

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 7, 2015
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, December 7, 2015, 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
Thania Elliott, RN, Investigator
Lesley Rye, RN, Compliance Investigator
Cathy Storm, RN, Compliance Investigator
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 Michael G. Bagneris (Ret)
Judge John W. Greene
Philip O. Bergeron

1. Minutes of October 26, 27, and November 9, 2015 Meetings. The Board reviewed the minutes of its meetings held on October 26, 27, and November 9, 2015. On the motion of Dr. Valentine duly seconded by Dr. Busby 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. In follow-up to the correspondence written to the Louisiana State Board of Nursing in connection with its Proposed Rules; Licensure; Certified Registered Nurse Anesthetist, Dr. Mouton reported she attended the public hearing held November 30, 2016, on the proposed rules and iterated that the proposed rules expanded the scope of practice for CRNAs in a manner that is not consistent with the law in that they would be able to perform services not directly related to anesthesia care pursuant to a consult for the service with a licensed prescriber, without a collaborative practice agreement. At the conclusion the hearing it was stated that the rules would be modified requiring a new *Notice of Intent*.

3. Communication and Information; Rochelle Head-Dunham, M.D., Assistant Secretary/Medical Director, Office of Behavioral Health; Prescription Drug Abuse. The Board reviewed information provided by Rochelle Head-Dunham, M.D., Assistant Secretary/Medical Director; Louisiana Department of Health and Hospital, concerning their request for assistance in addressing the problem of prescription drug abuse in the state. Following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Farris, the Board approved providing information on the website for guidance and online education on this matter.

4. Rulings and Advisory Opinions; Personal Appearance; Patsy Jarreau, Associate Director; Clinical Laboratory Personnel; Laboratory Assistants; Scope of Practice.¹ Patsy Jarreau, Associate Director; Clinical Laboratory Personnel Advisory Committee, appeared before the Board to provide the Committee's input on the licensure requirements for laboratory assistants who place a specimen on an instrument. Ms. Jarreau informed that Board that is the opinion of the Committee that anyone putting a specimen on an instrument should be licensed as a laboratory assistant in this state. Ms. Jarreau also gave the Committee's input that histotechnologists do not need a license to practice in this state. Following her dismissal it was the consensus of the Board to prepare an opinion for the website on histotechnologists.

5. 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 discussed putting information on the website regarding physician's disciplinary history in other states. Following discussion, it was the consensus of the Board to provide this information by adding a link to DocFinder on our website wherein information can be assessed for physician licensure in other states.

6. General Administrative Matters; New Business; President's Report; Election of Officers. The President called for the election of officers. On the motion of Dr. Amusa the Board voted to take up a matter of new business, the election of officers. On the motion of Dr. Amusa, duly seconded by Dr. Farris, Dr. Burdine was nominated for the office of President. There being

¹ Dr. Farris recused himself from consideration of this matter.

no further nominations and the nominations duly closed, Dr. Burdine was elected President of the Board by acclamation. Upon opening the nominations for the office of Vice-President, on the motion of Dr. Burdine, duly seconded by Dr. Valentine, Dr. Farris was nominated for the office of Vice-President. There being no further nominations and the nominations duly closed, Dr. Farris was elected Vice-President by acclamation. Upon opening the nominations for the office of Secretary-Treasurer, upon the motion of Dr. Amusa, duly seconded by Dr. Clark, Dr. Valentine was nominated for the office of Secretary-Treasurer. There being no further nominations, and the nominations duly closed, Dr. Valentine was elected Secretary-Treasurer by acclamation. It was noted that new officers would take over at the beginning of the January 2016 meeting.

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 the software upgrade was completed and online renewal was in effect with online initial applications to following in early 2016. The investigation portal is now in the initial development stage. She reported on the various issues relating to the Advisory Committees and her telephone conversation with the FDA to ascertain their views on the handling of the marijuana law. She concluded her report stating the FDA supported clinical trials studies being conducted on marijuana research.

8. General Administrative Matters; Professional Services Legal Contract; Adams and Reese, LLC. The Board noted the need continuation of the professional services legal contract for Adams and Reese, LLP, whose contract was due to expire December 31, 2015. Following review and discussion, on the motion of Dr. Farris, duly seconded by Dr. Amusa, the Board authorized the contract and struck the following resolution:

WHEREAS, **Adams and Reese, LLP**, provides professional legal services to the Board serving as the Board's legal counsel; and

WHEREAS, **Adams and Reese, LLP**, provides professional legal services to the Board relative to the Board's rules and regulations, legislation, Board actions, and disciplinary hearings and adjudications regarding alleged violations of rules and regulations promulgated by the Board; and

WHEREAS, **Adams and Reese, LLP**, appears and advises the Board at its regular and special meetings, represents the Board in formal and informal disciplinary matters, provide legal advice and assistance to the Board, provides other legal services that are required by the Board and agreed on by the parties to this agreement and represents the Board in litigation filed against or by the Board.

WHEREAS, **Adams and Reese, LLP**, may provide such other legal or other professional services and assistance as the Board may from time to time deem necessary or appropriate in the discharge of its responsibilities under the Act and Other Governing Laws. Such services, however, shall not include any professional legal services with respect to the defense or other representation of the Board, its members, officers, employees or agents in any suit, action or claim in tort or for worker's compensation benefits; and

WHEREAS, this resolution shall take effect immediately.

THEREFORE BE IT RESOLVED that the Louisiana State Board of Medical Examiners, pursuant to La. R.S. 42:262, does hereby retain and employ, Adams and Reese, LLP, as counsel; and

BE IT FURTHER RESOLVED, that this Resolution and proposed contract be submitted to the Attorney General for the State of Louisiana for approval.

December 7, 2015

9. General Administrative Matters; Physician Termination of Patients. The Board reviewed a request for guidance from staff on information to be given to physicians on how to appropriately and ethically terminate a physician-patient relationship. Following review and discussion it was the consensus of the Board to defer action until the next meeting of the Board.

10. Rulings and Advisory Opinions; Personal Appearance; Podiatry Advisory Committee; Podiatry; Scope of Practice; Performance of Histories and Physicals (“H&Ps”). William Dabdoub, DPM, Mack Jay Groves, DPM and Denise Elliott, DPM, members of the Podiatry Advisory Committee along with several others appeared before the Board to ask the Board to consider undertaking a rule making effort what would authorize qualified podiatrists to perform pre-op H&Ps on their surgical patients under certain conditions. It was noted that this has been the long standing opinion of the Board that to do so would not be consistent with the Podiatry Practice Act. Following review and discussion it was the consensus of the Board to undertake a rule-making effort with the input of the Podiatry Advisory Committee on this matter.

11. General Administrative Matters; Personal Appearance; John England, M.D., Louisiana State University Health Sciences Center, Marijuana Advisory Committee, Chair. John England, M.D., LSUHCS, Marijuana Advisory Committee, Chair, appeared before the Board to report on the meeting of the Marijuana Advisory Committee and report their recommendations. Dr. England reported that it is the recommendation of the Committee that glaucoma and spasticity should be removed from the list of qualifying conditions and that symptoms resulting in chemotherapy treatment should be modified to include patients suffering from HIV-AIDs infections. He concluded his report stating that the Committee also supported more clinical research into the affects of marijuana for medicinal purposes. Following his appearance, it was noted that a report was due to the Legislature no later than sixty days prior to the beginning of the regular session as to any additional diseases or medical conditions that should be added to the list of eligible diseases and conditions for prescription.

12. General Administrative Matters; John F. DeRosier, Calcasieu District Attorney, Medical Marijuana in Louisiana. The Board reviewed a paper prepared by John F. DeRosier, Calcasieu Parish District Attorney, dated November 13, 2015, entitled “Responsible Marijuana Policy: Medical Marijuana in Louisiana. No further action was required or taken on this matter.

13. Communication and Information; Louisiana Physical Therapy Patient Access Review Committee. The Board reviewed the draft report on the findings and recommendations of the Louisiana Physical Therapy Patient Access Review Committee. No further action was required or taken on this matter.

14. General Administrative Matters; Request for Rulemaking Effort; Retired/Volunteer Physician. The Board reviewed the information provided by staff on the licensure status of retired physicians as well as volunteer physicians. Staff requested that modification be made to §418 of the Board’s rules. Following review and discussion, it was the consensus of the Board not to make any changes at this time.

15. General Administrative Matters; Request for Rulemaking Effort; Training Permit. The Board reviewed the request from staff to increase the training requirements prior to becoming eligible for an unrestricted license in Louisiana and to allow for permits to cover more than one

year. Following review and discussion, it was the consensus of the Board to commence with a rule making effort.

[16.] Minutes of October 26, 27, 2015; Executive Sessions. On the motion of Dr. Clark, duly seconded by Dr. Burdine 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 October 26, 27, 2015. Following review and discussion, the Board resumed in open session and on the motion of Dr. Burdine, duly seconded by Dr. Clark, and passed by unanimous voice vote, approved the minutes of the executive sessions conducted during its meeting of October 26, 27, 2015 meetings with any necessary corrections.

[17.] General Disciplinary Matters; Personal Appearance; Gregory Ward, M.D. On the motion of Dr. Valentine, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Gregory Ward, M.D.,² 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. Ward, accompanied by his attorney, Linda Rodrigue, 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. Farris, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved reinstatement of the license of Gregory Ward, M.D., to a full, unrestricted status, off probation in accordance with the Consent Order dated May 19, 2014.

[18.] Physicians Health Program. On the motion of Dr. Clark, duly seconded by Dr. Busby 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") accompanied by Seth Kunen, PhD, PsyD, MP, 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.

[19.] General Disciplinary Matters; Personal Appearance; David Scott Burkett, M.D. On the motion of Dr. Valentine, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of David Scott Burkett, 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. Burkett 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. Clark, duly seconded by Dr. Busby and passed by unanimous voice vote, approved reinstatement of the license of David Scott Burkett, M.D., to a full, restricted status.

20. General Administrative Matters; Governor's Transition. Deborah Harkins, Roedel Parsons Koch Blache Balhoff & McCollister, appeared before the Board to provide information on the transition of Governor-Elect, John Bel Edwards into office. She reported on various matters that may impact the Board concerning the Health and Welfare Committees. She stated that an organizational meeting was scheduled for January 11, 2016 and a special session called for later

² Drs. Burdine and Clark recused themselves from participation in this matter.

in January. It was noted that the legislative session begins on March 14 and concludes on June 6th. No further action was required or taken on this matter.

21. Rules and Regulations.

- a. Final Rules/Amendments: 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. The rule was also to include a prohibition against physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. Pursuant to the Board's directions, a draft was submitted for initial review and discussion at its August and September 2013 meetings. 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. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board approved publication of a *Notice of Intent* to adopt the rules in the *Louisiana Register*. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments received in response to the *Notice of Intent*. Following review and discussion, the Board rejected some of the comments and decided to accept and address others by technical and substantive amendments. An annotated draft of the changes appeared in the January 2015 edition to the *Louisiana Register* noting a public hearing was scheduled for February 26, 2015. At the February 2015 meeting, the Board discussed the current status of the rule project. The Potpourri hearing that was noticed was postponed to discuss additional changes. At the March and April 2015 meetings, the Board discussed potential ways to further address concerns over the proposed amendment to Section 7603A.9 regarding a physician representing himself or herself as a specialist. Following discussion, the Board voted to defer this aspect of the amendments and to rely on the prohibition contained in the Medical Practice Act on false advertising as a basis to deal with future complaints along those lines. The Board also voted to proceed only with that part of the amendments addressing self-prescribing.³ Following review and discussion, the Board voted to defer proceeding at this time on the amendments original proposed in §7603A.9 (e.g., holding one's self out as a *specialist*) and proceed only with the proposed amendments addressing self-prescribing. A Potpourri Notice was sent to the *Louisiana Register* and a hearing scheduled for August 20, 2015 at 10:30 a.m., to receive comments on the substantive changes. The Potpourri hearing was held and a Final Legislative Report has been sent to the Legislative oversight committees and commenters. The amendments were formally adopted by and upon promulgation in the October 2015 edition of the *Louisiana Register*. Because an error was made on the part of the *Louisiana Register*, an editor's note was included in the November 20, 2015, edition, concluding this rule-making effort
- b. Rules/Amendments – Noticed of Intent - Rules/Amendments Under Development Complaints and Investigations: The President directed that staff/counsel commence a rule-making effort detailing the processes used by the Board for handling complaints and investigations given the concerns raised by HB 576, subsequently HB 843 (Act 441, Rep.

3 Dr. Farris was not in favor of the motion.

Hazel). The matter appeared on the Board's May 2015 agenda for consideration and discussion of the rulemaking effort. The new law requires the Board to promulgate rules by January 1, 2016. The Board reviewed the draft of the rules which had been presented at the July 2015 meeting. Following a lengthy review of the draft at its August 2015, the Board approved the draft as amended for publication as a *Notice of Intent* in the September edition of the *Louisiana Register*. During the comment period the Board received written comments and a public hearing was held during its meeting of October 26, 2015. At that time the Board voted to move forward with a new rulemaking effort to effect certain suggested changes and hold another meeting to consider and discuss whether to accept or reject other comments as part its new rulemaking effort. A meeting for that purpose was held on November 9, 2015. Thereafter, the Final Legislative Report was forwarded to the Legislative Oversight Committees and commenters. Barring an oversight hearing, it is anticipated that the rule and amendments noticed in the September 2015 *Louisiana Register* will be formally adopted by and upon promulgation in the December 2015 edition of the *Register*. **Marijuana for Medical Purposes:** Act 261 (SB 143 Sen. Mills) of the 2015 Session of the Louisiana Legislature directed the Board to: i) promulgate rules by January 1, 2016 authorizing physicians to prescribe marijuana for specified conditions (glaucoma, symptoms resulting from administration of chemotherapy cancer treatment and spastic quadriplegia); and ii) annually submit a report to the Senate and House Health & Welfare Committees as to any additional conditions that should be added to the list. The Act was provided to the Board for review and discussion at the July 2015 meeting. A draft of the proposed rules was presented for review and consideration at this meeting. At its August 2015 meeting, the Board approved publication of a *Notice of Intent* to adopt the rules in the September edition of the *Louisiana Register*. A public hearing was not requested and the comment period closed. The Final Legislative Report was forwarded to the Legislative Oversight Committees and commenters. Barring an oversight hearing, it is anticipated that the amendments will be formally adopted by and upon promulgation in the December 2015 edition of the *Register*.

c. **Rules/Amendments Under Development:** **Midwifery:** The Board reviewed the initial draft of rule amendments to the existing rules governing licensed midwife practitioners. The amendments incorporate changes made to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, update the rules generally and rearrange sections for ease of reference. The amendments were presented for initial review at the Board's December 2014 meeting. The Board further reviewed and discussed the proposed changes at its January and February 2015 meetings. At its April 2015 meeting, the Board considered a suggestion that a licensed midwife be permitted to continue providing prenatal care to a woman with *one* prior cesarean section provided arrangements have been made with a physician and documented in the midwife's chart for a planned hospital delivery at the onset of labor. The suggested language was included in a revised draft for review and consideration. The Louisiana Midwives Association has provided input on the suggested changes and input for another stakeholder has been received and it is being reviewed by staff. It is anticipated that a final draft will be presented with any additional revisions necessary to the draft. **Physician Compounding Medication:** At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana Board of Pharmacy to reflect certain changes in federal law concerning compounded medication. Following review and discussion, the Board elected to undertake a rulemaking effort as to physicians who compound medication in order to insure consistency with federal and state law and regulations. A draft will be presented for initial review and discussion in

due course. **Clinical Laboratory Personnel:** At the request of its Clinical Laboratory Personnel (“CLP”) Advisory Committee, the Board agreed to undertake a rulemaking effort to amend its CLP Rules to reduce the term of a temporary permit from six months to three months. It directed that a draft be prepared and presented for review and approval. In conformity with the Board’s direction, a draft was presented for initial review and discussion at the April 2015 meeting. At its May 2015 meeting the Board approved publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. The Board reviewed the draft as presented at the April 2015 meeting. **Physician Advertising; Board Certification:** At its March 2015 meeting, the Board determined to undertake a rulemaking effort to establish a process for its approval of certifying boards, alternative to the ABMS and AOA, for purposes of physician advertising of *Board Certification*. The Board directed that a draft be prepared and presented for review and approval. In conformity with the Board’s direction, a draft was presented for initial review and discussion at the April 2015 meeting. At its May 2015 meeting, the Board approved publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. An additional wording change was discussed and pre-notice input was received (as noted above) from interested parties. Following review and discussion, the Board elected to defer this effort to allow further consideration and input by other stakeholders. **Athletic Trainers:** The Board’s Athletic Trainer Advisory Committee is working on amendments to the athletic trainer rules to conform them to the 2014 amendments to the Athletic Trainer Practice Act. The Committee’s draft has been received. It is anticipated that a draft will be presented for initial review and consideration in due course. **Podiatry:** The Podiatry Advisory Committee (“PAC”) has requested amendments to the Board’s Podiatry Rules to remove the requirements for board certification or eligibility as to an applicant for advanced practice who has completed a three year podiatry medical surgical residency training (PM&S 36) program; The draft resented during its May 2015 meeting has been revised per the input of the PAC. Following discussion and consideration, the Board approved the draft during the August 2015 meeting and voted to *Notice of Intent* to adopt the amendments in the *Louisiana Register*. **Physician Assistants:** Act 453 (SB 115, Sen. Mills) modified the law governing physician assistants (“PAs) in a number of ways. A rulemaking effort will be needed to conform the Board’s existing rules to the changes in the law. In the interim, the law as amended by Act 453 controls any disparity with the rules. The Board has solicited the input of its PA Advisory Committee and the Louisiana Association of Physician Assistants respecting the amendments made necessary by virtue of Act 453. **Physicians; Complaints and Investigations:** During its October 2015 meeting, the Board considered a draft containing various changes (Sections 8315, 9707, 9709 and 9711) to its proposed rules on Complaints and Investigations of physicians, which were *Noticed for Intent* in the September 2015 *Louisiana Register*. Following discussion and consideration, the Board elected to proceed with a new rule effort and provide *Notice of Intent* to adopt the changes in the *Louisiana Register*. It is anticipated that said notice will appear in the December 2015 edition of the *Register*.

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

a. **2015 Amended Budget.** The Board reviewed the proposed amended budget for 2015 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on

Health and Welfare. Following review and discussion, upon the motion of Dr. Farris, duly seconded and passed by unanimous voice vote, the Board approved the amended budget as proposed. The Executive Director was instructed to send copies of the amended budget and notice of the approval to the aforementioned offices and committees as required by law.

b. 2016 Board Budget. The Board reviewed the proposed budget for 2016 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Clark, duly seconded and passed by unanimous voice vote, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

c. 2016 Clinical Laboratory Personnel Budget. The Board reviewed the proposed budget for 2016 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Clark, duly seconded and passed by unanimous voice vote, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of approval to the aforementioned offices and committees as required by law.

d. 2015 Amended Clinical Laboratory Personnel Amended Budget. The Board reviewed the proposed amended budget for 2015 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Farris, duly seconded and passed by unanimous voice vote, the Board approved the amended budget as proposed. The Executive Director was instructed to send copies of the amended budget and notice of the approval to the aforementioned offices and committees as required by law.

[23.] Report on Pending Litigation. On the motion of Dr. Farris, duly seconded by Dr. Busby, 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.

[24.] 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.

[25.] Personal Appearance/Docket Calendar; Formal Hearing; Kendall Marie Thomas, PA, MDW. On the motion of Dr. Farris, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session for the formal hearing in the matter of Kendall Marie Thomas, PA, 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. Following the conclusion, the Board resumed in open session and on the motion of Dr. Burdine, duly seconded by Dr. Farris the rendered a decision in the matter and ordered George Papale, Esq., Independent Counsel to prepare an Opinion and Order.

[26.] Personal Appearance/Docket Calendar; Formal Hearing; Ravish Vinay Patwardhan, M.D. On the motion of Dr. Busby, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session for consideration of the Motion for Rehearing, Reopening and Reconsideration of the Board's Decision and Order rendered in the matter of Ravish Vinay Patwardhan, 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). Following review and discussion, the Board resumed in open session and on the motion of Dr. Busby, duly seconded by Dr. Clark denied the Motion for Rehearing, Reopening and Reconsideration of the Board's Decision and Order.

[27.] Investigative Reports. On the motion of Dr. Valentine, duly seconded by Dr. Farris, 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. On the motion of Dr. Burdine, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board approved the following:

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

Docket No., 15-I-946
Docket No., 14-I-1084⁴
Docket No., 15-I-234

b. Administrative Complaint: The following Administrative Complaint was accepted and scheduling of a formal hearing:

Docket No., 14-I-787

c. Formal Investigations: The Board approved commencing formal investigations in the following matters:

Investigation No., 15-954
Investigation No., 15-614⁵
Investigation No., 15-225
Investigation No., 15-983
Investigation No., 15-947
Investigation No., 15-984
Investigation No., 15-374

4 Dr. Burdine recused himself from any and all participation in discussion and/or consideration of this matter.

5 Dr. Burdine recused himself from any and all participation in discussion and/or consideration of this matter.

Investigation No., 15-894
 Investigation No., 14-1084⁶
 Investigation No., 15-775
 Investigation No., 15-689
 Investigation No., 15-940⁷

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

Eric Edward Holt, M.D., Docket No., 15-I-982
 Cindy Ann Mack, Poly-Tech, Docket No., 15-I-762
 Shanna Bryan Sanders, OTA, Docket No., 14-I-573
 Viktoriya P. Ekshyyan, CLP, Docket No., 15-I-926
 Joseph Dayton Farley, Ath, Docket No., 15-I-963

e. Closed/Dismissed: The following matters were closed/dismissed:

Docket No., 15-I-665⁸
 Docket No., 15-I-598
 Docket No., 14-I-024
 Docket No., 14-I-999
 Docket No., 14-I-996
 Docket No., 15-755
 Docket No., 15-I-906

f. Closed/Dismissed: The following matter was closed/dismissed with a Letter of Concern:

Docket No., 15-I-626

g. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report for October and November 2015.

[28.] Professional Liability Report. On the motion of Dr. Farris, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the report of Dr. Mouton, 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.

[29.] General Disciplinary Matters. On the motion of Dr. Busby, duly seconded by Dr. Farris, 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

6 Dr. Burdine recused himself from any and all participation in discussion and/or consideration of this matter.

7 Dr. Burdine recused himself from any and all participation in discussion and/or consideration of this matter.

8 Dr. Burdine recused himself from any and all participation in discussion and/or consideration of this matter.

discussion, the Board resumed in open session and upon the motion of Dr. Burdine, duly seconded by Dr. Clark and passed by unanimous voice vote, took the following actions:

- a. Barker, Robert Neal, M.D. – To approve the request of Robert Neal Barker, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- b. Allen, Shenetta Renee, CLP – To approve the request of Shenetta Renee Allen, CLP-LAB for reinstatement of her license to a full, unrestricted status, off probation.

[30.] Licensure and Certification; Clinical Laboratory Personnel. On motion of Dr. Farris, 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 the motion of Dr. Valentine, duly seconded by Dr. Farris and passed by unanimous voice vote, approved the following for licensure provided all other requirements had been met:

Laboratory Assistant

Bolen, Michael C.

[31.] 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 on the motion of Dr. Clark, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved the following for licensure provided all other requirements had been met:

Occupational Therapy Assistant

Gregory, Stevey Lynn

[32.] Licensure and Certification; Physician Assistant. On motion of Dr. Valentine, duly seconded by Dr. Busby 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 on the motion of Dr. Busby, duly seconded by Dr. Valentine and passed by unanimous voice vote, approved the following for licensure provided all other requirements had been met:

Sarkies, Sadie Jo

[33.] Licensure and Certification; Podiatry; Advanced Practice; Conservative Treatment of the Ankle. On motion of Dr. Amusa, duly seconded by Dr. Farris 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 on the motion of Dr. Farris, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved the following for advanced practice, conservative treatment of the ankle licensure provided all other requirements had been met:

Conservative Treatment of the Ankle

Blakeman, Jacob Colman

[34.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. On motion of Dr. Burdine, duly seconded by Dr. Busby 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 on the motion of Dr. Busby, duly seconded by Dr. Valentine and passed by unanimous voice vote, made the following decisions:

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

Alberto, Gino
Klaybor, Garrick Leonard
Michael, David Wayne

Kennedy, Scott Herbert
Sterlacci, Susan Louise

b. Denied – To deny the request of the following for a waiver of passage of the SPEX examination:

Lastrapes, Charles Joseph, Jr.

35. Licensure and Certification; Other Licensure Matters; Board Orientation. The Board reviewed the evaluations submitted on the Board Orientation held Friday, November 13, 2015 in Shreveport. No further action was required or taken on this matter.

36. Next Meeting of Board. The President reminded the members that the next regular meeting of the Board was scheduled for January 11, 12, 2016.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 4:00 p.m., on Monday December 7, 2015.

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on December 7, 2015 as approved by the Board on the 11th day of January, 2016.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 11th day of January, 2016.

Christy Lynn Valentine, M.D.

Secretary-Treasurer

Attest:

J. Michael Burdine, M.D.
President