

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 3, 2012
NEW ORLEANS, LOUISIANA**

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, December 3, 2012, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members were present as follows:

Melvin G. Bourgeois, M.D., President
Kim Edward LeBlanc, M.D., Ph.D., Vice-President
Kweli J. Amusa, M.D., Secretary-Treasurer
John Michael Burdine, M.D.
Mark Henry Dawson, M.D.
Lehrue Stevens, M.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 Gласper, Director of Licensure
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

Judge Frederick S. Ellis
Judge John W. Green

Philip O. Bergeron

1. **Minutes of October 15, 2012 Meeting.** The Board reviewed the minutes of its meeting held October 15, 2012. On the motion of Dr. Amusa duly seconded by Dr. Stevens 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.

3. **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 – Demonstration of Clinical Competency:** The Board developed a set of rules for the demonstration of physician clinical competency for licensure reinstatement/renewal and decided to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. The *Notice of Intent* appeared in the July 2012 edition of the *Louisiana Register*. The *Register* inadvertently listed the *Notice* under the wrong heading, and re-published the *Notice* which appeared in the September edition of the *Register*. The comment period was extended through October 19, 2012. During the comment period, no written comments were received nor was there a request for a hearing. It is anticipated that the rule will be adopted in the December edition of the *Louisiana Register*. **Physicians and Surgeons – Suspension/Termination/Non-Renewal of Training; Notification to the Board:** During its June 2012 meeting, the Board considered a suggestion for amendment to its physician rules in order to facilitate the reporting by postgraduate training programs of the suspension, termination or non-renewal of a resident from training. Following discussion, the Board elected to provide *Notice of Intent* to adopt the suggested rule amendment. The *Notice of Intent* appeared in the September 2012 edition of the *Louisiana Register*. During the comment period, no written comments were received nor was there a request for a hearing. It is anticipated that the rule will be adopted in the December edition of the *Louisiana Register*. **Physician Assistants – Legend and Controlled Substance Authority:** The Board requested that amendments to Section 1521A.2 and C.5 of its PA rules be prepared for its consideration to: remove the exclusion of legend drug authority for a PA whose license had been restricted; and to revise the controlled substance automatic exclusion of a PA whose license was placed on probation or restriction. The Board reviewed the draft set of amendments at its October 2011 meeting and suggested additional modifications to be incorporated and presented in a subsequent draft. At its December 2011 meeting, the Board reviewed the revised draft and voted to provide *Notice of Intent* to adopt the rule amendments in the next issue of the *Louisiana Register*. Said *Notice of Intent* appeared in the September 2012 edition of the *Louisiana Register*. During the comment period, no written comments were received nor was there a request for a hearing. It is anticipated that the rule will be adopted in the December edition of the

Louisiana Register

c. Rules/Amendments Under Development –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. This rule effort is being deferred pending clarification of statutory issues. 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 comment, and was approved, with suggested modifications during the Committee's meeting on September 16, 2011. During its October 2011 meeting, the proposed rules were presented to the Board along with the Committee's suggestions for initial review and discussion. Following discussion, the Board proposed modifications to the draft and asked that a revised draft be presented at its next meeting. Following the meeting, the Board received from two national organizations nearly the identical suggestions as those of the Committee's. The Board reviewed the revised draft of proposed rule amendments along with the suggestions from the organizations. Following review and discussion at its December 2011 meeting, the Board approved a response to the committee and organizations, along with a revised draft of the rules that incorporate the suggestions of its staff as well as the committee and organizations to the extent the Board found them acceptable and voted to provide *Notice of Intent* to adopt the rule amendments. Given changes to the law during the 2012 session of the Legislature, staff anticipates presenting a revised version of the rules for the Board's consideration. 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 2011 meeting for consideration. Further discussion was given to the matter during the April, May and June 2011 meetings. A revised draft incorporating the suggested changes was considered by the Board during its August 2011 meeting, following which the Board voted to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. 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 physician late renewal during the first ninety (90) days. An initial set of a draft amendments were presented for the Board's consideration at its August 2011 meeting. During the March 2012 meeting, the Board discussed the impact of penalty charge for late physician renewal and decided to enforce the late penalty fee after thirty (30) days and to provide *Notice of Intent* to adopt the proposed rules amendments in the *Louisiana Register*. Prior to filing such notice, further information was needed relative to the percentage of licensees who renew after thirty (30) days. Following consideration of additional information, the Board discussed amending its rules to provide for late physician renewal after seven (7) days. At its September 2012 meeting, the Board voted to provide *Notice of Intent* to adopt the rule

amendments in the *Louisiana Register*. However, following reconsideration of the application of the current rules, at its October 2012 meeting, the Board voted to discontinue this rule-making effort. **Athletic Trainers:** At the request of the Athletic Trainers Advisory Committee, the Board considered a rule change to facilitate meeting quorums at its August 2012 meeting and voted to provide *Notice of Intent* in the *Louisiana Register* to adopt the amendment. **Midwifery:** Given changes to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, staff anticipates presenting revisions to its existing rules in due course for the Board's consideration and discussion. **Physicians and Surgeons- Collaborative Drug Therapy Management ("CDTM"):** During the August 2012 meeting, the Board discussed the concept of certain potential amendments to the existing rules which were jointly promulgated with the Board of Pharmacy in 2007. Following review and discussion, the Board expressed a willingness to consider a draft of the proposed suggestions in due course. **Physicians and Surgeons – Licensure:** The Board expressed a desire to consider alternatives to the requirement for passage of the SPEX/CONVEX-USA for those who had taken and passed a written medical competence examination more than 10 years prior to the date of application. The Board reviewed and considered a draft of the proposed rule amendment and offered several modifications for further consideration. **Physicians and Surgeons – Out of State Physician Orders:** Pursuant to Act 44 of the 2011 session of the Louisiana Legislature, rules are being developed to accommodate out-of-state physicians (those licensed in any state other than Louisiana) who order routine diagnostic testing for established patients in this state provided: the physician-patient relationship was initiated through an in-person, face-to-face visit with the physician in another state; the order can be verified; and the results of all testing are provided directly to the ordering out-of-state physician. The Board considered and discussed an initial draft of the proposed rules. Following review, several suggestions were made to be incorporated for consideration at the next meeting of the Board. **Physicians and Surgeons – Dispensation of Medications:** The Board entertained a request for modification of its rules relative to dispensation of medications, specifically §6506 A. Following review and discussion, upon the motion of Dr. Dawson, duly seconded and passed by unanimous voice vote, the Board authorized publication of a *Notice of Intent* to adopt the rule amendment as drafted.¹ The Board considered the draft modification of the proposed rule amendment, and offered changes to be incorporated and presented for further consideration at the next meeting of the Board. **Occupational Therapy:** The Board received a request to consider alternatives to the limit on the number of examination attempts currently permitted by its rules for licensure as an occupational therapist. Following discussion, the Board requested that a draft be prepared for its review. The Board reviewed drafts of the proposed amendments, a copy of the laws and rules of other Boards. Following review and discussion, it was the consensus of the Board to defer action pending receipt of additional information.

¹ Dr. Burdine abstained from participation in the discussion and decision of this matter.

4. Louisiana State Board of Examiners of Psychologists (“LSBEP”); Personal Appearance; Kelly Parker, Executive Director. Kelly Parker, Executive Director, Louisiana State Board of Examiners of Psychologists, at the request of Dr. Marier, appeared before the Board to discuss her Board’s position on the functioning of Behavior Analysts as an independent board. Dr. Marier explained that at its next meeting the Behavior Analysts Licensure and Regulation Study Commission would be voting on whether to structure the Behavior Analysts as an independent Board or to merge with an existing Board. Ms. Parker explained that it was her Board’s view that Behavior Analysts should function as a sub-committee of the LSBEP and were willing to expand its membership to 7 to include a Behavior Analyst. Following her dismissal, upon the motion of Dr. LeBlanc, duly seconded and passed by unanimous voice vote, the Board voted to merge the Behavior Analyst with an existing board, under the licensing authority of the LSBEP.

5. Drug Enforcement Administration; Jason Thompson; Personal Appearance. Jason Thompson, Member, DEA Task Force, Tactical Division, appeared before the Board to provide information on the diversion of drugs in the state. No further action was required or taken on this matter.

6. Legal Other; Request for Exception; Personal Appearance; Pentec Health, Inc.; Michael Abens, Executive Vice President and General Manager, Specialty Infusion Services. Michael Abens, Executive Vice President and General Manager, Specialty Infusion Services, accompanied by Karen McHenry, RN and Barbara A. Knightly, appeared before the Board in connection with the request for an exception to §6921 (B) (1) to allow specially trained registered nurses to provide specialty infusion therapy services relying on implanted drug delivery systems (intrathecal pumps) treating severe pain or spasticity under a physician-approved treatment plan. Following their dismissal, it was the consensus of the Board to defer action on this matter pending further review.

7. General Administrative Matters; Financial Reports.

a. Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending September 30, 2012 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of September 30, 2012. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending September 30, 2012 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of September 30, 2012.

b. 2012 Amended Budget. The Board reviewed the proposed amended budget for 2012 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of

Dr. Amusa, duly seconded and passed by unanimous voice vote, the Board approved the amended budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

c. 2013 Board Budget. The Board reviewed the proposed budget for 2013 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Dawson, duly seconded and passed by unanimous voice vote, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

d. 2013 Clinical Laboratory Personnel Budget. The Board reviewed the proposed budget for 2013 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Montgomery, duly seconded and passed by unanimous voice vote, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

[8.] Report on Pending Litigation. On the motion of Dr. Montgomery, duly seconded by Dr. Stevens 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.

9. Legal; Act 276 of the 2012 Legislative Session. The noted passage of Act 276 of the 2012 Legislative Session, which sets forth new procedures for the licensing of military trained applicants and military spouses and requires the Board to adopt rules implementing the new law. Following review and brief discussion, staff was directed to start the rule-making process.

[10.] Personal Appearances/Docket Calendar. On the motion of Dr. Dawson, duly seconded by Dr. Montgomery 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. 42:17 A(1), (4). No further action was required or taken on this matter.

[11.] 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. §42:17A(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 Complaints: The following administrative complaints were approved for filing and scheduling of a formal hearing:

Docket No., 12-I-221
Docket No., 12-I-214
Docket No., 11-I-060
Docket No., 12-I-588
Docket No., 11-I-767

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

Lauren Marie James-Penn, ATH, Docket No., 12-I-888
Denise Marie Graham, M.D., Docket No., 12-I-218
Melvin James Schultz, M.D., Docket No., 10-I-896
Denise Irene Eubanks, CLP, Docket No., 12-I-832
Claude Vernon Lockhart, M.D., Docket No., 12-I-197
Constantinos Johnny Kaklis, CRT, Docket No., 12-I-941
Christopher Adams Gayle, M.D., Docket No., 12-I-117
Kristen Edwards Thompson, OTA, Docket No., 12-I-732
Rebecca Ruth Martin, OTA, Docket No., 12-I-385
Kami Carpenter Waguespack, OTT, Docket No., 10-I-363
Kayla Jean Slaydon, CLP-PHL, Docket No., 12-I-846
Roy E. Brandhurst, III, M.D., Docket No., 12-I-198
Yelena Ivanova, M.D., Docket No. 12-I-057
David Scott Burkett, M.D., Docket No., 12-I-362
Warren Williams, Sr., M.D., Docket No., 07-I-441
Cole Evan Libby, ATH, Docket No., 12-I-984
William Franklin Yost, M.D., Docket No., 12-I-248

- c. The following matters were closed/dismissed with a Letter of Concern:

Docket No., 12-I-493
Docket No., 98-I-052

- d. The following matters were closed/dismissed:

Docket No., 12-I-460
Docket No., 12-I-709
Docket No., 10-I-766

e. Cease and Desist: The following matter was approved for handling with a Cease and Desist Order issued by the Board:

Docket No., 12-I-376

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

g. Interim Actions: The Board approved the Interim Actions that had been handled by the President:

Docket No., 12-I-941

Docket No., 12-I-972

[12.] Investigative Matters; Personal Appearance; James Buell Denney, M.D. On the motion of Dr. Montgomery, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of James Buell Denny, M.D., 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. Denney, accompanied by his attorney, Sherif K. Sakla, M.D., Esq., appeared before the Board in connection with the acceptance of his Superseding Consent Order approved at the last meeting of the Board. No further action was required or taken on this matter.

[13.] General Disciplinary Matters; Personal Appearance; Roland Simeon Waguespack, Jr., M.D. On the motion of Dr. Burdine, duly seconded by Dr. Stevens and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Roland Simeon Waguespack, Jr., M.D., 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. Waguespack accompanied by his attorney, William P. Gibbens, Esq., appeared before the Board to request reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session, and on the motion of Dr. Montgomery, duly seconded by Dr. Amusa, and passed by unanimous voice vote, approved reinstatement of the license of Roland Simeon Waguespack, Jr., M.D., off probation.

[14.] General Disciplinary Matters; Personal Appearance; Amanda H. Holman, CRT. On the motion of Dr. Dawson, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Amanda H. Holman, CRT, 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). Ms. Holman appeared before the Board in connection with her request for reinstatement of her suspended license. Following her dismissal, the Board resumed in open session, and on the motion of Dr. Dawson, duly seconded by Dr. Amusa, and passed by unanimous voice vote, approved reinstatement of the suspended license of Amanda H. Holman, CRT, in accordance with the terms of the Consent Order dated April 16, 2012.

[15.] Professional Liability Report. On the motion of Dr. Dawson, duly seconded by Dr. Montgomery 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. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

[16.] General Disciplinary Matters. On the motion of Dr. Stevens, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session to consider the report on site visits and 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) and (4). Following review and discussion, the Board resumed in open session and upon motion made and passed by unanimous voice vote, took the following actions:

- a. Collaborative Practice Reports – To approve the request of the following for prescriptive authority and additional supervising physicians:

Gaudin, Bonnie Lynn

Pancoast, Bridget Howard

- b. Michel, Sharon Ann, OT – To deny the request of Sharon Ann Michel, OT, for early reinstatement of her license to a full, unrestricted status, off probation.

17. Rulings and Advisory Opinions; Performance of Electromyographic Testing Performed by Physician Assistants. The Board reviewed correspondence received from J. Barrett Benton, Esq. and Jeffrey P. Braud, Esq., Benton, Benton & Associates, L.L.C., requesting an advisory opinion on whether the performance of electromyographic testing falls within the scope of practice of a physician assistant. Following review and discussion, it was the consensus of the Board to reaffirm its previous Statement of Position, "Performance of Electromyography and Nerve Conduction Studies by Licensed Physical Therapist" which in summary states that electromyographic studies may only be performed by a physician specialized in such training.

18. Rulings and Advisory Opinions; Respiratory Therapy; Scope of Practice; Ability to Flush Arterial Lines. The Board reviewed electronic correspondence received from David Miller, MA, RRT, seeking an advisory opinion on whether it is within the scope of practice of respiratory therapy to flush arterial lines using syringes with a papavarine solution. Following review and discussion, it was the consensus of the Board to seek input from the Respiratory Therapy Advisory Committee and Dr. Do who was referenced in the electronic correspondence.

19. Rulings and Advisory Opinions; IRB Clinical Intervention Study. The Board reviewed correspondence received from Brian E. Kozar, M.D., requesting an opinion from the Board on his ability to become an affiliate of the California Stem Cell Treatment ("CSCTC") and enroll patients

in an “IRB Clinical Intervention Study” of autologous stromal vascular fraction (SVC) rich in stem cells. Following review and discussion, it was the consensus of the Board to advise Dr. Kozar that inasmuch as he had made a commitment not to promote or otherwise engage in unproven stem cell therapies and inasmuch as CSCTC indicated they felt this technique is exempt from oversight by the FDA and provide a disclaimer informing patients that stem cell treatment is not approved by the FDA for any specific disease, and that the proposed clinical trials are noted to be “patient funded”, that his participation as a provider in this endeavor would be deemed unethical and unprofessional and as such would not approve his participation.

20. Rulings and Advisory Opinions; Athletic Trainers; Scope of Practice. The Board reviewed the electronic correspondence received from David Drez, Jr., M.D., posing questions regarding the scope of practice for athletic trainers. Following review and discussion, it was the consensus of the Board to inform Dr. Drez that physician supervision or oversight is required for all functions of an athletic trainer.

21. Communication and Information; Federation of State Medical Boards (“FSMB”); Second Call for Resolutions. The Board noted receipt of the second call for resolutions for consideration at the FSMB’s annual House of Delegates business meeting scheduled for April 20, 2013 and reviewed a draft resolution for submission asking that the FSMB obtain certification from the ACCME for the purpose of providing Category I continuing medical education for educational programs offered by state medical and osteopathic boards. Following review and discussion, on the motion of Dr. Montgomery, duly seconded and passed by unanimous voice vote, the Board approved the resolution for submission from the Board.

22. Communication and Information; Federation of State Medical Boards (“FSMB”); Maintenance of Licensure Workgroup on Clinically Inactive Physicians. The Board reviewed the Draft Report of the Maintenance of Licensure Workgroup on Clinically Inactive Physicians and noted comments were solicited through December 19, 2012.

23. Communication and Information; Federation of State Medical Boards (“FSMB”); Webinar “Enhanced Certification Maintenance Requirements for Physician Assistants”. The Board reviewed a copy of the FSMB’s webinar “Enhanced Certification Maintenance Requirements for Physician Assistants” held Thursday, November 15, 2012, presented for information only. No further action was required or taken on this matter.

24. Communication and Information; Federation of State Medical Boards (“FSMB”); Policy Brief; Licensure Models to Facilitate the Multistate Practice of Medicine. The Board noted receipt of a copy of the FSMB’s Policy Brief, Licensure Models to Facilitate the Multistate Practice of Medicine along with the comment offers by Dr. Marier. No further action was required or taken on this matter.

25. Communication and Information; Federation of State Medical Boards (“FSMB”); Draft Revisions; Model Policy on the Appropriate Use of Opioid Analgesics in the Treatment of Pain and Model Policy on Opioid Addiction Treatment in the Medical Office.

The Board reviewed the draft revisions to two policies: Model Policy on the Appropriate Use of Opioid Analgesics in the Treatment of Pain and Model Policy on Opioid Addiction Treatment in the Medical Office. The FSMB asked for review and comments no later than December 20, 2012.

26. Communication and Information; Prescription Monitoring Program Advisory Council. The Board noted receipt of the report of the Prescription Monitoring Program Advisory Council meeting held October 11, 2012. No further action was required or taken on this matter.

27. General Administrative Matters; President's Report. The President reported on his activities since the last meeting of the Board. No further action was required or taken on this matter.

28. 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. Dr. Marier stated he had no further activity than that already reported in the minutes.

29. General Administrative Matters; Athletic Trainers Advisory Committee. The Board reviewed the recommendations from the Athletic Trainers Advisory Committee on the criteria for qualified organizations to be accepted by the Board. No further action was required or taken on this matter.

30. General Administrative Matters; Newsletter. The Board reviewed the draft of the next issue of the *Newsletter*. No further action was required or taken on this matter.

31. Licensure and Certification; Other Licensure Matters; Midwifery; VBAC Approval. The Board reviewed the request of Lynette E. Robinson, MW for approval of a VBAC delivery for her patient, K.D., in accordance with the Board's rules. Following review and discussion, it was the consensus of the Board to approve Ms. Daly for VBAC delivery and to inform Ms. Robinson and Dr. Robinson that the Board is in the process of developing a form to be utilized in submitting future requests for VBAC approval.

[32.] Licensure and Certification; Athletic Trainer. On the motion of Dr. Amusa, seconded by Dr. Dawson 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 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, seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements has been met:

Stauth, Naomi K.

[33.] Licensure and Certification; Clinical Laboratory Personnel. On the motion of Dr. Stevens, 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. 42:17A(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 has been met:

Phlebotomists

Berthelot, Tiffany Marie

Spikes, Katherine Arynol

Laboratory Assistants

Eldridge, Marquita L.
Miller, Autumn Renel

Rogers, Carmen E.

[34.] Licensure and Certification; Occupational Therapy. 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 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 has been met:

Occupational Therapist

Lessig, Jill Ellen

[35.] Licensure and Certification; Respiratory Therapy. On motion of Dr. Amusa, duly seconded by Dr. Stevens 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. 42:17A(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:

Locke, Jennifer M.
Powell, Betty C.

St. Romain, Jeffrey

- b. Denied – To deny the request of the following for a waiver of an examination attempt thereby making her ineligible for licensure:

Taylor, Delphine

[36.] Licensure and Certification; Physician Assistant. On motion of Dr. Dawson, 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 following for licensure provided all requirements had been met:

Brugger, Robert Dale

[37.] Licensure and Certification; Podiatry; Advanced Practice. On motion of Dr. Dawson, duly seconded by Dr. Stevens and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for advanced practice 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 deferred action on the following for podiatry, advanced practice – conservative treatment of the ankle pending receipt of further information:

Kadish, Robert Jarrett, DPM

[38.] Licensure and Certification; Midwifery. 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 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. 42:17A(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. Honeycutt, Rebecca, MDW – To advise Rebecca Honeycutt, MDW, that she must take and pass college courses from an accredited university or other educational instruction, courses or programs in her specialty to be approved by the Board, i.e., human anatomy and physiology.
- b. Hebert, Lacey Allison, MDW - To advise Lacey Allison Hebert, MDW, that she must take and pass college courses from an accredited university or other educational instruction, courses or programs in her specialty to be approved by the Board, i.e., human anatomy and physiology. Further to advise her that the human anatomy or physiology courses must pertain to humans and not animals as she inquired.
- c. Deggins, Nicole W., MDW – To advise Nicole W. Deggins, MDW, that she is eligible to seek licensure as a lay midwife provided all requirements are met.

[39.] Licensure and Certification; Physicians & Surgeons; Foreign Medical Graduates.

On motion of Dr. Burdine, duly seconded by Dr. Dawson 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. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, made the following decisions:

- a. Abhishek, Ray, M.D. – To deny the request of Ray Abhishek, M.D., for a waiver of training in an ACGME accredited postgraduate program in the same training specialty, thereby making him ineligible for licensure.
- b. Garbee, Michael A., M.D. – To deny the request of Michael A. Garbee, M.D., for a waiver of an examination attempt, thereby making him ineligible for licensure.
- c. Non-Routine – To approve the following non-routine applicants for licensure provided all requirements had been met:

Waheed, Ayesha

[40.] Licensure and Certification; Physicians & Surgeons; U.S./Canadian Medical Graduates.

On motion of Dr. Dawson, duly seconded by Dr. Stevens 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. 42:17A(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. Moore, Rodney R., M.D. – To deny the request of Rodney R. Moore, M.D., for waiver of the SPEX/Board certification examination in as much as he had not taken a medical competency examination within the past ten years as required by the rules.
- b. Vitiello, Marco N., M.D., FACFE, FACFM – To deny the request of Marco N. Vitiello, M.D., FACFE, FACFM, for waiver of the SPEX/Board certification examination in as much as he had not taken a medical competency examination within the past ten years as required by the rules.
- c. Non-Routine – To approve the following non-routine applicants for licensure provided all requirements had been met:

Britt, Michael Wayne
Caruso, Garcon Marc
DeMasi, Leon G., III
Garcia, Ramon Julio

Huff, Carl W.
Large, James Walsh
Nasr, Ramy Mohamed Z.N.
Trania, Jeffrey Francis

[41.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report. On motion of Dr. Amusa, duly seconded by Dr. Dawson 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, approved the following for licensure provided all requirements had been met:

Clinical Laboratory Personnel

Lawson-Collins, Brenda G.
Edwards, Monique E.

Myers, Kelley C.

[42.] Licensure and Certification; Other Licensure Matters; Intern/Examination Registration. 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 application 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/examination registration for the following provided all other requirements had been met:

U.S. Medical Graduate

Koch, Brian Michael

Graduate Education Temporary Permit

Taylor, Mark Levesque

[43.] Licensure and Certification; Other Licensure Matters; Reinstatement/Relicensure. On the motion of Dr. Stevens, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the application for reinstatement/relicensure 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 reinstatement/relicensure of the following provided all other requirements had been met:

Thaxton, Shonda Lynn, CLP

44. Licensure and Certification; Short Term Residency Program. The Board reviewed the request received from Trey Dunbar, Our Lady of the Lake Regional Medical Center,

Department of Pediatrics and Cardiology for approval of a short term residency program for pediatrics/cardiology residents doing a monthly rotation. Following review and discussion, the Board, upon motion made, duly seconded and passed by unanimous voice vote, approved the short-term residency program for the Our Lady of the Lake Regional Medical Center Pediatrics/Cardiology Program.

45. Next Meeting of Board. The President reminded members that the next meeting of the Board was scheduled for January 14, 15, 2013.

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on December 3, 2012 as approved by the Board on the 14th day of January, 2013.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 14th day of January, 2013.

Kweli J. Amusa, M.D.
Secretary-Treasurer

Attest:

Melvin G. Bourgeois, M.D.
President