and discussion at its July 2011 meeting, the Board voted to publish the rules as final in the *Louisiana Register*. It is anticipated the rules will appear in the August 20, 2011 edition of the *Louisiana Register*. **Physician Assistants** – A draft of proposed amendments concerning scope of practice issues relating to physician assistants 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. At that time, 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 met with 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 draft further. A revised draft was presented for consideration at its October 2010 meeting. Following review and discussion, suggested modifications were sent to the PA Advisory Committee for review and during its December 2010 meeting, the Advisory Committee and other interested parties expressed concerns about the revised draft. Following discussion, the Board suggested additional modifications and at the suggestion

of the PA Advisory Committee authorized a meeting with members of the Louisiana State Medical Society, the Louisiana Academy of Physician Assistants and the PA Advisory Committee to discuss final modifications. The Board noted receipt of various comments regarding the proposed rule modifications. Modified drafts were considered at the February and March 2011 meetings along with the input from the PA Advisory Committee and the Louisiana Academy of Physician Assistants. Following further consideration at its April 2011 meeting, the Board voted to publish *Notice of Intent* to adopt the proposed amendments to its PA rules. The *Notice of Intent* with respect to the rule amendments appeared in the July 2011 edition of the *Louisiana Register* with a public hearing scheduled for August 29, 2011.

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. Modifications to the Committee's draft were presented to the Advisory Committee during its December 13<sup>th</sup> meeting, after which additional suggestions were received from staff and the Committee. A clean and annotated draft of the rules containing the recommended modifications was presented to the Board for initial review and discussion during its April 2011 meeting. After consideration at its May 2011 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. It is anticipated the *Notice of Intent* will appear in the September 2011 edition of the *Louisiana Register*. **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. **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. A revised draft was presented to the Advisory Committee for review and comments and as soon as they are received, a draft will be presented to the Board for consideration. **Midwifery** - The Board is undertaking a review of the status of its midwifery rules. A draft of the proposed midwifery rules has been forwarded to Sherri Daigle, Louisiana Midwives' Advisory Council for their consideration. **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 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 further consideration during its March 2010 meeting. At its June 2010, the Board received presentations from representatives of the American Board of Physician Specialties, the American Board of Medical Specialties and others on the proposed draft. A report on the current status of the rule making effort was presented during its December 2010 meeting and a follow-up report was given at its April 2011 meeting. **Physicians and Surgeons – Office-Based Surgery:** The Board considered suggestions for amendment to its office-based surgery rules and instructed staff/counsel to prepare proposed modifications of its rules to address the issues. The initial draft of the proposed rule amendments were presented during its March meeting for consideration. The Board again considered the initial draft of proposed modifications and offered a number of suggestions. A revised draft was presented incorporating the suggested changes. Following review and discussion, upon the motion of Dr. LeBlanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board decided to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. It is anticipated that the rules will be noticed in the October 2011 edition. **Physicians and Surgeons – Credit Card Fees:** During its July 2011 meeting, the Board requested that proposed amendments to its physician rules be prepared aimed at collecting the cost of fees associated with physician licensure and renewal. The Board considered an initial set of amendments. Following review and discussion, it was determined that further research into this matter was needed and will be presented at the next meeting of the Board. **Physicians and Surgeons – Late Renewal:** During its July 2011 meeting, the Board requested that proposed amendments to its physician rules be prepared to reduce the penalty charged for late physician renewal during the first ninety (90) days. An initial set of a draft amendments were presented for the Board's consideration. Following review and discussion, upon the motion of Dr. LeBlanc, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board decided to provide *Notice of Intent* to adopt the proposed rules amendments in the *Louisiana Register*.

**[4.] Report on Pending Litigation.** On the motion of Dr. Amusa, duly seconded by Dr. Burdine 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. § 42:17A(2). No further action was required or taken on this matter.

**5. Rulings and Advisory Opinion; Personal Appearance; Gregg S. LeBlanc, Regional Manager, Clinical Pathology Laboratories; Clarification of Phlebotomy Licensure.** Gregg S. LeBlanc, Regional Manager, Clinical Pathology Laboratories, accompanied by Kelly Stegal, Regional Manager, New Orleans area, appeared before the Board to request clarification on whether phlebotomists and laboratory assistants collecting specimens from Louisiana patients to be shipped to out of state laboratories for testing are required to be licensed in order to perform this duty. Following their dismissal, it was the consensus of the Board to seek input from the Clinical Laboratory Personnel Advisory Committee.

**[6.] Personal Appearances/Docket Calendar.** On the motion of Dr. Montgomery, duly seconded by Dr. Bourgeois, 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. 42:17 A(1), (4). As no further action was required or taken on this matter, the Board resumed in open session.

**[7.] Investigative Reports.** On the motion of Dr. Burdine, duly seconded by Dr. Amusa, the Board convened in executive session to consider the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(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., 10-I-675

b. Closed: The following matters were approved for discontinuance with Letters of Concern:

Docket No., 11-I-382

Docket No., 11-I-671

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

**[8.] Professional Liability Report.** On the motion of Dr. Montgomery, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session to consider the report of Dr. Eisenhauer, on professional liability cases reviewed since the last

meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

**[9.] General Disciplinary Matters.** On the motion of Dr. Burdine, 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. §42:17A(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 there was no activity report for the probation department submitted for this month.
- b. Prescriptive Authority for Legend Drugs – The Board reviewed its rules relative to applicants with past disciplinary action applying for prescriptive authority of legend drugs. Following review and discussion, it was the consensus of the Board that in accordance with §1521 of the Board’s rules that applicants with past disciplinary action applying for prescriptive authority of legend drugs were ineligible, noting, however, a rule amendment was in order to modify the rules to allow for those applicants with past disciplinary action authority to prescribe legend drugs.
- c. Jennings, Randall Wayne, M.D. – To approve reinstatement of the license of Randall Wayne Jennings, M.D., in accordance with the terms of the Consent Order entered December 14, 2009, to a full, unrestricted status.

**10. Rulings and Advisory Opinions; Personal Appearance; Raymond Pisani, Chairman; Respiratory Therapy Advisory Committee; Respiratory Therapy; Scope of Practice; Respiratory Therapy Protocols.** Raymond Pisani, Chairman, Respiratory Therapy Advisory Committee, appeared before the Board to discuss the issue of respiratory therapy protocols. He explained that on the assessment of the patient by the physician, the physician writes approved protocols for the respiratory therapist to follow which he states is performed in most hospitals. Following his dismissal, it was the consensus of the Board to inform Tara Foto, Attorney, Breazale, Sachse & Wilson, L.L.P., who sought an advisory opinion, that physician-approved respiratory therapy protocols may be instituted based on a physician’s patient-specific order for respiratory therapy treatment for his or her patient and that a copy of said protocol must be included in the patient’s medical record.

**11. Rulings and Advisory Opinions; American Association for Nuclear Cardiology, Inc., Radiopharmaceutical Requirements.** The Board reviewed correspondence received from Charles H. Rose, MA, MSPH, D(ABSNM), Executive Director, American Association for Nuclear Cardiology, Inc., seeking specific regulatory requirements for individual administering

radiopharmaceuticals. Following review and discussion, it was the consensus of the Board to seek clarification from Mr. Rose.

**12. Communication and Information; Justin Aaron Norris, M.D.** The Board reviewed correspondence received from Justin Aaron Norris, M.D., asking the Board to consider changing the rules for licensure of foreign medical graduation to allow for two years of residency training in the same specialty. Following review and discussion, it was the consensus of the Board to deny his request based on the fact that the Board felt that its current rules provide the necessary level of accredited clinical training essential to medical licensure and could find no justification for distinguishing such requirement in favor of the citizenship of a particular international medical graduate.

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

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending June 30, 2011 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of June 30, 2011. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending June 30, 2011 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of June 30, 2011.

**14. General Administrative Matters; President's Report.** The President reported on his activities since the last meeting of the Board. Dr. Dawson allowed Dr. LeBlanc to report on the meeting relative to the development of the USMLE licensure examination and implementation of a fifth step to the examination. No further action was required or taken on this matter.

**15. General Administrative Matters; Executive Director's Report.** The Board received the report of its Executive Director on his activities since the last meeting of the Board. He reported on his meeting, along with counsel, at the Louisiana State Board of Dentistry relative to their proposed rule on the Administration of Botox and Dermal Fillers, the upcoming meeting of the Legislative Workgroup on ePrescribing and meeting with the Chancellor of Southeast Community College on the approved Midwifery Program.

**[16.] Licensure and Certification; Clinical Laboratory Personnel.** On the motion of Dr. Bourgeois, duly seconded by Dr. Montgomery 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. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote approved the following for licensure provided all requirements had been met:

Laboratory Assistant

Thomas, Courtney LaSheryl

Generalist

Giblin, Sean David

Phlebotomist

Lequeux, Travis Jean

**[17.] Licensure and Certification; Occupational Therapist.** On motion of Dr. Amusa, duly seconded by Dr. Burdine and passed by unanimous voice vote, 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. 42:17A(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:

Despot, Megan McCarter

**[18.] Licensure and Certification; Medical Psychologist Advanced Practice.** 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. 42:17A(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:

Medical Psychologist Advanced Practice

Fidanza, John III, PhD

**[19.] Licensure and Certification; Physicians & Surgeons; Foreign Medical Graduates.** On motion of Dr. Burdine, duly seconded by Dr. Amusa and passed by unanimous voice vote, 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. 42:17A(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 application of the following provided all requirements had been met:



Endredi, Jozsef Janos

**[20.] Licensure and Certification; Physicians & Surgeons; U.S./Canadian Medical Graduates.** 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 applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(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. Gungor, Anil A., M.D. – To approve the request of Anil A. Gungor, M.D., for a waiver of the licensure requirements in accordance with §315 of the Board's rules inasmuch as he had been appointed as associate professor at Louisiana State University Health Sciences Center, Shreveport, Department of Otolaryngology Head and Neck Surgery on the tenure track.
- b. Noria, Sabrena Farokh, M.D. – To approve the request of Sabrena Farokh Noria, M.D., for a waiver of the licensure requirements in accordance with §315 of the Board's rules inasmuch as she had been appointed as assistant professor at Tulane University School of Medicine, Department of Surgery on the tenure track.
- c. Non-routine – To approve the non-routine applications of the following for licensure provided all requirements had been met:

Congdon, Gerald Francis  
Foret, Andrew Lee

Holmes, Brian Joseph  
James-Hart, Tyshaun Michele

**[21.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report.** On motion of Dr. Montgomery, 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. 42:17A(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:

Graduation Education Temporary Permit (GETP)

Pullapilly, Anand Joseph

Clinical Laboratory Personnel

Butler, Jessica Davis

Olivier, Brett Joseph

Physicians and Surgeons

Sams, Bradley Carnell

Dispensation Registration

Tabor, Eric Neal

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

Ebbers, Richard J.

**[22.] Licensure and Certification; Other Licensure Matters; Relicensure/Reinstatement.**

On motion of Dr. Burdine, 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. 42:17A(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 reinstatement/relicensure provided all requirements had been met:

Physician and Surgeon

Boucree, Michael C.

Occupational Therapist

Keller, Belynda

**[23.] Licensure and Certification; Intern/Examination Registration.**

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 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. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved issuance of an intern training permit to the following provided all requirements had been met:

U.S. Medical Graduate

Cerreta, Kenneth III

**24. Licensure and Certification; Other Licensure Matters; Licensees for Suspension.** The Board reviewed the list of licensees, who had failed to renew their licenses by July 31, 2011. No further action was required or taken on this matter.

**[25.] Investigative Matters; Personal Appearance; Robert Victor Cadogan, DPM.** On the motion of Dr. Montgomery, duly seconded by Dr. Amusa, the Board convened in executive session for the personal appearance of Robert Victor Cadogan, DPM, in connection with the approval of his Consent Order at the July 2011 meeting, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Cadogan appeared before the Board in connection with the acceptance of his Order. No further action was required or taken on this matter.

**[26.] General Disciplinary Matters; Personal Appearance; Benji Joseph Juneau, PA.** Continuing in executive session, Benji Joseph Juneau, PA, appeared before the Board in connection with his request for reinstatement of his suspended license, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Following his dismissal the Board resumed in open session and upon the motion of Dr. Burdine, duly seconded by Dr. Montgomery, and approved by unanimous voice vote, approved reinstatement of the suspended license of Mr. Juneau, on probation in accordance with the terms of the Consent Order entered July 18, 2011.

**27. Next Meeting of Board.** The President reminded members that the next meeting of the Board was scheduled for September 19, 20, 2011.

**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 August 15, 2011 as approved by the Board on the 17<sup>th</sup> day of October, 2011.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 17<sup>th</sup> day of October 2011.

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Kweli J. Amusa, M.D.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING  
JUNE 20, 2011

MINUTES OF MEETING  
DECEMBER 6, 7, 2010

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Secretary-Treasurer

Attest:

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Mark Henry Dawson, M.D.  
President