

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**JUNE 16, 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, June 16, 2014, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Mark Henry Dawson, M.D., President
John Michael Burdine, M.D., Vice-President
Kweli J. Amusa, M.D., Secretary-Treasurer
Joseph D. Busby, Jr., M.D.
Roderick V. Clark, M.D.
Kenneth Barton Farris, M.D.
Christy Lynn Valentine, 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

- 1. Minutes of May 19, 20, 2014 Meeting.** The Board reviewed the minutes of its meeting of May 19, 20, 2014. On the motion of Dr. Valentine duly seconded by Dr. Burdine 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; Voting Privileges for Nurse Practitioners.** The Board reviewed the draft response to electronic correspondence received from Jeannie McBride, Credentialing, Jackson Parish Hospital asking whether the Board had an opinion on nurse practitioners having voting privileges in medical staff functions. Following review and discussion, it was the consensus of the Board to approve the response for transmittal to Ms. McBride advising that it is the opinion of the Board that inasmuch as the practice of medicine is reserved to licensed physicians, medical determinations, whether inside or outside the hospital setting, should be reserved to physicians. Therefore, in the Board's view it would be inappropriate for non-physicians to dictate or direct, by way of voting privileges or otherwise, determinations that may impact a physician's independent medical judgment in services to patients. The Board further advised Ms. McBride that it is of the belief that hospital staff issues are best determined by the membership of the medical staff of the facilities themselves.
- 4. Communication and Information; *Healthcare Journal of New Orleans*.** The Board reviewed an article in the *Healthcare Journal of New Orleans* entitled *Frustrated Dream or Possibly Realty* written by Margo Pierce. Following review and discussion, it was the consensus of the Board to write the editor and the Louisiana Academy of Physician Assistants regarding the article.
- 5. Communication and Information; Federation of State Medical Boards; HB1280.** The Board reviewed correspondence from Humayun J. Chaudhry, D.O., MACP, President and Chief Executive Officer, Federation of State Medical Boards, written to the Senator David R. Heitmeier, Chairman, Senate Health and Welfare Committee, offering comments on HB 120. No further action was required or taken on this matter.
- 6. 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. Dawson reported on his activities in Baton Rouge during the 2014 Legislative Session. No further action was required or taken on this matter.
- 7. 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 that online renewals would be suspended for the three months for improvements to the system and a compliance officer had been added to the investigative staff. She further advised

Rudy Gomez, Partner, SSA Consultants. L.L.C., would review the licensure process and had contacted each member to conduct an interview. She concluded her report stating that to date a response had not been received from either the Attorney General on the request for an advisory opinion on the performance of dry needling by physical therapists and chiropractors nor the Advisory Committees for Respiratory Care and Polysomnography on the delivery of CPAP machines directly to patient.

8. General Administrative Matters; Interview of Applicants. Dr. Farris discussed the necessity of the applicant interview process by Board Members for physicians who do not plan to practice in Louisiana, specifically out-of-state pathologists. Following review and discussion, it was the consensus of the Board to defer action pending receipt of information from staff.

9. General Administrative Matters; Financial Reports.

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending March 31, 2014 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of March 31, 2014. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending March 31, 2014 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of March 31, 2014.

10. 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: **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, January and February 2014 meetings. The Board reviewed minor changes and on the motion of Dr. Amusa, duly seconded by Dr. Burdine and passed by unanimous voice vote, voted to provide *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. Staff presented additional information concerning physician's self/immediate family prescribing of controlled substances. On the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board approved publication of a *Notice of Intent* to adopt the rules in the *Louisiana Register*. **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. Revised drafts incorporating suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending the receipt of suggestions for one organization yet to respond. Additional revisions were offered by the Board during its May 2014. The Board reviewed the suggested changes offered at the May 2014 meeting along with suggestions of staff. Following review and discussion, on the motion of Dr. Farris, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board voted to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*.

11. Legislative Matters. Dr. Mouton gave a report on bills during the 2014 legislative session requiring action on the part of the Board. In connection with HCR 99, a committee was formed to study and present recommendations concerning over-prescribing of pain medication.

[12.] Minutes of May 19, 20, 2014 Executive Sessions. On the motion of Dr. Clark, duly seconded by Dr. Amusa 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 May 19, 20, 2014. Following review and discussion, the Board resumed in open session and on the motion of Dr. Amusa, duly seconded by Dr. Clark, and passed by unanimous voice vote, approved the minutes of the executive sessions conducted during its meeting of May 19, 20, 2014 with all necessary corrections.

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

[14.] 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.

[15.] Physicians Health Program. On the motion of Dr. Burdine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to receive the reports of Louis Cataldie, M.D., Medical Director, and Julie Alleman, M.Ed., LPC, LMFT, LAC, Administrative Director, Physicians' Health Foundation ("PHP") on the participants in the PHP 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.

[16.] Investigative Reports. On the motion of Dr. Amusa, 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:
Docket No., 13-I-355
- b. Administrative Complaint: The following Administrative Complaint was withdrawn:
Docket No., 12-I-299
- c. Consent Orders: The following Consent Orders were accepted:
Shenetta Renee Allen, CLP-PHL, Docket No., 14-I-379
George Edmond Smith, M.D., Docket No., 08--I-053
James Beam Aiken, M.D., Docket No., 14-I-338
Yogish Bipin Pancholi, M.D., Docket No., 14-I-468
- d. Consent Order: The following Consent Order was denied:
Docket No., 04-I-042
- e. Closed/Dismissed: The following matter was closed/dismissed:
Docket No., 13-I-445

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

Docket No., 14-I-369

- g. Cease and Desist Information was presented regarding a Cease and Desist Order issued by the Board:

Docket No., 14-I-427

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

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

Docket No., 11-I-226

[17.] Professional Liability Report. On the motion of Dr. Busby, 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 and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

[18.] General Disciplinary Matters; Personal Appearance; Gabriel Perez Lasala, M.D. On the motion of Dr. Clark, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Gabriel Perez Lasala, 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. Lasala 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 on the motion of Dr. Valentine, duly seconded and passed by unanimous voice vote, denied the request to lift his probation at this time.

[19.] General Disciplinary Matters; Personal Appearance; Kevin Wayne Young, 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 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 in connection with his request for reinstatement of prescribing privileges. Following his dismissal, the Board resumed in open session and on the motion of Dr. Busby, duly seconded and passed

by unanimous voice vote, the Board authorized the ability of Kevin Wayne Young, M.D., to prescribe or administered Schedule IV controlled substances in his treatment of adult psychiatry.

[20.] General Disciplinary Matters; Personal Appearance; Bryant Gerard George, Sr., M.D.

On the motion of Dr. Farris, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Bryant Gerard George, Sr., 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. George 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 on the motion of Dr. Amusa, duly seconded and passed by unanimous voice vote, approved the request for Bryant Gerard George, Sr., M.D., for reinstatement of his license to a full, unrestricted status, off probation.

[21.] General Disciplinary Matters; Personal Appearance; Sammy Motia Okole, M.D.

On the motion of Dr. Burdine, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Sammy Motia Okole, 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. Okole, accompanied by his attorney, Deborah J. Juneau, 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 on the motion of Dr. Clark, duly seconded and passed by unanimous voice vote, the Board approved the request for reinstatement of his license to a full, unrestricted status, off probation.

[22.] Investigative Matters; Personal Appearance; James Beam Aiken, M.D.

On the motion of Dr. Burdine, duly seconded by Dr. Farris 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 the acceptance of his Consent Order. No further action was taken or required on this matter.

[23.] General Disciplinary Matters.

On the motion of Dr. Farris, duly seconded by Dr. Clark, 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. Davis, William Duncan III, M.D. – To approve the request of William Duncan Davis III, M.D., for reinstatement of his license to a full, unrestricted status, off probation

b. Majors, Kathleen Kay, M.D. – To approve the request of Kathleen Kay Majors, M.D., for reinstatement of her license to a full, unrestricted status, off probation.

[24.] Licensure and Certification; Clinical Laboratory Personnel. Upon the motion of Dr. Burdine, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competency, or physical or mental health of an applicant pursuant to La. Rev. Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements has been met:

Laboratory Assistant

Turner, Derrio Contrell

[25.] Licensure and Certification; Occupational Therapy. On motion of Dr. Clark, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La. Rev. Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all other requirements had been met:

Occupational Therapist

Johnson, Anna Michelle

[26.] Licensure and Certification; Respiratory Therapy. On motion of Dr. Amusa, duly seconded by Dr. Clark 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:

Salyers, Randy Ray

[27.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. On motion of Dr. Amusa, duly seconded by Dr. Valentine 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 non-routine applicant for licensure provided all requirements had been met:

Scribner, James Thomas

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

On motion of Dr. Valentine, 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 decision:

- a. Aravindakshan, Nisha Panicker, M.D. – To defer action on the application of Nisha Panicker Aravindakshan, M.D., pending receipt of additional information.
- b. Mehta, Rahul, M.D. – To approve the licensure of Rahul Mehta, M.D., under § 315 of the Board’s rules inasmuch as he had been offered the position of Assistant Professor of Clinical Otorhinolaryngology at LSU Health Science Center, New Orleans.
- c. Xie, Donghua, M.D. – To deny the request of Donghua Xie, M.D., for a waiver of the required ACGME residency training and exemption of an examination attempt on the USLME Step 2 examination.
- d. Approved – To approve the following non-routine applicants for licensure provided all requirements had been met:

Factor, Matthew Scott
Feinsilber, Doron

Hillebrandt, Cole Daniel
Khoury, Elias Abid

[29.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies

Report. On motion of Dr. Burdine, duly seconded by Dr. Clark 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 applicant 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

Givens, Erin Danielle

[30.] Licensure and Certification; Other Licensure Matters; Intern/Examination Registration. 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 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, 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

Baodnarchuk, Brian Raymond
Hatcher, Jamie Linn
Hester, William Austin
Jassal, Vineet Kumaar

Lee, Paul
Paullus, Patrick Earl
Savage, Megan Elizabeth
Suleman, Samia

Graduate Education Temporary Permit (GETP)

Dorairajan, Aiyasawmy

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

Perez, Juan Carlos Martinez

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

Small, Kent Wilson

32. Licensure and Certification; Other Licensure Matters; Licensees for Suspension. The Board reviewed the list of licensees, who had failed to renew their licenses by May 31, 2014. No further action was required or taken on this matter.

[33.] Personal Appearances/Docket Calendar; Formal Hearing; Fiaz Afzal, M.D. On the motion of Dr. Amusa duly seconded by Dr. Farris and passed by unanimous voice vote, the Board

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convened in executive session for the formal hearing in the matter of Fiaz Afzal, M.D., as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat.§ 42:17A((1),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.

34. Next Meeting of Board. The President reminded the members that the next meeting of the Board was scheduled for July 21, 2014.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 5:00 p.m., on Monday, June 16, 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 June 16, 2014 as approved by the Board on the 21st day of July, 2014.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 21st day of July, 2014.

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

Attest:

Mark Henry Dawson, M.D.
President