

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**FEBRUARY 10, 11, 2014
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, February 10, 2014, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Melvin G. Bourgeois, M.D., President
Mark Henry Dawson, M.D., Vice-President
John Michael Burdine, M.D.
Kenneth Barton Farris, M.D.
Cynthia Gail Montgomery, M.D.

Board Members absent as follows:

Kweli J. Amusa, M.D., Secretary-Treasurer
Joseph D. Busby, Jr., M.D.

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

Cecilia Ann Mouton, M.D., Executive Director
Emily Diane Eisenhauer, M.D., Assistant Director of Investigations
Thania Elliott, RN, Investigator
Grace Hammons, Administrative Manager
Christine Holder, Administrative Program Specialist A
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

First Session
February 10, 2014

- 1. Minutes of January 13, 2014 Meeting.** The Board reviewed the minutes of its meeting held January 13, 2014. On the motion of Dr. Farris duly seconded by Dr. Montgomery 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 the action items as assigned to staff and counsel from previous meetings.
- 3. Rulings and Advisory Opinions; Utilization of Nurse Practitioners in Acute Care Hospital Setting.** The Board reviewed the draft response to correspondence received from Christopher Foret, M.D., Chief of Medical Staff, Riverside Medical Center, seeking an advisory opinion on the appropriateness for collaborating physicians to utilize advanced practice registered nurses ("APRN"), to admit, round and discharge patients in an acute hospital setting. Following review and discussion, the Board approved the draft response stating that whether or not a patient of a collaborative practice should be admitted to or discharged from an in-patient setting, should, in the Board's view, remain within the exclusive medical determination of the collaborating physician.
- 4. Communication and Information; National Board of Medical Examiner ("NBME"); Examiner.** The Board reviewed the National Board of Medical Examiners' Newsletter, *Examiner*, which contained an article welcoming Kim Edward LeBlanc, M.D., PhD, past Board Member, to the staff of the NBME. No further action was required or taken on this matter.
- 5. Communication and Information; Board of Nursing's Newsletter; APRN Corner.** The Board reviewed the Board of Nursing's Newsletter, *The Examiner*, which contained an article entitled, "*APRN Corner*", by Jennifer Alleman, APRN, FNP, BC, APRN Compliance Officer. No further action was required or taken on this matter.
- 6. Communication and Information; Capital Punishment.** The Board reviewed an inquiry asking whether the Board has any regulations governing physicians who participate in an execution. Following review and discussion, it was noted that the law states that no health care professional can be compelled to administer a lethal injection and the American Medical Association had a position stating it was an unethical practice. Following review and discussion, it was the consensus of the Board to place a statement on the Board's website citing the law and

stating that the physician would not be subject to disciplinary action by the Board for participation.

7. General Administrative Matters; President's Report. The Board received the report of its President on his activities since the last meeting of the Board. Dr. Bourgeois, stating that this would probably be his last meeting, thanked everyone for their cooperation, dedication and professionalism as he served his terms on the Board. No further action was required or taken on this matter.

8. General Administrative Matters; Executive Director's Report. The Board received the report of its Executive Director on her activities since the last meeting of the Board. Dr. Mouton reported on follow-up items with respect to IT and her meeting with the newly appointed Executive Director of the Board of Nursing, Karen C. Lyon, PhD, RN, NEA. She informed the Board that the Louisiana State Radiologic Technology Board of Examiners decided to postpone the development of the new licensure category for radiologist assistants. She concluded her report stating that the upgrade to the website had been completed.

9. General Administrative Matters; Financial Reports.

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending November 30, 2013 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of November 30, 2013. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending November 30, 2013 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of November 30, 2013.

10. General Administrative Matters; Prescription Monitoring Program Advisory Council. The Board reviewed the report of the quarterly meeting of the Prescription Monitoring Program Advisory Council held on January 8, 2014 in Baton Rouge. No further action was required or taken on this matter.

11. General Administrative Matters; Request for Attorney General's Opinion; Physical Therapy; Dry Needling. The Board reviewed the draft correspondence requesting an advisory opinion from the Attorney General on the performance of dry needling by physical therapists. Following review and discussion, on the motion of Dr. Dawson, duly seconded and passed by unanimous voice vote, the Board approved the correspondence as drafted for transmittal to the Office of the Attorney General.

12. General Administrative Matters; Federation of State Medical Boards ("FSMB"); Resolution 14-1. Prescription Monitoring Program Advisory Council. The Board reviewed draft correspondence to Patricia McCarty, Director of Leadership Services, FSMB, supporting Resolution 14-1, which establishes a study group focusing on the collateral consequences of Board Actions. Following review and discussion, on the motion of Dr. Dawson, duly seconded

and passed by unanimous voice vote, the Board approved the draft correspondence for dissemination to the FSMB.

13. General Administrative Matters; Moderate Complexity Testing; Follow-Up Items. The Board reviewed the code of federal regulations relating to the qualifications for personnel performing point of care testing and the interpretive guideline for high complexity testing as it relates to histology as follow-up items relating to the presentation by Staci deLeon, DHH. Following review and discussion, it was the consensus of the Board to defer action on this matter pending further clarification of the issue.

14. Rules and Regulations.

- a. Final Rules/Amendments: None published since the last meeting of the Board.
- b. Rules/Amendments – Noticed of 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 studied. Following a number of revisions to conform the rules to the law and rule format and reviewed by staff, a revised draft was forwarded to the Committee's Chair for initial review and/or consideration. A draft of the rules was presented for initial review and consideration by the Board at the September 2013 meeting. A revised draft was reviewed at its October 2013 meeting, and following review and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the next issue of the *Louisiana Register*. It is anticipated that such Notice will appear in the February 2014 edition of the *Louisiana Register*. **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*. Prior to publication, staff suggested additional changes relative to the performance of office-based procedures using moderate or conscious sedation. Pursuant to the Board's instructions, a revised draft was presented for consideration at its December 2013 meeting. Following review and discussion, on the motion of Dr. Farris, duly seconded and passed by unanimous voice vote, the Board decided to publish *Notice of Intent* to adopt the rule amendment 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 – Unprofessional Conduct**: During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself/herself as a specialist in a particular field of practice without appropriate formal training in that field. Pursuant to the Board's directions, a draft was submitted for initial review and discussion at its August and September 2013 meeting. The draft also includes a prohibition against physician prescribing of controlled substances to one's self or immediate family members in the

absence of an emergency. At its October 2013 meeting, the Board decided to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the rules. **Physicians and Surgeons – Collaborating Physicians**: The Board expressed a desire to consider the development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial consideration at its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and discussion, it was the consensus of the Board to preview the draft to several professional organizations (the Louisiana State Medical Society, the Louisiana Medical Association and the Louisiana Academy of Family Physicians) and the Louisiana State Board of Nursing.

[15.] Minutes of January 13, 2014 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 January 13, 2014. Following review and discussion, the Board resumed in open session and on the motion of Dr. Montgomery, duly seconded by Dr. Dawson, approved the minutes of the executive sessions conducted during its meeting of January 13, 2014 with all necessary corrections.

[16.] Rulings and Advisory Opinions; Billing for Compounding Services. On the motion of Dr. Montgomery, duly seconded by Dr. Dawson, and passed by unanimous voice vote, the Board convened in executive session to consider the request for an advisory opinion relating to the billing of the patient's insurance carrier by the physician for compounded medications shipped to and dispensed by the pharmacist to the patient. Following review and discussion, it was the consensus of the Board to defer action on this matter pending receipt of the Board of Pharmacy's rules on compounding medications.

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

[18.] 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.

[19.] Investigative Reports. On the motion of Dr. Montgomery, duly seconded by Dr. Burdine, the Board convened in executive session, to consider the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open

session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

- a. Administrative Complaint: The following Administrative Complaint was accepted
12-I-767
- b. Consent Orders: The following Consent Orders were accepted:
Kevin Thomas Schlamp, M.D., Docket No., 13-I-1172
Ashley Fullerton Dulle, RRT, Docket No., 13-I-885
Brittany Rogers Tompkins, CRT, Docket No., 13-I-1236
- c. Closed/Dismissed: The following matters were closed/dismissed:
Docket No., 13-I-1250
Docket No., 13-I-1280
- d. Cease and Desist: The Board reviewed follow-up information regarding the following matters:
Docket No., 14-I-042
Docket No., 13-I-1328
Docket No., 13-I-1329
- e. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report.
- f. Interim Action: The Board approved the Interim Action that had been handled by the President:
Docket No., 13-I-676

[20.] Professional Liability Report. On the motion of Dr. Dawson, duly seconded by Dr. Farris 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.

[21.] General Disciplinary Matters. On the motion of Dr. Dawson, duly seconded by Dr. Burdine, the Board convened in executive session to consider the 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. Morris, Jason Robert, M.D. – To deny the request of Jason Robert Morris, M.D., for early reinstatement of his license to a full, unrestricted status, off probation.
- b. Young, Lindsay Loftin, OTA – To approve the request of Lindsay Loftin Young, OTA for reinstatement of her license to a full, unrestricted status, off probation in accordance with Consent Order entered February 13, 2012.
- c. Thomas, Corwin Ashford, D.O. – To approve the request of Corwin Ashford Thomas, D.O., for reinstatement of his license to a full, unrestricted status in accordance with the Consent Order entered August 16, 2010.
- d. Enforcement Indicators – The Board reviewed the enforcement indicators for 2013.

[22.] Physicians Health Program. On the motion of Dr. Burdine, duly seconded by Dr. Dawson 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). No further action was required or taken on this matter.

[23.] General Administrative Matters; Personal Appearance; James Beam Aiken, M.D. On the motion of Dr. Farris, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of James Beam Aiken, 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. Aiken appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status, including removal of the lifetime monitoring by the Physician Health Program ("PHP"). Following his dismissal, the Board resumed in open session and on the motion of Dr. Farris, duly seconded and passed by unanimous voice vote, the Board approved reinstatement of the license of James Beam Aiken, M.D., to a full, unrestricted status, to include removal of the lifetime monitoring by the PHP.

24. General Administrative Matters; Personal Appearance; Susan H. Allen, MBA, MPH, Dr.Ph., Educational Resources. Susan H. Allen, MBA, MPH, Dr.Ph., appeared before the Board to give a presentation on the statistical analysis of disciplinary matters following her research into this matter. Dr. Allen concluded her presentation informing the Board that more statistical data would follow.

[25.] Licensure and Certification; Clinical Laboratory Personnel. Upon the 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 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:

Laboratory Assistant – Trainee

Thibodeaux, Lindsey R.

Laboratory Assistant

Waggoner, Codi F.

Phlebotomists

Alfred, Karen A.
Charles, Kimesha P.

Howard, Latoria F.
Jourdain Holmes, Sarita J.

Generalist

Larson, Kristina L.

[26.] Licensure and Certification; Occupational Therapy. On 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 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 other requirements had been met:

Occupational Therapist

Goldstein, Katy M.

[27.] Licensure and Certification; Podiatry; Advanced Practice; Conservative Treatment of the Ankle. 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 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 provided all requirements had been met:

Advanced Practice – Conservative Treatment of the Ankle

Giang, Thu Nguyen, DPM

Przybylski, Mallory Michelle

[28.] Licensure and Certification; Podiatry; Advanced Practice; Surgical Treatment of the Ankle. 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 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 provided all requirements had been met:

Advanced Practice – Surgical Treatment of the Ankle

Lorincz, Stefan Petru

[29.] Licensure and Certification; Perfusionists. On motion of Dr. Burdine, duly seconded by Dr. Montgomery 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 other requirements had been met:

Baker, Tyrell Ernest

[30.] Licensure and Certification; Respiratory Therapy. On 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 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 other requirements had been met:

Gresham, Jerry L.

[31.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. 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 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. Sturgill, Edyee Mullins, M.D. – To approve the request of Edyee Mullins Sturgill, M.D., for a waiver of the SPEX examination inasmuch as she is board certified through the American Board of Oral and Maxillofacial Surgeons.

b. Approved – To approve the following non-routine applicants for licensure provided all requirements had been met:

Baker, Barry
Cortlandt, Deborah Arielle, DO
Hardeman, Jamie Lee

McCoy, David Mark
Semmes, Benedict Joseph III
Smeck, Jane Ann

[32.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report. On motion of Dr. Burdine, 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

Aucoin, Callie D.

Imbornone, Gia M.

Occupational Therapists

Huffman, Lisa

Simmons, Randall E.

Polysomnography

Ledet, Candi M.

Respiratory Therapist

Hampton, Chelsea E.

[33.] Licensure and Certification; Other Licensure Matters; Intern/Examination Registration. On motion of Dr. Farris, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for intern/examination registration as a matter relating to 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 Graduates

McEwen, Richard Alden

Ruple, Shawna Marie

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, 2014. No further action was required or taken on this matter.

35. Licensure and Certification; Other Licensure Matters; Short Term Residency Program. The Board reviewed the request of Charles Hilton, M.D., Associate Dean for Academic Affairs, LSU Health Sciences Center, New Orleans for approval of a short term residency program in therapeutic endoscopy. Following review and discussion, the Board, upon motion made of Dr. Montgomery, duly seconded and passed by unanimous voice vote, approved the short-term residency program for LSU Health Sciences Center, New Orleans.

36. General Administrative Matters; President's Report; Election of Officers. The President called for the election of officers. On the motion of Dr. Burdine, seconded by Dr. Farris, Dr. Burdine nominated Dr. Dawson for the office of President. There being no further nominations and the nominations duly closed, Dr. Dawson was elected President of the Board by acclamation. Upon opening the nominations for the office of Vice-President, Dr. Montgomery moved, duly seconded by Dr. Dawson, Dr. Montgomery nominated Dr. Burdine for the office of Vice-President. There being no further nominations and the nominations duly closed, Dr. Burdine was elected Vice-President by acclamation. Upon opening the nominations for the office of Secretary-Treasurer, upon the motion of Dr. Dawson, duly seconded by Dr. Farris, Dr. Dawson nominated Dr. Montgomery for the office of Secretary-Treasurer. There being no further nominations, and the nominations duly closed, Dr. Montgomery was elected Secretary-Treasurer by acclamation. Following a brief discussion, upon the motion of Dr. Burdine, duly seconded by Dr. Montgomery and passed by unanimous voice vote, it was decided that the newly elected officers would take office at the conclusion of this meeting.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 3:00 p.m., to reconvene at the Board at 8:30 a.m., Tuesday, February 11, 2014.

*Second Session
Tuesday, February 11, 2014*

The meeting of the Louisiana State Board of Medical Examiners reconvened at 8:30 a.m., Tuesday, February 11, 2014, with the following in attendance:

Mark Henry Dawson, M.D., Vice-President
Kweli J. Amusa, M.D., Secretary-Treasurer

Kenneth Barton Farris, M.D.
Cynthia Gail Montgomery, M.D.
Joseph D. Busby, Jr., M.D.

[37.] Personal Appearance/Docket Calendar; Formal Hearing; Chidiadi Alozie Dike, M.D.

On the motion of Dr. Dawson, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board convened in executive session for the formal hearing in the matter of Chidiadi Alozie Dike, 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.

38. Next Meeting of Board. The President reminded the members that the next meeting of the Board was scheduled for March 17, 18, 2014.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 12:00 p.m., on Tuesday, February 11, 2014.

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 10, 11, 2014 as approved by the Board on the 17th day of March, 2014.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 17th day of March, 2014.

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

Attest:

Melvin G. Bourgeois, M.D.
President