

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**SEPTEMBER 21, 22, 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, September 21, 2015, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

The following Board Members were present:

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
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

First Session
Monday, September 21, 2015

- 1. Minutes of August 17, 2015 Meeting.** The Board reviewed the minutes of its meeting held on Monday, August 17, 2015. On the motion of Dr. Amusa duly seconded by Dr. Farris and passed by unanimous voice vote, the Board approved the minutes of the meetings with any 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; Foreign Professional Entities and Corporate Practice of Nursing.** The Board reviewed the inquiry of Emily R. Menchaca, Associate, Dorsey & Whitney LLP, asking whether Louisiana permits the use of foreign professional corporations and foreign limited liability companies to provide professional services. Specifically she asked whether the Board had any knowledge of pending legislation or discussions that would prohibit the corporate practice of nursing. Following review and discussion, it was the consensus of the Board to direct Ms. Menchaca to the Board's website to review the Statement of Position entitled Employment of Physician by Corporation Other Than a Professional Medical Corporation ("SOP") which states the employment by a corporation other than a professional medical corporation is not *per se* unlawful under the Louisiana Medical Practice Act, which is also applicable to Limited Liability Companies and to Karen C. Lyon, PhD., APRN, ACNS, NEA, Executive Director, Louisiana State Board of Nursing, for their opinion regarding the Corporate Practice of Nursing.
- 4. Communication and Information; Podiatry; Scope of Practice; Performance of History and Physical Examinations.** The Board reviewed correspondence received from Stefan Lorincz, DPM and Donna Carter, MSN, RN expressing their support and interest in changing the Board's position regarding the ability of podiatrists to perform H&Ps on pre-operative patients. During the review and discussion of this matter, Dr. Mouton indicated that she had an upcoming meeting with the Louisiana Podiatry Medical Association and asked the Board to defer action on this matter pending a receipt of her report at the next meeting of the Board.
- 5. Rules and Regulations; Rules Under Development; Advertising, Board Certification; Personal Appearances; Stephen E. Metzinger, M.D., FACS, Abigail Chaffin, M.D., Michael Teaque, M.D.** Drs. Stephen E. Metzinger, Abigail Chaffin and Michael Teaque appeared before the Board to discuss the rulemaking effort underway to establish a process for its approval of certifying boards, alternative to the ABMS and AOA, for purposes of physician advertising of board certification. They indicated that the establishment of a process to accept other boards other than the ABMS or AOA was more of a credentialing issue than a regulatory process and as such no rule change was needed. The Board explained that the rules were in the initial stage and once published as a *Notice of Intent* in the Louisiana Register, further comments will be entertained to which a response from the Board would be forthcoming in accordance with the Louisiana Procedures Act.

6. Rules and Regulations; Rules Under Development; Advertising, Board Certification; Personal Appearance; Wes Hataway, Louisiana State Medical Society, Vice President of Legal Affairs. Wes Hataway, Louisiana State Medical Society (LSMS”), Vice President of Legal Affairs, appeared before the Board to present the view of the LSMS on the proposed Rules Under Development, Advertising, Board Certification that any process developed by the Board “should set forth rigorous standards, training, testing and continuous learning” and stated the proposed rule falls short of setting that standard.

7. Communication and Information; The American Society of Aesthetic Plastic Surgery, Inc. The Board reviewed an article entitled “The Aesthetic Society Congratulates the Utah Plastic Surgery Society for Taking a Stand,” from The American Society of Aesthetic Plastic Surgery, Inc. No further action was taken or required on this matter.

8. Communication and Information; American College of Emergency Physicians. The Board reviewed correspondence received from the American College of Emergency Physicians regarding the use of anonymous testimony by expert physicians that included their two adopted policies, “Anonymous Expert Physician Testimony for a State Medical Licensing Board” and “Anonymous Complaints to State Licensing Boards by Third Parties.” No further action was taken or required on this matter.

9. Communication and Information; Medscape. The Board reviewed an article that appeared in the August 19, 2015 edition of Medscape entitled “Physician Health Programs: More Harm than Good?” along with the response from the Federation of State Physician Health Programs and the American Society of Addiction Medicine. No further action was required or taken on this matter.

10. Communication and Information; Texas Medical Association and Federation of Texas Psychiatry. The Board reviewed an article entitled “State Needs to Address Psychiatric Physicians Shortage”, a Texas Medical Association Testimony by Andrew Harper, M.D. No further action was required or taken on this matter.

11. General Administrative Matters; Executive Director’s Report. The Board received the report of its Executive Director on her activities since the last meeting of the Board. Dr. Mouton reported on the progress of the software upgrade, the meeting of the Polysomnography Advisory Committee and her meeting regarding the proposed midwifery rules. She further reported that a response had not yet been received from the Louisiana State Board of Nursing on the suggested changes to the Joint Statement on Collaboration and Collaborative Practice. She concluded her report with an update on the Marijuana Advisory Committee.

12. General Administrative Matters; Advisory Committee on Polysomnography. The Board reviewed the e-mail correspondence from David McCarty, M.D., giving his official notification that he can no longer serve on the Advisory Committee due to relocating out of state. Following review and discussion, it was the consensus of the Board to thank Dr. McCarty for his service and to notify the Louisiana State Medical Society of the vacancy.

13. General Administrative Matters; Financial Reports. The Board reviewed a statement on the revenue and expenses for the period ending July 31, 2015, and approved all expenditures

as noted therein. The Board also reviewed the status of investments as of July 31, 2015. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending July 31, 2015 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of July 31, 2015.

14. General Administrative Matters; Professional Services Legal Contract; Judge Michael G. Bagneris. The Board noted that the need for a professional services legal contract was warranted to replace, Judge John W. Greene, whose contract was due to expire September 30, 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, Judge Michael G. Bagneris (Ret.), will provide professional legal services to the Board relative to disciplinary hearing and adjudications regarding alleged violations of various practice acts under jurisdiction of the Board; and

WHEREAS, Judge Michael G. Bagneris (Ret) will appear and advise the Board at its regular and special meetings, represent 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, Judge Michael G. Bagneris (Ret.) 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, Judge Michael G. Bagernis (Ret.), as independent counsel; and

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

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15. General Administrative Matters; Professional Services Legal Contract; Roedel Parson Koch Blache Balhoff & McCollister. The Board noted that the need for a professional services legal contract was warranted to monitor and address potential legislation impact the Board. 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, Roedel Parsons Koch Blache Balhoff & McCollister, will provide professional legal services to the Board relative to potential legislation impacting the Board; and

WHEREAS, Roedel Parsons Koch Blache Balhoff & McCollister will keep the Board constantly informed on all such matter and work to establish its own agenda and work on strategic educational strategy to educate the appropriate authorities regarding legislative matter impacting the Board.

WHEREAS, Roedel Parsons Koch Blache Balhoff & McCollister 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, Roedel Parsons Koch Blache Balhoff & McCollister as counsel; and

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

September 21, 2015

16. Rules and Regulations.

- a. Final Rules/Amendments: None 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. 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.¹ 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. Barring an oversight hearing, it is anticipated that the amendments will be formally adopted by and upon promulgation in the October 2015 edition of the *Louisiana Register*. **Occupational Therapy**: The Occupational Therapy

¹ Dr. Farris was not in favor of the motion.

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 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*. 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 during the comment period and voted to forward the comments to the OT Advisory Committee for their input. In furtherance of this issue, the Committee/staff reached out to the commenters and the Louisiana Association of Occupational Therapists ("LOTA"). Their input and the Committee's suggested revisions were received; however, given the resulting delay there was insufficient time to make substantive changes, hold a public hearing and conclude the rulemaking effort within the 1 year limit provided by law. Following consideration at its July 2015 meeting, the Board voted to proceed with formal adoption of the rules without amendment by publication in or before the October 2015 *Louisiana Register* and commit to commence a new rule effort to amend two (2) of the sections of the rules (§1939 and 4919) made the basis of the comments. The Final Legislative Report was sent 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 October 2015 edition of the *Louisiana Register*. **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 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 of 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. A clean draft was thereafter prepared showing how the rules would appear if all the proposed changes in the original *Notice of Intent* and Potpourri notice were adopted by the Board. At the request of the Chair of the House H&W Committee, a meeting was held with representatives of the Board, lobbyists for the LSMS, LHA and various other stakeholder organizations to discuss the Board's proposed telemedicine rule amendments. It was clear that the concerns focused on the limitations on the physician's ability to prescribe controlled substances by telemedicine. In an effort to accommodate these concerns, additional changes were made and presented for the Board's consideration. Despite this effort, HCR 4 (Rep. Simon) was filed, heard and passed by the House H&W Committee. At its May 2015 meeting, the Board reviewed the status of the rulemaking effort, reviewed HCR 4, which has been adopted by the Legislature

and voted to provide *Notice of Intent* of the additional substantive changes previously suggested in the *Louisiana Register*. A Potpourri Notice was sent to the *Louisiana Register* and a hearing scheduled for August 20, 2015 at 9:30 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. Barring an oversight hearing, it is anticipated that the amendments will be formally adopted by and upon promulgation in the October 2015 edition of 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 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 is anticipated. As soon as it is received, a report will be made 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 compounding 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*. **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 for at least another month 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 the coming months. **Podiatry:** The

Podiatry Advisory Committee (“PAC”) has requested amendments to the Board’s Podiatry Rules to: i) 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; ii) make the Board’s rules on unprofessional conduct equally applicable to podiatrists; and iii) include podiatrists in the Board’s current effort on Board certification for advertising purposes. As to item i., the draft presented during its May 2015 meeting has been revised per the input of the PAC and item ii will require a separate effort that will be presented in due course; and, item iii requires further research. **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. **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*. **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 442, Rep. 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*.

[17.] Minutes of August 17, 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 August 17, 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 of the members present, approved the minutes of the executive sessions conducted during its meeting of August 17, 2015 with any and all necessary corrections.

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

[19.] 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.

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

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

Docket No., 14-I-787

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

Docket No., 13-I-014

Docket No., 15-I-713

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

Drew Thomas Eschete, Ath, Docket No., 15-I-684

Apryl Lynn Mahne, Poly, Docket No., 125-I-650

Megan Elaine Stephenson, Poly, Docket No., 15-I-648

Jessica Lynette Anderson, CLP-LAB, Docket No., 15-I-704

Wendy Michell Rawls, Poly, Docket No., 15-I-611

Shaquanta Lashel Brumfield, OTA, Docket No., 15-I-757

William Ryan Smith, Ath, Docket No., 15-I-693

Tricia Ann Frye, CLP-SPE, Docket No., 15-I-706

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

Docket No., 14-I-890

Docket No., 14-I-899

Docket No., 15-I-291

Docket No., 14-I-454

- e. Close/Dismissed: The following matters were closed/dismissed with a Letter of Concern:

Docket No., 14-I-098

Docket No., 15-I-239

Docket No., 15-I-178

Docket No., 15-I-138

- f. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report.

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

[22.] General Disciplinary Matters. On the motion of Dr. Burdine, duly seconded by Dr. Busby, 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. Valentine, duly seconded by Dr. Burdine and passed by unanimous voice, vote took the following actions:

- a. Chandler, Laurie L., OT. – To approve the request of Laurie L. Chandler, OT, for reinstatement of her license to a full, unrestricted status, off probation.
- b. MacMurdo, Hal David, M.D.– To approve the request of Hal David MacMurdo, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- c. Pope, Dennis Warren, Jr., RRT – To approve the request of Dennis Warren Pope, Jr., RRT, for reinstatement of his license to a full, unrestricted status.
- d. Farber, George Allan, M.D. – To approve the draft response in the matter of George Allan Faber, M.D., regarding the Board's decision to deny his request for reinstatement of his revoked license.
- e. Chandler, Berry Marshall, M.D. – To deny the request of Berry Marshall Chandler, M.D., for reinstatement of his surrendered/revoked license.
- f. Delude, Neil Alan, PA – To approve the request of Neil Alan Delude, PA, for reinstatement of his license to a full, unrestricted status to include his prescribing privileges.

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

Laboratory Assistant

Al-Marhoun, Sarah

Technician

Hirstius, Melinda Alice

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

Podiatry Advanced Practice – Conservative Treatment of the Ankle

Caplis, Charles Anthony
Drummond, David Shelby

Markiewiez, Maria D.

[25.] 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. Farris, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved the following non-routine applicants for licensure provided all requirements had been met:

Carda, Carrie Lynn
Cho, Dong SikFreeman, Robert Bryan
Pandit, Sindhu

[26.] Licensure and Certification; Occupational Therapy. On motion of Dr. Farris, 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 upon motion made, duly seconded and passed by unanimous voice vote, approved the request for a waiver of an examination attempt for the following thereby making her eligible for licensure provided all other requirements had been met:

Occupational Therapist

Petry, Anna Marie

[27.] Licensure and Certification; Physicians and Surgeons; Foreign Medical Graduates. On motion of Dr. Amusa, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine 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, denied

the request of the following for acceptance of the LMCC examination for licensure:

Rasskazoff, Serge, M.D.

28. Licensure and Certification; Other Licensure Matters; Licensure Requirements for Physicians Serving as Medical Directors. The Board reviewed the request of staff for clarification regarding the licensure requirement for physicians who have been serving as medical directors and whether they are required to take and pass the SPEX examination or is board certification by the ABMS or AOA acceptable. Following review and discussion, it was the consensus of the Board that physicians serving as medical directors would be required to take and pass the SPEX examination in accordance with §353 of the Board's rules.

29. Licensure and Certification; Other Licensure Matters; Board Orientation. The Board reviewed the evaluations submitted on the Board Orientation held Friday, August 7, 2015 in New Orleans. No further action was required or taken on this matter.

30. General Administrative Matters; Richard M. Nunnally, M.D. The Board noted receipt of information regarding the passing of its former Board member, Richard M. Nunnally, M.D., who served on the Board from 1975 to 2001. Following discussion, it was the consensus of the Board to forward to his family their condolences.

[31.] Physicians Health Program. On the motion of Dr. Amusa, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session to receive the report of Louis Cataldie, M.D., Medical Director, Physicians' Health Foundation ("PHP") on the participants in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). No further action was required or taken on this matter.

[32.] General Disciplinary Matters; Personal Appearance; Phyllis Bryan Wallo, M.D. On the motion of Dr. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Phyllis Bryan Wallo, 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. Wallo appeared before the Board in connection with her request for reinstatement of her license to a full, unrestricted status, off probation. Following her dismissal, the Board resumed in open session and on the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board approved reinstatement of the license of Phyllis Bryan Wallo, M.D., to a full, unrestricted status, off probation.

[33.] General Disciplinary Matters; Personal Appearance; Mark Evan Freeman, M.D. On the motion of Dr. Clark, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Mark Evan Freeman, 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. Freeman 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. Burdine, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board approved

reinstatement of the license of Mark Evan Freeman, M.D., in accordance with the terms of the Consent Order dated May 17, 2010.

[34.] General Disciplinary Matters; Personal Appearance; Tosheiba Mistique Holmes, M.D. On the motion of Dr. Busby, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Tosheiba Mistique Holmes, 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. Holmes 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 on the motion of Dr. Farris, duly seconded by Dr. Busby, approved her request for reinstatement of her suspended license on probation in accordance with the terms of the Consent Order dated January 14, 2013.

[35.] General Disciplinary Matters; Personal Appearance; Curtis Lee Beauregard, M.D. On the motion of Dr. Valentine, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Curtis Lee Beauregard, 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. Beauregard appeared before the Board in connection with his request for early 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. Burdine, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board denied the request of Curtis Lee Beauregard, M.D., for early reinstatement of the license to a full, unrestricted status, off probation.

[36.] Personal Appearances/Docket Calendar; Formal Hearing; Kendall Marie Thomas, PA. On the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board convened in executive session for the formal hearing in the matter of 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.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 8:30 p.m., to reconvene at the offices of the Board at 8:00 a.m., Tuesday, September 22, 2015.

Second Session
Tuesday, September 22, 2015

The meeting of the Louisiana State Board of Medical Examiners reconvened at 8:00 a.m., Tuesday, September 22, 2015 at the offices of the Board with everyone in attendance except for Drs. Dawson, Farris and Valentine.

[37.] Personal Appearance/Docket Calendar; Oral Arguments; Ravish Vinay Patwardhan, M.D. On the motion of Dr. Busby, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session for the oral arguments 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) and conduct an

administrative hearing as provided by the Legislature in the Louisiana Administrative Procedure Act, La.Rev.Stat.49:951, et.Seq.

[38.] Personal Appearance/Docket Calendar; Oral Arguments; Arnold Erwin Feldman, M.D. On the motion of Dr. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session for the oral arguments in the matter of Arnold Erwin Feldman, M.D.,² 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.

39. Next Meeting of Board. The President reminded the members that the next meeting of the Board was scheduled for October 26, 27, 2015.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 11:00 a.m., on Tuesday, September 22, 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 September 21, 22, 2015.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 26th day of October, 2015.

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

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Attest:

Mark Henry Dawson, M.D.
President

² Dr. Burdine recused himself from any and all participation in this matter.