

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**

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**FEBRUARY 13, 14, 2012  
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, February 13, 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.  
Cynthia Gail Montgomery, M.D.  
Lehrue Stevens, 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  
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

**First Session****Monday, February 13, 2012**

1. **Minutes of January 17, 2012 Meeting.** The Board reviewed the minutes of its meeting held January 17, 2012. On the motion of Dr. Stevens duly seconded by Dr. LeBlanc 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: - **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*. The *Notice of Intent* appeared in the September 2011 edition of the *Louisiana Register*. During the comment period, no written comments were received nor a request for a public hearing. Following discussion at its December 2011 meeting, the Board voted to provide notice of final adoption of the rules in the *Louisiana Register*. The rule amendments became effective upon publication in the January 20, 2012 edition of the *Louisiana Register*.

b. **Rules/Amendments – Noticed for Intent. 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 held August 29, 2011. The Board reviewed a sampling of the comments to the sections with the most objections and accepted the offer of assistance from Jennifer Angelo, President, Louisiana Academy of Physician Assistants and Jennifer Marusak, Director, Governmental Affairs, Louisiana State Medical Society. Following review and discussion, on the motion of Dr. Amusa, duly seconded and passed by unanimous voice vote, the Board approved substantive changes to the proposed rule amendments and directed that a revised draft be prepared for consideration. Following review and discussion of the revised rule amendments, the Board approved publication of *Notice of Intent* to adopt the revised rules and notice of a public hearing to obtain comments. In accordance with R.S. 49:968(H)(2), notice of proposed changes appeared in the December 2011 edition of the *Louisiana Register*. A public hearing was held on January 24, 2012. Representatives of the Board's Physician Assistant Advisory Committee and the Louisiana Academy of Physician Assistants appeared at the hearing and expressed support for the proposed amendments, as modified by the proposed substantive changes. No one appeared to voice concerns or express opposition. On the motion of Dr. Leblanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board approved publication of final adoption of the proposed rule amendments in the *Louisiana Register*. **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, 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* and they became final upon promulgation in the August 20, 2011 edition. At its December 2011 meeting, the Board decided to withdraw the prior amendments to Subsection 3509 A and 3509C that were promulgated in February 2011 and to reform the list of currently recognized certifying organizations to reflect those which have merged or no longer exist. The effect of the proposed amendments is that

each of the certifying organizations that were accepted by the Board for CLP generalist and technician applicants for licensure prior to adoption of the previous rule change in February 2011 i.e., the ASCP, the American Medical Technologists (AMT) and the American Association of Bioanalysts (AA) will continue to be recognized by the Board. *Notice of Intent* to withdraw the prior rule change appeared in the January 2012 edition of the *Louisiana Register*. Further proceedings will be in accordance with the Administrative Procedure Act. In addition, the Board decided to point out several concerns to its legislative oversight committees with the CLP Act in its current form. These include the requirement for supervision of technicians when such is no longer required by CLIA, clarification of the intent of the act with respect to certain educational requirements, changing the terms used for both categories of licensure in favor of terms that are widely used in the profession – “MLS” and “MLT” for CLS-G and CLS-T, respectively – and requiring that all certifying examinations be psychometrically validated. It is anticipated that the *Notice of Intent* to withdraw the prior rule change will appear in the January 2012 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. **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 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 in the next issue of the *Louisiana Register*. **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 and decided to provide *Notice of*

*Intent* to adopt the proposed rules in the *Louisiana Register*. It is anticipated the *Notice of Intent* will appear in the March edition of the *Louisiana Register*. **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 was presented during its March 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 draft amendments were presented for the Board's consideration at its August 2011 meeting. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the proposed rules amendments in 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 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 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*.

**[4.] Report on Pending Litigation.** On the motion of Dr. Montgomery, 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.] Report on Pending Litigation; Fees and Costs.** Continuing in executive session, the Board reviewed the report of legal counsel on pending litigation to which the Board is a party and the collection of fees and costs, La.Rev.Stat. § 42:17A(2). Following review and discussion, the Board resumed in open session and on the motion of Dr. LeBlanc, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board voted to proceed forward with the collection of fees and costs in this matter.

**6. Legislative Matters.** The Board reviewed proposed draft changes to various practice acts having impact to the Board. Proposed changes to the Midwifery Practice Act were presented as follow-up information. Following review and discussion, on the motion of Dr. Montgomery, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board approved the draft changes as suggested during the discussion. The Board also reviewed the Pain Management Clinics Act Amendments which transfers the responsibility from the

Department of Health and Hospitals to the Board. The Board further reviewed proposed changes to the Clinical Laboratory Practice Act. Upon the motion of Dr. LeBlanc, duly seconded and passed by unanimous voice vote, the Board approved adding a provision relative to moderate complexity testing to the amendment. Finally, the Board review the Report to the 2012 Louisiana Legislature in response to SR 81/HR 108 (2011) Legislative Workgroup on Electronic Prescribing (eRX) and Electronic Prior Authorization (ePA), which required no action on the part of the Board.

**7. Rulings and Advisory Opinions; Personal Appearance; Brian Rosenberg, M.D., East Jefferson General Hospital; Discontinuance of Therapy.** Brian Rosenberg, M.D., Medical Director for the Inpatient Rehabilitation Unit, East Jefferson General Hospital, appeared before the Board to discuss who is responsible for making the determination relative to discontinuance of rehabilitation therapy, as the law and the Board's rules are not specific with respect to occupational and physical therapy. Following review and discussion, it was the consensus of the Board to advise Dr. Rosenberg that inasmuch as the Board does not have jurisdiction over physical therapists he may want to refer this matter to the Physical Therapy Board for their input and that the discontinuance of therapy would be the decision of the physician. The Board also advised Dr. Rosenberg that they would seek input from the Occupational Therapy Advisory Committee relative to occupational therapists.

**[8.] Personal Appearances/Docket Calendar.** On the motion of Dr. Montgomery, duly seconded by Dr. Burdine, 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.

**[9.] 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 Complaints: The following administrative complaints were approved for filing and scheduling of a formal hearing:

Docket No., 09-I-009  
Docket No., 11-I-049  
Docket No., 12-I-006

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

Qui Tan Le, DPM, Docket No., 11-I-751  
Ernesto Antonio Kufoy, M.D., Docket No., 11-I-447

Willie Raymond Vasquez, Jr., PA, Docket No., 11-I-833  
Dahlia V. Kirkpatrick, M.D., Docket No., 10-I-596  
Curtis Vincent, PhD., MP, Docket No., 10-I-562  
Jenny Renee Thibodaux, CRT, Docket No., 11-I-686  
James Charles Chambers, Jr., OTT, Docket No., 11-I-794  
Paul Marion Toce, Jr., M.D., Docket No., 10-I-519  
Joseph Wesley Diggs, M.D., Docket No., 10-I-675  
Lindsay Loftin Young, OTA, Docket No., 12-I-050  
Kathleen Sartori Acree, MW, Docket No., 10-I-895

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

Ralph Maxwell III, M.D., Docket No., 11-I-496

- d. Closed: The following matter was closed/discontinued:

Docket No., 11-I-801

- e. Closed: The following matter was closed/discontinued with a Letter of Concern:

Docket No., 11-I-440<sup>1</sup>

- f. Rejected: The following matter was rejected:

Docket No., 11-I-343

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

- h. Interim Actions: The Board noted the Interim Actions that had been handled by the President:

Docket No., 11-I-951

Docket No., 11-I-049

Docket No., 12-I-006

Docket No., 10-I-648

**[10.] Professional Liability Report.** 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 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

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<sup>1</sup> Drs. Amusa and Montgomery were opposed to accepting the disposition of this matter.

and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

**[11.] General Disciplinary Matters.** Continuing in executive session, the Board considered the report on site visits and 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. Site Visits – The Board noted the report on site visits for physician assistants, supervising physicians, including those with more than 40, and collaborative practice agreements.
- b. Morrison, David Gay, M.D. – To note the information submitted in the matter of David Gay Morrison, M.D.
- c. Prescription Monitoring Program Advisory Council – To note the report of the quarterly meeting of the Prescription Monitoring Program Advisory Council held January 11, 2012.
- d. Enforcement Indicators/Board Actions 2011 – To note the report of the Enforcement Indicators and Disciplinary Board Actions for 2011 as prepared by Ms. Hammons.
- e. Stem Cell Committee – To review the follow-up information regarding the formation of a committee of experts to study and develop guidelines for the ethical use of evolving stem cell therapies for commercial use.

**[12.] Physicians Health Committee.** 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 Julie Alleman, M.Ed., LPC, LMFT, LAC ,Administrative Director, Physicians' Health Foundation ("PHP") on the participants 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.§ 42:17A(1) and (4).

**[13.] Investigative Matter; Personal Appearance; Qui Tan Le, DPM.** On the motion of Dr. Amusa, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Qui Tan Le, DPM, 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. Le appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.



**[14.] Investigative Matter; Personal Appearance; Ernesto Antonio Kufoy, M.D.** On the motion of Dr. Dawson, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Ernesto Antonio Kufoy, 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. Kufoy, accompanied by his attorney, Thomas L. Cowan, Esq., appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

**[15.] Investigative Matter; Personal Appearance; Paul Marion Toce, Jr., M.D.** On the motion of Dr. Stevens, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Paul Marion Toce, 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. Toce appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

**[16.] General Disciplinary Matters; Personal Appearance; Sharon Lea Huffman, M.D.** On the motion of Dr. Amusa, duly seconded by Dr. Stevens and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Sharon Lea Huffman, 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. Huffman appeared before the Board in connection with her request for reinstatement of her prescribing privileges of Schedule IV-V controlled substances. Following her dismissal, the Board resumed in open session and upon the motion of Dr. Dawson, duly seconded and passed by unanimous voice vote, approved reinstatement of the prescribing privileges of Schedule IV-V controlled substances for Sharon Lea Huffman, M.D.

**[17.] General Disciplinary Matters; Personal Appearance; David Charles Vajnar, M.D.** On the motion of Dr. Montgomery, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of David Charles Vajnar, 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. Vajnar appeared before the Board in connection with his request for a definite term of probation. Following his dismissal, the Board resumed in open session and upon the motion of Dr. LeBlanc, duly seconded and passed by unanimous voice vote, approved terminating the period of probation in four years and reinstating his prescribing of Schedule IV-V controlled substances.

**[18.] General Disciplinary Matters; Personal Appearance; Robert Fernando Ordonez, M.D.** On the motion of Dr. Amusa, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Robert Fernando Ordonez, 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. Ordonez 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 the motion

of Dr. Dawson, duly seconded and passed by unanimous voice vote, denied the request of Dr. Ordonez for reinstatement of the license of Robert Fernando Ordonez, M.D., to a full, unrestricted status and approved reinstatement of his prescribing of Schedule IV-V controlled substances.

**[19.] General Disciplinary Matters; Personal Appearance; Robert James Duncan, PA.** 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 Robert James Duncan, PA, 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). Mr. Duncan 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 the motion of Dr. LeBlanc, duly seconded and passed by unanimous voice vote, approved reinstatement of the license of Robert James Duncan, PA, to a full, unrestricted status, off probation.

**20. Rulings and Advisory Opinions; Pain Management; Follow-Up.** The Board reviewed the follow-up information concerning the correspondence received from David M. Vaughn, JD, CPC, Vaughn & Associates, L.L.C., requesting clarification as to the extent to which a nurse practitioner may be utilized with respect to pain management patients. Following review and discussion, it was the consensus of the Board to advise Mr. Vaughn that physicians engaged in the treatment of chronic, nonmalignant chronic or intractable pain must adhere to the Board's Pain Rules and that the pain rules prohibit physician assistants as well as nurse practitioners from prescribing or utilizing any controlled substances in connection with the treatment of non-cancer related chronic or intractable pain. With those provisions in mind, the Board did not see it as inconsistent with its rules for an appropriately trained physician, who does not work in a pain management clinic and who initially evaluates and diagnoses the patient, prescribes a plan of care and sees the patient at regular intervals of no less than 12 weeks, to utilize the services of a nurse practitioner to work in his or her office to provide continuation of care between regular physician visits, provided that all controlled substance prescriptions are signed by the physician, the nurse practitioner works in the same office as the physician and the patient is seen by the physician between 12 week visits if the patient's condition so warrants and the physician's prescriptions for controlled substance were not inconsistent with the Board's Pain Rules.

**21. Rulings and Advisory Opinions; Coroner's Access to the Prescription Monitoring Program.** The Board reviewed the request from Joseph Fontenot, Louisiana State Board of Pharmacy, asking whether coroners acting in their official capacity to examine and investigate the cause and manner of death, may have access to the prescription monitoring program having established a physician-patient relationship with the decedent. Following review and discussion, it was the consensus of the Board to defer action on this matter pending further research.

**22. Rulings and Advisory Opinions; Clinical Laboratory Personnel; Requirements Licensure; Testing of Specimens by Out-of State Laboratory.** The Board reviewed electronic correspondence received from Deanna M. Perry, American Pathology Partners, Inc., requesting information on the licensure requirements for clinical laboratory personnel engaged in

the testing of human specimens in out-of-state laboratories. Following review and discussion, it was the consensus of the Board to defer action on this matter pending receipt of additional information.

**23. Communication and Information; Louisiana Psychological Association.** The Board reviewed a communication received from Phillip T. Griffin, Ph.D., ABPP, President, Louisiana Psychological Association regarding Act 251 of the 2009 Regular Legislative Session which transferred the regulation of medical psychologists to the Board. Inasmuch as the transfer had been in place since 2009, no further action was taken on this matter.

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

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

**25. General Administrative Matters; President's Report.** The President reported on his activities since the last meeting of the Board. Dr. Bourgeois issued the licensure assignments for his term of office.

**26. 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. In addition to legislative matters he gave an update on the ongoing renovations to the building.

**27. Licensure and Certification; Midwifery.** The Board reviewed the request received from Edwards Barham, Gentle Choices Birth Center for approval of a VBAC delivery for one of his clients. Following review and discussion, it was the consensus of the Board to advise Mr. Barham that the Board would need the report given by the obstetrician stating that his client was not at risk for delivery.

**[28.] Licensure and Certification; Clinical Laboratory Personnel.** On the motion of Dr. Burdine, 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 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, made the following decisions:

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

Laboratory Assistants

Kindrix, Linda Darlene

Rotella, Julia Anne

Phlebotomists

Pittman, Courtney E.

Stevenson, Pamela Williams

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

Laboratory Assistant

Clark, L'Brittiany Thompson

Phlebotomist

Mayfield, Floyd Royal

**[29.] Licensure and Certification; Respiratory Therapy.** On motion of Dr. Stevens, duly seconded by Dr. Burdine 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, deferred action on the application of the following pending receipt of additional information:

Johnson, Irene Rose

**[30.] Licensure and Certification; Physicians & Surgeons; Foreign Medical Graduates.** 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, made the following decisions:

- a. Sanghi, Harishankar, L., M.D. – To deny the request of Harishankar L. Sanghi, M.D., for a waiver of the three years of ACGME postgraduate training required for licensure.
- b. Non-Routine Applicant – To approve the following non-routine applications for licensure provided all requirements had been met:

Aneja, Ashish  
Patel, Darshan M.

Tilley, Brandon Keith

**[31.] Licensure and Certification; Physicians & Surgeons; U.S./Canadian Medical Graduates.** 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 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 licensure provided all requirements had been met:

Chesky, Joseph Frank  
Malowitz, Stanton Michael  
McGrade, Harold Charles  
Paulos, Leon Ernest  
Quraishi, Tariq A.

Robinson, Aimee C.  
Reinhart, Donnie Marie, DO  
Stammen, Katherine Anne  
Talbur, Jason Alan

**[32.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report.** On motion of Dr. Amusa, duly seconded by Dr. Bourgeois 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

Angelle, Anita A.  
Bruns, Angie Marie

Clark, Linda G.  
LeBlanc, Mandy M.

**[33.] 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 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 reinstatement/relicensure provided all requirements had been met:

Physician and Surgeon

Eisenberg, Andrew Cole

**34. Licensure and Certification; Other Licensure Matters; Licensees for Suspension.**

The Board reviewed the list of licensees, who had failed to renew their licenses by December 31, 2011. No further action was required or taken on this matter.

**[35.] Personal Appearances/Docket Calendar; Formal Hearing; Peter H. Hertzak, M.D.** On the motion of Dr. LeBlanc, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board reconvened in executive session for the continuance of the formal hearing in the Peter H. Hertzak, M.D., as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:17A(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.<sup>2</sup>

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 7:30 p.m., to reconvene at the Board at 8:00 a.m., Tuesday, February 14, 2012.

***Second Session***  
***Tuesday, February 14, 2012***

The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:00 a.m., Tuesday, February 14, 2012 at the offices of the Board with Drs. Dawson, LeBlanc and Montgomery in attendance.

**[36.] Personal Appearances/Docket Calendar; Formal Hearing; Peter H. Hertzak, M.D.** On the motion of Dr. Dawson, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board reconvened in executive session for the conclusion of the formal hearing in the Peter H. Hertzak, M.D., as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:17A(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.

**37. Next Meeting of Board.** The President reminded members that the next meeting of the Board was scheduled for March 19, 20, 2012.

**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 February 13, 14, 2012 as approved by the Board on the 19<sup>th</sup> day of March, 2012.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 19<sup>th</sup> day of March 2012.

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<sup>2</sup> Hearing panel consisted of Drs. Dawson, LeBlanc and Montgomery.

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

Attest:

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Melvin G. Bourgeois, M.D.  
President