

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**MAY 20, 2013
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, May 20, 2013, 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
Kweli J. Amusa, M.D., Secretary-Treasurer
John Michael Burdine, M.D.
Joseph D. Busby, Jr., M.D.
Mark Henry Dawson, M.D.
Kenneth Barton Farris, M.D.
Cynthia Gail Montgomery, M.D.

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

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
Lilly Rodgers, Administrative Program Specialist A
Merian Gasper, Director of Licensure
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

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

1. **Minutes of April 29, 2013 Meeting.** The Board reviewed the minutes of its meeting held April 29, 2013. On the motion of Dr. Montgomery duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board approved the minutes of the meetings 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: None published since the last meeting of the Board.
 - 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. **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 certain 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 incorporated 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. Following consideration of the changes to the law, and the input of the Polysomnography Advisory Committee, the Board reviewed a revised draft of rules for consideration during its April 2013 meeting. Further review and discussion was given during the May 2013 meeting. **Physicians and Surgeons – Office-Based Surgery:** The Board considered suggestions for amendment to its office-based surgery rules. A revised draft incorporating the suggested changes was considered by the Board, and following review, discussion and further suggestions, the Board voted to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. **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. A draft detailing proposed amendments to the CDTM that were drafted following discussion with the Louisiana Board of Pharmacy was considered by the Board. Following review and discussion, it was the consensus of the Board to seek input from the Louisiana State Medical Society. **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. A draft was considered by the Board at its December 2012 meeting. Following review and discussion of various options at its January and February 2013 meetings, the Board made additional recommendations. Following review and discussion of a revised draft incorporating the suggested changes at the March 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the proposed amendments in the *Louisiana Register*. **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 at its December 2012 meeting. Following review, several modifications were made and incorporated in a subsequent draft reviewed by the Board at its January 2013 meeting. Further review and discussion at the March 2013, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. **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. A draft was presented for initial Board consideration at the December 2012 meeting. The Board further considered the issue at its January and February 2013 meetings and requested a revised draft be returned to the March 2013 meeting. Following further review and discussion at the March 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. **Physicians and Surgeons – Dispensing:** During its February 2013 meeting, the Board gave further consideration to a request to provide for a dispensing registration for non-controlled substances following a physician's successful completion of a graduate medical education training program and passage of an online or other Board offered course on its dispensing rules. Following review and discussion of a draft amendment to Section .6513 of its dispensing rules at its March 2013 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendment. **Physicians and**

Surgeons – Advertising: During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating physician specialty advertising with appropriate formal training. Pursuant to the Board’s directions, a draft of such rules will be prepared in due course for the Board’s consideration.

4. Legislative Matters. A follow-up report was given relative to HB 273 regarding proposed changes to the Medical Practice Act. No further action was required or taken on this matter.

5. Rulings and Advisory Opinions; Performance of Non-Waived Testing by Licensed Practical Nurses and Waived Testing by Radiologic Technicians; Follow-up. The Board reviewed follow-up information regarding the request from Jolene Duchamp, Director Lab and Medical Imaging, Iberia Medical Center, asking whether point-of-care testing personnel, such as licensed practical nurses (“LPNs”), can perform non-waived testing and whether radiological technicians with a degree can perform waived laboratory testing in the catheterization laboratory (“cath lab”). Following review and discussion of the additional information, it was the consensus of the Board to have staff draft a response for approval at the next meeting of the Board.

6. Rulings and Advisory Opinions; Louisiana Medicaid Take Charge Program (“LAMTCP”); Responsibility for Emergency Room Treatment. The Board reviewed electronic correspondence received from Adrienne L. Ganuchau, Sullivan Stplier Knight LC asking if physicians, who are providers in the LAMTCP, are responsible for treatment of the these patients in the emergency room setting. Following review and discussion, it was the consensus of the Board to defer action on this matter pending receipt of additional information.

7. Communication and Information; LA Times. The Board reviewed an article appearing in the LA times April 25, 2013, relating to the investigative powers of the Medical Board of California. No further action was required or taken on this matter.

[8.] Minutes of April 29, 2013 Executive Sessions. On the motion of Dr. Farris, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of April 29, 2013. Following review and discussion, the Board resumed in open session and on the motion of Dr. Farris, duly seconded by Dr. Montgomery approved the minutes of the executive sessions conducted during its meeting of April 29, 2013 meeting with all necessary corrections.

[9.] Report on Pending Litigation. On the motion of Dr. Dawson, duly seconded by Dr. Amusa, 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.

[10.] Personal Appearances/Docket Calendar. Continuing in executive session, the Board reviewed 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. Consent Orders: The following Consent Orders were accepted:

Lawrence Rothenberg, M.D., Docket No., 12-I-085
Christina Marie Burson, CLP, Docket No., 12-I-432
Roxann Desire Reilly, CLP, Docket No., 13-I-412
Hannah Wood McCarty, CLP, Docket No., 12-I-1073
Miguel Campos Rosales, PA, Docket No., 11-I-795
Elizabeth Taylor, M.D., Docket No., 11-I-705
Robert F. Myers, CLP, Docket No., 12-I-976

- b. The following matters were closed/dismissed:

Docket No., 12-I-966
Docket No., 12-I-678

- c. The following matter was closed/dismissed with a Letter of Concern:

Docket No., 12-I-179

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

- e. Interim Action: The Board approved the Interim Actions that had been handled by the President:

Docket No., 13-I-247
Docket No., 13-I-445

[12.] Professional Liability Report. On the motion of Dr. Amusa, duly seconded by Dr. Montgomery 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.

[13.] General Disciplinary Matters. On the motion of Dr. Burdine, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board convened in executive session to consider the Collaborative Practice Report and requests relating to the execution or modification of a Decision and/or Consent Order as matters 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 requests of the following for prescriptive authority and additional supervising physicians:

Barkerding, Amy Landry, PA
Boal, Kelly Christine

Ponder, Sarah L., PA

b. Jase, Anthony Stephen, M.D. – To deny the request of Anthony Stephen Jase, M.D., for reconsideration of the Opinion and Order rendered March 18, 2013.

c. Phillips, Faith Renelle, LRT – To approve reinstatement of the license of Faith Renelle Phillips, LRT, to a full, unrestricted status, off probation.

d. George, Bryant Gerard, M.D. – To deny the request of Bryant Gerard George, Sr., M.D., for early relief of probation.

[14.] Rulings and Advisory Opinions; Louisiana Anti-Kickback Law. 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 follow-up information regarding a request for an advisory opinion received from Jennifer Jones Thomas, Partner, Kean Miller LLP relative to a marketing and technology platform that allows patients to find, schedule and keep physician appointments declared proprietary in part pursuant to La.Rev.Stat. §44.3.2. Following review and discussion, the Board resumed in open session and authorized staff to draft correspondence for approval at the next meeting of the Board advising Ms. Thomas that the matter did not appear to violate any provisions of the Medical Practice Act.

15. General Administrative Matters; Financial Reports.

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending February 28, 2013 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of February 28, 2013. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending February 28, 2013 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of February 28, 2013.

16. 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.

17. General Administrative Matters; Medical Psychology Advisory Committee. The Board reviewed the minutes of the meeting of Medical Psychology Advisory Committee. No further action was required or taken on this matter.

[18.] New Business; Physicians Health Program. On the motion of Dr. Dawson, duly seconded by Dr. Burdine, the Board voted to take up items of new business, Physicians Health Program. On the motion of Dr. Farris, duly seconded and passed by unanimous voice vote, the Board convened in executive session, to receive the annual report of the Physicians Health Program prepared by Julie Alleman, M.Ed., LPC, LMFT, LAC, Administrative Director, Physicians' Health Foundation ("PHP"). No further action was required or taken on this matter.

[19.] Physicians Health Committee. On the motion of Dr. Amusa, duly seconded by Dr. Montgomery 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"). Ms. Alleman reported on the participant in the Physicians' Health Program appearing before the Board, 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).

[20.] General Disciplinary Matters; Personal Appearance; Kevin Wayne Young M.D. On the motion of Dr. Burdine, duly seconded by Dr. Montgomery, and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Kevin Wayne Young, 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. Young appeared before the Board to request reinstatement of his license in accordance with the Superseding Order dated April 16, 2012. Following his 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 the request for reinstatement of his license, on probation.

[21.] Licensure and Certification; Clinical Laboratory Personnel. Upon the motion of Dr. Farris, 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 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

Bell, Carline A.

Graham, Charity Dominich

Laboratory Assistants

Beller, Christy Ann

GeneralistsBrown, Mindy
Lin, Aaron Jiunhan

Madison, Rowan M.

Specialist

Williams, Kristopher

[22.] Licensure and Certification; Occupational Therapy. On motion of Dr. Montgomery, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(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:

Bailey, Jane Elizabeth

Salvadras, Jessica

[23.] Licensure and Certification; Physician Assistant. On motion of Dr. Dawson, 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 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:

Colvin, Megan Lynn
Edstrom, Bobbi Sue
Lopez, Antonio JoseHeinen, Kathleen Clare
Thomas, Kendall Marie

[24.] Licensure and Certification; Polysomnography. On motion of Dr. Dawson, 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, reaffirmed the decision to deny the request of the following for an extension of her temporary permit:

Porter, Ladio S.

[25.] Licensure and Certification; Physicians and Surgeons; Foreign 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 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. Kanotra, Sohit Paul, M.D. – To defer action on the application of Sohit Paul Kanotra, M.D., pending receipt of additional information.
- b. Perlman, Bernard Harris F., M.D. – To inform Bernard Harris F. Perlman, M.D., that he is required to take SPEX to be deemed eligible for licensure.
- c. Approved – To approve the following for licensure provided all requirements had been met:

Narra, Nagarjun

Sayedahmad, Waleed Hamed

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

On motion of Dr. Dawson, 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 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 non-routine applicants for licensure provided all requirements had been met:

Calvin, Douglas P.
Cook, Roger Harvey
Dean, David Atushi
Kuo, Jamie Hoitien Do

Parden, Stephen Roy
Prasankumar, Rahul P.
Woo, Van Hoy

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

On motion of Dr. Amusa, duly seconded by Dr. Montgomery 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

Dunn, Christian R.

Schlicher, Kelli L.

[28.] Licensure and Certification; Other Licensure Matters; Intern/Examination Registration. On motion of Dr. Montgomery, duly seconded by Dr. Dawson 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, made the following decisions:

a. Approved – To approve issuance of an intern/examination registration for the following provided all other requirements had been met:

U.S. Medical Graduates

Beesley, Andrew Thomas
Brown, Curtis Roy
Clark, Jonna Sue
Costello, Brittany Michelle

Fabrizio, Veronica Ann
Gestaut, Matthew Maxwell
Hendricks, Justin

International Medical Graduate (GETP)

Patel, Bhaviniben S.

29. Licensure and Certification; Other Licensure Matters; Licensees for Suspension. The Board reviewed the list of licensees, who had failed to renew their licenses by April 30, 2013. No further action was required or taken on this matter.

30. General Administrative Matters; President's Report; Election of Officers. The President called for the election of the office of Vice-President due to the vacancy created by the replacement of Dr. LeBlanc having served his term limit. On the motion of Dr. Montgomery, duly seconded by Dr. Burdine, Dr. Dawson was nominated for the office of Vice-President. There being no further nominations and the nominations duly closed, Dr. Dawson was elected Vice-President of the Board by acclamation.

31. Next Meeting of Board. The President reminded the members that the next meeting of the Board was scheduled for June 17, 18, 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 May 20, 2013 as approved by the Board on the 17th day of June, 2013.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 17th

MINUTES OF MEETING
MAY 20, 2013

day of June, 2013.

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

Attest:

Melvin G. Bourgeois, M.D.
President