

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**

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**APRIL 13, 2015  
NEW ORLEANS, LOUISIANA**

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A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, April 13, 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  
Emily Diane Eisenhauer, M.D., Assistant Director of Investigations  
Thania Elliott, RN, Investigator  
Grace Hammons, Administrative Manager  
Lilly Rodgers, Administrative Program Specialist A  
Merian Glasper, Director of Licensure  
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

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

- 1. Minutes of March 16, 17, 2015 Meeting.** The Board reviewed the minutes of its meeting held on Monday, March 16, 17, 2015. On the motion of Dr. Clark duly seconded by Dr. Amusa 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. The Board received the follow-up verbal report on the Attorney General's opinion on the performance of dry needling by physical therapists and chiropractors.
- 3. Communication and information; David Randolph, M.D., PhD, MPH, Research on Long Term Opiate Use.** The Board reviewed electronic correspondence received from David Randolph, M.D., PhD, MPH, on his research on long term opiate use. It was the consensus of the Board to invite Dr. Randolph to a subsequent meeting of the Board once the results of his research is published.
- 4. 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 stated he had been in the company of several legislators in southwest Louisiana and in his opinion they are under a lot of pressure from various sources. It was his thought that we should have a "meeting of the minds" regarding our proposed rules particularly, the telemedicine rules.
- 5. 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 new IT vendor would have the renewals back online by July; that the newly hired Director of Operations would start on May 18, 2015 and would be present at the next meeting; that the Podiatry Advisory Committee comments on the Unprofessional Conduct Proposed Rules would be forthcoming, that the acupuncturists did not find a sponsor for their bill and concluded her report stating she had reached out to the Department of Psychiatry at Tulane regarding ADHD medications.
- 6. General Administrative Matters; Statement of Position; The Use of Social Media by Physicians and Other Healthcare Providers.** The Board reviewed a copy of the draft Statement of Position; The Use of Social Media by Physicians and Other Healthcare Providers. Following review and discussion, it was the consensus of the Board to defer action on acceptance pending further review.
- 7. General Administrative Matters; Exemption; Polysomnography Law.** The Board reviewed a copy of the draft response to correspondence received from Rodney Penner, LPSGT, Director of Operations, Red River Sleep Center, Inc., requesting clarification regarding the application of an exemption to licensure as contained in the Polysomnography Practice Act, La. Rev. Stat. §37:2869A(3)(a). Following review and discussion, on the motion of Dr. Busby, duly seconded and approved by unanimous voice vote the Board approved the draft correspondence

for dissemination to Mr. Penner.

## 8. Rules and Regulations.

- a. Final Rules/Amendments: None published since the last meeting of the Board.
- b. Rules/Amendments – Noticed of Intent - 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 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. The substantive 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. On the motion of Dr. Valentine, duly seconded by Dr. Clark, the Board voted to defer that 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.<sup>1</sup> A Potpourri Notice will be sent to the *Louisiana Register* and a hearing scheduled in due course. **Occupational Therapy**: The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by staff and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification were received and incorporated into the draft. In sum, the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. The initial

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<sup>1</sup> Dr. Farris was not in favor of the motion.

- draft was presented for Board consideration at its July 2014 meeting. A revised draft incorporating additional changes was presented at the August 2014 meeting at which time the Board approved providing a *Notice of Intent* in the *Louisiana Register*. Such *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. Comments received during the comment period were included for the Board's consideration. Following a review of the comments received, the Board voted to forward the comments to the OT Advisory Committee for their input. The Committee's input will be presented for consideration in due course. **Telemedicine:** Act 442 of the 2014 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board at its July 2014 meeting and a revised draft was presented at its August 2014 meeting at which time the Board authorized publication of a *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana register*. At its December 2014 meeting, the Board reviewed the comments received during the comment period and following review and discussion, the Board voted to accept certain of the comments and make the necessary changes to the proposed rules. Inasmuch as the changes were considered substantive, a *Notice of Intent* was required and scheduling of a public hearing. The substantive changes appeared in the January edition to the *Louisiana Register* noting a public hearing is scheduled for February 26, 2015. The Potpourri hearing that was noticed was postponed to discuss additional changes. **Physician Assistants:** During the October 2014 meeting, the Board elected to undertake a rulemaking effort to remove the co-signature requirement for PA services from its existing rules and replace it with alternative methods of physician oversight (e.g., chart review) based on experience and changes in a PA's major area of practice. The Board reviewed suggestions for a form of amendment based on comments received during the October 2014 meeting and direction from the Board's President and suggestions offered by the Louisiana Academy of Physician Assistants ("LAPA"). At its December 2014 meeting, the Board considered suggestions based on the discussions at its October meeting and direction from the President, along with separate suggestions offered by the LAPA. Following discussion and further suggested modifications to the draft at its January 2015 meeting, the Board elected to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the February 2015 edition of the *Louisiana Register*. The comment period has closed. The Board received a number of comments in support of the proposed amendment. Following review and discussion, on the motion of Dr. Busby, duly seconded by Dr. Amusa, the Board approved publication of the rule amendments for adoption in the *Louisiana 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

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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 Board asked staff to solicit comments on the draft rules from the obstetrics-gynecology community and to have a follow-up draft presented at a subsequent meeting of the Board. **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. **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.

**9. Licensure and Certification; Personal Appearance; Valerie Louise Viosca, Acupuncturist.** Ms. Valerie Louise Viosca, Acupuncturist, appeared before the Board to inform the Board of their proposed changes to the Acupuncture Law including the proposed name change to their licensure category and overall supervision. She informed the Board that they were unable to find a sponsor for the bill and would make an attempt for the next legislative session.

**10. Proposed Legislation..** The Board reviewed a report on 2015 proposed legislation having an impact on the Board, particularly HB 461, HB 486, HB 573 and SB 56.

**[11.] Minutes of March 16, 17, 2015; Executive Sessions.** On the motion of Dr. Farris, 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 March 16, 17, 2015. Following review and discussion, the Board resumed in open session and on the motion of Dr. Amusa, duly seconded by Dr. Farris, and passed by unanimous voice vote, approved the minutes of the executive sessions conducted during its meeting of March 16, 17, 2015 with all necessary corrections.

**[12.] Report on Pending Litigation.** On the motion of Dr. Clark, 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.

**[13.] 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.

**[14.] Personal Appearances/Docket Calendar; Formal Hearing; Jacqueline Anne Macaluso, MDW.** On the motion of Dr. Clark, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board reconvened in executive session for conclusion of the formal hearing in the matter of Jacqueline Anne Macaluso, MDW, 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 review and discussion, the Board resumed in open session, and on the motion of Dr. Busby, duly seconded by Dr. Clark, the Board rendered a Decision and Order in the matter of Jacqueline Anne Macaluso, MDW, and instructed George M. Papale, Esq., to prepare a written opinion and order to reflect the ruling.

**[15.] Investigative Reports.** On the motion of Dr. Busby, 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. Valentine, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the following:

- a. Consent Orders: The following Consent Orders were accepted:

Sarai Castruita. CLP, Docket No., 14-I-986  
Randy Wayne Head, M.D., Docket No., 13-I-938  
Adam Thomas Janssen, CLP, Docket No., 15-I-079  
Yuwen Li, CLP, Docket No., 15-I-125  
Matthew G. Milton, CLP, Docket No., 15-I-078  
Janice Marie Jacobi, CLP, Docket No., 15-I-124  
John Douglas Stover, M.D., Docket No., 14-I-550  
David Emmitt Allie, M.D., Docket No., 14-I-202

- b. Closed/Dismissed: The following matters were closed/dismissed:

Docket No., 14-I-947

Docket No., 11-I-114

Docket No., 14-I-855

c. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report.

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

Docket No., 14-I-993

Docket No., 14-I-648

Docket No., 14-I-769

**[16.] 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. 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.

**17. Licensure and Certification; Other Licensure Matters; Personal Appearance; Robert L. Marier, M.D., and Trevor W. Reichman, M.D., PhD.** Robert L. Marier, M.D., Chairman, Department of Hospital Medicine, Ochsner, accompanied by Trevor W. Reichman, M.D., PhD, Director, ASTS Abdominal Transplant Fellowship Program, appeared before the Board in connection with their request for approval of the abdominal transplant fellowship program at Ochsner and a waiver of the licensure requirement of Narendra Reddy Battula, M.D., accepted to train in the program. Following their dismissal, upon the motion of Dr. Busby, duly seconded by Dr. Valentine, the Board accepted the ASTS Abdominal Transplant Fellowship Program and approved Narendra Reddy Battula, M.D., as a fellow in the program.

**[18.] General Disciplinary Matters; Personal Appearance; Linda Camille Bunch, 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 Linda Camille Bunch, 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. Bunch appeared before the Board in connection with her request for reinstatement of her suspended license. Following her 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 Linda Camille Bunch, M.D., on probation in accordance with the Consent Order dated July 16, 2012.

**[19.] General Disciplinary Matters; Personal Appearance; Joseph Wesley Diggs, M.D.** On the motion of Dr. Amusa, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Joseph Wesley Diggs, 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. Diggs 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. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved reinstatement of the license of Joseph Wesley Diggs, M.D., to a full, unrestricted status in accordance with the Consent Order dated February 13, 2012.

**[20.] 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 the motion of Dr. Farris, duly seconded by Dr. Busby and passed by unanimous voice vote, took the following actions:

- a. Morrison, David Gay, M.D. – To inform David Gay Morrison, M.D., that the remediation program outlined by Tulane University School of Medicine, Department of Medicine, Section of Hematology and Medical Oncology does not meet the requirements as set forth in previous correspondence on this matter.
- b. Stephens, Kenneth Gregory, M.D. – To deny the request of Kenneth Gregory Stephens, M.D., for modification of the terms of his Board Order.
- c. Brocato, Robert A., M.D. – To deny the request of Robert A. Brocato, M.D., for early reinstatement of his license to a full, unrestricted status, off probation.
- d. Moore, Geralyn Robinson, CLP – To approve the request of Geralyn Robinson Moore, CLP for reinstatement of her license to a full, unrestricted status in accordance with the Consent Order dated September 21, 2013.
- e. Piland, Jay Lynn, Sr., M.D. – To approve the request of Jay Lynn Piland, Sr., M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- f. Allied Health Monitoring Report – To note receipt of the Allied Health Monitoring Report showing the active participants in the program for the first quarter of 2015.

**[21.] Licensure and Certification; Clinical Laboratory Personnel.** On motion of Dr. Burdines, duly seconded by Dr. Valentine 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 the motion of Dr. Burdine, duly seconded by Dr. Farris and passed by voice vote<sup>2</sup>, approved the following for licensure provided all other requirements had been met:

Phlebotomist

Alley, Lindsey Margery

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

Milligan, Tara Leigh

**[23.] Licensure and Certification; Podiatry; Advanced Practice; Conservative Treatment of the Ankle.** 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 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. Amusa, duly seconded by Dr. Farris 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

Glovinsky, Marc Steven

**[24.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates.** 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 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, approved the following non-routine applicants for licensure provided all requirements had been met:

Davis, John Bertrand

Kurapati, Surender

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<sup>2</sup> Dr. Busby opposed this motion.

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Johnson, Richard Frederick

Simon, Michael Bradley

**[25.] Licensure and Certification; Short-Term Residency Permit.** On motion of Dr. Farris, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for a short-term residency permit 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 non-routine short-term residency permit for the following provided all requirements had been met:

Miller, Jason McKay, M.D.

**26. Next Meeting of Board.** The Board discussed the future meeting dates and on the motion of Dr. Clark, duly seconded by Dr. Burdine, voted to cancel the June 15, 16, 2015 meeting date. The President reminded the members that the next meeting of the Board was scheduled for May 18, 19, 2015.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 3:30 p.m., on Monday, April 13, 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 April 13, 2015 as approved by the Board on the 18<sup>th</sup> day of May, 2015.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 18<sup>th</sup> day of May, 2015.

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

Attest:

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Mark Henry Dawson, M.D.  
President

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