

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**

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**OCTOBER 10, 2016  
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, October 10, 2016, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana,

Board Members present as follows:

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

Board Member absent as follows:

Kweli J. Amusa, M.D.

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

Eric D Torres, Executive Director  
Cecilia Ann Mouton, M.D., Director of Investigations  
Emily Dianne Eisenhauer, M.D., Assistant Director of Investigations  
Jennifer Stoller, Attorney, General Counsel 1  
Lesley Rye, RN, Compliance Investigator  
Cathy Storm, RN, Compliance Investigator  
Lillie Rodgers, Investigations Manager  
Shelley Humphrey, Assistant Investigations Manager  
Merian Gasper, Director of Licensure  
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

Judge Michael G. Bagneris (Ret)  
Philip O. Bergeron

1. **Pledge of Allegiance.** The Pledge of Allegiance was recited by all.
2. **Minutes of August 15, 2016, Meeting.** Noting that the September 2016 meeting was cancelled due to lack of a quorum, the Board reviewed the minutes of its last meeting held August 15, 2016. On the motion of Dr. Dawson duly seconded by Dr. Busby and passed by unanimous voice vote, the Board approved the minutes of the meeting with all necessary corrections.
3. **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.
4. **Rulings and Advisory Opinions; Ketamine Infusion Center; Personal Appearance, Jaime Holmes, The Pelon Group, LLC.** Jaime Holmes, The Pelon Group, LLC, appeared before the Board to offer comments on the use of ketamine infusion therapy to treat a variety of pain and psychological disorders. Following his presentation, the Board informed Mr. Holmes that its views were expressed in an advisory opinion that would be available on the web and that the Board would be willing to reconsider its position when significantly supported evidence is available.
5. **Rulings and Advisory Opinions; Ketamine Infusion Center; Follow-up.** In connection with the request for approval from Brian Ball, M.D., to open a ketamine infusion center to treat a variety of pain and psychological disorders, the Board reviewed the advisory opinion prepared at its direction. Following review and discussion, on the motion of Dr. Farris, duly seconded by Dr. Clark and passed by unanimous voice vote, approved the advisory opinion as drafted.
6. **General Administrative Matters; Rhonda Edwards, Licensing Analyst I, Personal Appearance.** Mr. Torres introduced Rhonda Edwards, Licensing Analyst I, who had recently joined the staff of the Board. Ms. Edwards stated that she comes to the Board with 18 years of civil service experience transferring from LSU, School of Public Health. She informed the Board that she is a certified Patient Navigator and a registered social worker.
7. **General Administrative Matters; Tandra Foley, Licensing Analyst I, Personal Appearance.** Mr. Torres introduced Tandra Foley, Licensing Analyst I, who had recently joined the Board's staff working in the renewal department. Ms. Foley greeted the Board and thanked them for the opportunity stating she is enjoying her new position.
8. **General Administrative Matters; Robert Zerinque, Licensing Analyst Assistant, Personal Appearance.** Mr. Torres introduced Robert Zerinque, who was recently voted Employee of the Quarter. Mr. Zerinque thanked the Board's staff for selecting him as Employee of the Quarter as well as Mr. Torres for all his assistance.

**9. Rulings and Advisory Opinions; Peer Review.** The Board reviewed the inquiry submitted by Paul Grandon, M.D., regarding the performance of peer review for medical determination of necessity by insurance companies in connection with CT scans or other similar testing. Following review and discussion, it was the consensus of the Board to draft a response for consideration at the next meeting of the Board in line with its previous opinion which states that any physician making or reviewing the propriety of medical necessity determinations for Louisiana citizens and others located in this state, is required to hold a Louisiana medical license.

**10. Communication and Information; Laura T. Hetzler, M.D.; Proposed Rules; Board Certification.** The Board reviewed the communication received from Laura T. Hetzler, M.D., FACS, Louisiana State University Health Sciences Center providing her comments on the importance of ACGME supervised training relative to Board certification. No further action was required or taken on this matter.

**11. Communication and Information; Texas Society of Plastic Surgeons.** The Board reviewed the communication received from Patrick Pownell, M.D., President, Alfonso Barrera, M.D., President-Elect and Jaime Capelo, JD, Texas Society of Plastic Surgeons, providing their comments on the use of the term “board certified”. No further action was required or taken on this matter.

**12. Communication and Information; ACGME; Thomas J. Nasca, M.D., MACP, Chief Executive Office.** The Board reviewed the correspondence received from Thomas J. Nasca, M.D., MACP, Chief Executive Office, ACGME, regarding the use of Milestones data by licensing boards in the licensure process. Inasmuch as it was determined that Milestones data is not used in the licensing process in Louisiana, no further action was required or taken on this matter.

**13. Communication and Information; Accreditation Council for Continuing Medical Education (ACCME”).** The Board reviewed the article appearing in the *ACCME* entitled *A Systematic Review of the Evidence for Medical Marijuana in Psychiatric Indications* presented for informational purposes. No further action was required or taken on this matter.

**14. Communication and Information; Vivek H. Murphy, M.D., M.B.A., United States Surgeon General.** The Board reviewed correspondence received from Vivek H. Murphy, M.D., M.B.A., United States Surgeon General asking for help in solving the opioid epidemic along with guidelines provided by the CDC entitled *Turn the Tide; Prescribing Opioids for Chronic Pain*. Following review and discussion, it was the consensus of the Board to provide this information on the Board’s web page.

**15. Communication and Information; Kelly May; Marijuana Use for Medicinal Purposes.** The Board reviewed the communication submitted by Kelly May, former RN, regarding inclusion of Ehlers Danlos Syndrome as one of the qualifying conditions for the use of medical marijuana. Following review and discussion, it was the consensus of the Board to inform Ms. May that her request will be forwarded to the advisory committee handling the review of this matter.

**16. Communication and Information; Christopher Barnard; Marijuana Use for Medicinal Purposes.** The Board reviewed electronic correspondence received from Christopher Barnard noting that in reading Act 96 of the 2016 Legislature that sickle cell anemia was omitted as one

of debilitating conditions and requesting that it be included as one of the qualifying conditions for the use of medical marijuana. Following review and discussion, it was the consensus of the Board to inform Mr. Barnard that his request will be forwarded to the advisory committee handling the review of this matter.

**17. Communication and Information; FDA Warnings.** The Board reviewed information stating that the FDA will require tough new warnings on the product labels that spell out the serious dangers of combining opioids and benzodiazepines. No further action was required or taken on this matter.

**18. Communication and Information; North Carolina Controlled Substances CME Requirement.** The Board noted that the North Carolina had established a new requirement for physicians and physician assistants to earn continuing education hours in controlled substances prescribing. Following review and discussion, it was the consensus of the Board to research the possibility of providing this as an online course and include a course on marijuana use.

**19. Communication and Information; Federation of Association of Regulatory Boards (“FARB”).** The Board noted information on the 41<sup>st</sup> Annual FARB Forum scheduled for January 26-29, 2017 in San Antonio, Texas. The deadline for registration was Wednesday, January 18, 2017.

**20. Communication and Information; James Ruiz, M.D., Interstate Medical Licensure Compact.** The Board noted receipt of correspondence received from James Ruiz, M.D., asking whether the Board had plans to participate in the Federation of State Medical Boards’ (“FSMB”) Interstate Medical Licensure Compact. Following review and discussion, it was the consensus of the Board to provide Dr. Ruiz with a copy of the Board’s response in April 2015 that at that time it did not plan to participate and to determine whether any changes had been made since the response was transmitted to the FSMB.

**21. Communication and Information; SCR 65 Meaningful Oversight.** The Board reviewed the questionnaire responses provided relative to SCR 65 Meaningful Oversight. No further action was required or taken on this action.

**22. Communication and Information; Christopher Chambliss Harrod, M.D.; Proposed Rules Board Certification.** The Board reviewed correspondence received from Christopher Chambliss Harrod, M.D., Bone and Joint Clinic of Baton Rouge, Inc., regarding the Board’s rules on Board Certification. No further action was required or taken on this action.

**23. Communication and Information; Walgreens; Teledermatology Services.** The Board reviewed a communication providing information that Walgreens drugstore chain had announced that it will offer teledermatology services via its website. No further action was taken or required on this matter.

**24. Rulings and Advisory Opinions; Office-Based Surgery Clarification.** The Board reviewed an inquiry received from Carla C. Page, Highland Clinic, Administration/Marketing seeking clarification of the Office-Based Surgery rules wherein it states that “A physician performing office-based surgery shall possess current certification or other evidence of

completion of training in advanced cardiac life support training or pediatric advanced life support.” The physicians at her hospital asked for clarification on what “other evidence” includes and in addition, if qualified monitoring personnel are ACLS certified, is the operating surgeon also required to be ACLS certified. Following review and discussion it was the consensus of the Board to advise Ms. Page that other evidence could include evidence that the physician has completed training in advanced cardiac life support or pediatric advanced life support for pediatric patients through organizations that provide such training to medical professionals or in-house training programs that are designed to provide such training to members of the medical staff of a hospital or licensed ambulatory surgery center, etc. Such evidence should be sufficient to demonstrate to the Board that it meets the requirement of the Board’s rule. Also to advise Ms. Page that the operating surgeon is required to be ACLS certified.

**25. General Administrative Matters; Executive Director’s Report.** The Board received the report of its Executive Director on his activities since the last meeting of the Board. Mr. Torres reported on meetings with the following work groups: SCR 65 Meaningful Oversight, follow-up meeting held Monday, September 26, 2016; HCR 113, LA Commission on Preventing Opioid Abuse, Medical Marijuana and Collaborative Practice Subcommittee.

**26. General Administrative Matters; New Business; Workgroup; Access to Health Care Services.** On the motion of Dr. Clark, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board voted to consider an item of new business relative to the workgroup on access to health care. This study workgroup was pursuant to SR191 and HR 230 of the 2015 and 2016 Regular Legislative Sessions developed to suggest models that will enhance access to health care services in the state’s primary care, dental and mental health professional shortage areas (“HPSA”). The initial meeting was scheduled for October 17, 2016. Following review and discussion, it was determined that Mr. Torres will attend representing the Board.

**27. General Administrative Matters; Allday Consulting Group, LLC; Personal Appearance; Danny Allday.** Prior to presentation of the financial report, Danny Allday, Allday Consulting Group, LLC, accountant, was introduced to the Board.

**28. General Administrative Matters; Financial Reports. Financial Statement –** The Board reviewed the budgeted expenditures versus actual through August 31, 2016, the Balance Sheet through August 31, 2016 and a statement on the revenue and expenses for the period ending August 31, 2016 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of August 31, 2016.

**29. Rules and Regulations.**

- a. Final Rules/Amendments: 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 provided input on the suggested changes and input from another stakeholder was received and reviewed by staff. A revised draft was presented for review and consideration incorporating the suggested changes along with technical and drafting changes. The Board approved the rule amendments at its January 2016 meeting and voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. Said *Notice of Intent* appeared in the April 20, 2016 edition of the *Louisiana Register*. A request for public hearing was requested but withdrawn. Therefore, a public hearing was not held. However, written comments were received from the Louisiana Midwives Association and considered by the Board at its June 2016 meeting, along with the input of staff. Following discussion, the Board voted to adopt the amendments previously noticed up publication in the *Louisiana Register*. Thereafter, a Final Legislative Report incorporating the Board's responses to the comments was sent to the Legislative Oversight Committees and the commenter. The amendments were formally adopted by and upon promulgation in the August 2016 edition of the *Louisiana Register*. **Podiatry; Eligibility for Advanced Practice:** The Podiatry Advisory Committee ("PAC") 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 was presented during its May 2015 meeting and revised per the input of the PAC. Following discussion and consideration, the Board approved the draft during the August 2015 meeting and voted to provide *Notice of Intent* to adopt the amendments in the *Louisiana Register*. The *Notice of Intent* appeared in the June 20, 2016 edition of the *Louisiana Register*. The amendments were formerly adopted by and upon be promulgated in the September 2016 edition of the *Louisiana Register*.

b. **Rules/Amendments – Noticed for Intent to Adopt: Physicians, Medications Used in the Treatment of Obesity:** At its March 2016 meeting, the Board requested amendments to its obesity rules that would permit the prescribing of the individual ingredients of any non-controlled drug approved by the USFDA in the treatment of exogenous obesity. An initial draft of amendments were presented to the Board for review and consideration at its April 2016 meeting. Following review and discussion at its May 2016 meeting, the Board approved the draft and voted to provide a *Notice of Intent* to adopt the rule amendments. The *Notice of Intent* appeared in the July 2016 edition of the *Louisiana Register*. **Podiatry; Histories and Physicals:** During its December 2015 meeting, the Board heard the request of the Louisiana Podiatric Medical Association ("LPMA") and the Board's Podiatry Advisory Committee ("PAC") for a rule-making effort or advisory opinion authorizing the performance of histories and physicals ("H&Ps") by podiatrists in Louisiana. Following discussion, the Board asked the LPMA and the PAC to submit their suggestions to staff for its preparations of a draft rule addressing the topic for its further consideration. Following the receipt of the suggestions and input from interested stakeholders and Board staff, a draft was presented for review and consideration. Following review and discussion of the draft, several changes were suggested. Further comments from the President of the Louisiana Podiatry Association and a communication on behalf of the Louisiana Orthopaedic Association were considered during the April 2016 meeting. In May 2016, the Board received a follow-up communication from the LPMA advising that, while not

everything for which it had hoped, the proposed amendments were acceptable. Following further discussion and consideration at its June 2016 meeting, including input from the President of the LPMA, the Board approved the draft and voted to provide a *Notice of Intent* to adopt the rules in the *Louisiana Register*. It is anticipated that the *Notice of Intent* will appear in the December 2016 edition of the *Louisiana Register*

c. Rules/Amendments Under Development: **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. **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 from interested parties. Following review and discussion, the Board elected to defer this effort to allow further consideration and input by other stakeholders. Inasmuch as further input had not been received, it was the consensus of the Board to write to several interested parties to ask for their input by the May meeting of the Board. During the May agenda, the Board reviewed the additional information submitted by the various stakeholders and entertained brief presentations by the plastic and cosmetic surgeons along with a comment from a dermatologist. Following their dismissal, it was the consensus of the Board to form a Special Committee consisting of individuals recommended by the deans of the state's medical schools and a former Board member, to provide information on the processes involved in the accreditation of physician post-graduate training. **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 and reviewed by staff. A revised draft was submitted to the Athletic Trainer Advisory Committee for their final input. The Committee submitted additional changes that were incorporated into a draft presented to the Board for review and discussion at its July 2016 meeting. Following further review and consideration at its August 2016 meeting, the Board approved the amendments and approved publication of a *Notice of Intent* to adopt the rule 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 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. A draft of proposed amendments has been received and it being evaluated by staff. It is anticipated that a draft will be submitted for initial consideration at the December meeting. **Physicians; Training:** During its December 2015 meeting, the Board received a request from staff outlining the review and analysis of data which demonstrates a decrease in

disciplinary action with an increase in post-graduate year medical education. It also discussed the PGY requirements of other state medical boards and considered the current requirements in Louisiana for both US and International Medical Graduates. Finally, it considered staff's recommendation that an increase in PGY training should result in a decrease in the amount of discipline. Following lengthy discussion and consideration, the Board asked that a draft rule be prepared for its review that would prospectively require physician applicants to complete an ACGME residency as a prerequisite to medical licensure. The Board gave initial consideration to the draft during the April 2016 meeting. Following further review and discussion at its June 2016 meeting, the Board approved providing a *Notice of Intent* to adopt rules requiring three years of post-graduate training for both US and International Medical Graduates commencing July 2019.<sup>1</sup>

**Physicians; Medical Marijuana:** Act 96 (SB271, Sen. Mills) of the 2016 Session of the Louisiana Legislature made several changes to the law applicable to therapeutic marijuana. Among other items, the amendments: (i) change the terminology of the act of ordering the drug for a patient from "prescription" to "recommend;" (ii) change the term for, and expand the medical conditions by, "eligible diseases and conditions" to a "debilitating medical condition;" (iii) provide for certain exceptions in the event of approval of the drug by the USFDA; and (iv) necessitate various other changes to the Board's current rules. In order to accommodate such changes, an initial draft of the amendments were prepared and presented to the Board for review and discussion at its July 2016 meeting, along with a copy of Act 96 for ease of reference. Following due consideration, the Board and staff suggested additional changes, which were incorporated into a revised draft. Following further discussion and consideration at its August 2016 meeting, the Board approved the amendments and voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*.

**Physicians; Telemedicine:** Acts 630 (Rep. Schroder) and 252 (Rep. K. Jackson) of the 2016 Session of the Louisiana Legislature made several changes to the laws applicable to telemedicine. In order to accommodate such changes, an initial draft of amendments was prepared and presented to the Board for review and discussion along with copies of the Acts and an annotated version of the resulting changes to the Louisiana Medical Practice Act at its July 2016 meeting. Following due consideration, the Board and staff suggested additional changes that were incorporated into a revised draft and presented for review and discussion. Following further discussion and consideration at its August 2016 meeting, the Board approved the amendments and voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*.

**Acupuncture:** Act 550 (HB 557 Rep. Jay Morris) of the 2016 Session of the Louisiana Legislature made several changes to the laws governing the practice of acupuncture in this state. A rulemaking effort will be needed to conform the Board's existing rules to the changes. In the interim, the law as amended by Act 550 controls any disparity with the rules. The Board has received the input of the Acupuncture Association of Louisiana and staff is working towards a draft to present to the Board for consideration. It is anticipated that draft amendments will be submitted for initial Board review and discussion at the December 2016 meeting.

**[30.] Minutes of August 15, 2016; Executive Sessions.** On the motion of Dr. Valentine, duly seconded by Dr. Clark 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

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<sup>1</sup> Dr. Clark opposed the motion.



15, 2016. Following review and discussion, the Board resumed in open session and on the motion of Dr. Clark, duly seconded by Dr. Valentine and passed by unanimous voice vote approved the minutes of the executive sessions conducted during its meeting of August 15, 2016.

**[31.] 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). The Board also review correspondence relative to pending litigation from the offices of the Attorney General and Risk Management. Following review and discussion, the Board resumed in open session and on the motion of Dr. Dawson, duly seconded by Dr. Farris, and passed by unanimous voice vote, authorized drafting correspondence to the Attorney General and the Office of Risk Management relative to pending litigation.

**[32.] Personal Appearances/Docket Calendar.** On the motion of Dr. Dawson, duly seconded by Dr. Valentine, and passed by unanimous voice vote, the Board convened in executive session, to review 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.

**[33.] Adjudication; Arnold Erwin Feldman, M.D.<sup>2</sup>.** On the motion of Dr. Clark, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session for consideration of the Petition for Rehearing, Reopening or Reconsideration of the Decision and Order of the Board, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat§ 42:17A(1) and pursuant to La.Rev.Stat§ 49:959(A). Following review and discussion, the Board resumed in open session and on the motion of Dr. Busby, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board denied the request for a Rehearing, Reopening or Reconsideration of the Board's Decision and Order.

**[34.] Investigative Reports.** On the motion of Dr. Busby, duly seconded by Dr. Valentine, 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. Farris 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., 16-I-466

- b. Interim Actions: The Board approved the Interim Actions that had been handled by the President and/or the Vice-President in his absence:

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<sup>2</sup> Drs. Burdine and Dawson recused themselves from any and all participation in discussion and/or consideration of this matter.

Docket No., 16-I-421<sup>3</sup>  
Docket No., 16-I-626  
Docket No., 16-I-466  
Docket No., 13-I-355

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

Investigation No., 16-342<sup>4</sup>  
Investigation No., 16-453  
Investigation No., 16-I-421<sup>5</sup>  
Investigation No., 16-644<sup>6</sup>  
Investigation No., 16-737  
Investigation No., 16-I-634<sup>7</sup>  
Investigation No., 16-401  
Investigation No., 16-I-208

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

Ira Pincus Markowitz, M.D., Docket No., 15- I-1020  
Laura Crump Fairbanks, M.D., Docket No., 11-I-718  
Neil Anthony-Smith Nixdorff, M.D., Docket No., 15-I-775  
Shawn P. Granger, M.D., Docket No., 15-I-689  
Robert Ancira, M.D., Docket No., 15-I-867  
Ashwin Bachubhai Sura, M.D., Docket No., 14-I-809  
Andre Tremease Monroe, Poly, Docket No., 16-I-817

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

Docket No., 16-I-438  
Docket No., 16-I-572  
Docket No., 14-I-543  
Docket No., 15-436  
Docket No., 16-709

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

Docket No., 16-I-576  
Docket No., 15-455

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3 Dr. Valentine recused herself from any and all participation in discussion and/or consideration of this matter.

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

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

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.

Docket No., 13-I-1284  
Docket No., 16-I-334

g. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report for August and September 2016.

**[35.] Physicians Health Program.** On the motion of Dr. Clark, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to receive the report of Seth Kunen, PhD, PsyD., MP, Executive 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.

**[36.] Investigative Matter; Personal Appearance; Ira Pincus Markowitz, M.D.** On the motion of Dr. Dawson, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Ira Pincus Markowitz, 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. Markowitz appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

**[37.] General Disciplinary Matters; Personal Appearance; Jeffrey F. Foss, M.D.** On the motion of Dr. Busby, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Jeffrey F. Foss, 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. Foss 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 upon the motion of Dr. Dawson, duly seconded by Dr. Clark and passed by unanimous voice vote, approved the request of Dr. Foss for early reinstatement of his license to a full, unrestricted status, off probation.

**[38.] General Disciplinary Matters; Personal Appearance; Tommy Lester Fudge, M.D.** On the motion of Dr. Dawson, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Tommy Lester Fudge., 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. Fudge appeared before the Board in connection with his request for reinstatement of his license, off probation. Following his dismissal, the Board resumed in open session and upon the motion of Dr. Clark, duly seconded by Dr. Dawson and passed by unanimous voice vote, approved the request of Dr. Fudge for reinstatement of his license to a full, unrestricted status, off probation.

**[39.] General Administrative Matters; New Business; Personal Appearance; Richard Edward Sabatier, M.D.** On the motion of Dr. Dawson, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board voted to consider an item of new business under general disciplinary and thereby moved to convene in executive session, for the personal appearance of Richard Edward Sabatier., 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. Sabatier 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 it was the consensus of the Board to defer action on his request pending receipt of additional information.

**[40.] General Disciplinary Matters.** On the motion of Dr. Farris, duly seconded by Dr. Dawson, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as a matter 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. Dawson and passed by unanimous voice vote, made the following decisions:

- a. Pattison, Joseph N. III, RRT – To approve the request of Joseph N. Pattison III, RRT for reinstatement of his license to a full, unrestricted status, off probation.
- b. Brodnax, Peggy Denise, LRT – To approve the request of Peggy Denise Brodnax, LRT, for reinstatement of her license to a full, unrestricted status, off probation.
- c. Britt, Matthew Eugene, CLP – To approve the request of Matthew Eugene Britt, CLP, for reinstatement of his license to a full, unrestricted status, off probation.
- d. Rosales, Miguel Campos, PA – To deny the request of Miguel Campos Rosales, PA, for modification of the terms of the Board Order to allow him prescriptive authority for certain specified drugs.
- e. White, Gordon Ellis II, M.D. – To approve the request of Gordon Ellis White II, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- f. Williams, Calvin Edward, M.D.<sup>8</sup> - To defer action on the request of Calvin Edward Williams, M.D., until the next meeting of the Board.
- g. Allied Health Monitoring Report – To review the Allied Health Monitoring Report submitted for the third quarter 2016.

**[41.] Professional Liability Report.** On the motion of Dr. Busby, duly seconded by Dr. Valentine 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.

**[42.] Licensure and Certification; Clinical Laboratory Personnel.** On the motion of Dr. Dawson, 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

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<sup>8</sup> Dr. Valentine recused herself from participation from any discussion and/or consideration of this matter.

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. Dawson, duly seconded by Dr. Valentine and passed by unanimous voice vote approved the following for licensure provided all requirements had been met:

Phlebotomy

Coffey, Shannon L.

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

Rozas, Alexander Jacque

**[44.] Licensure and Certification; Medical Psychology.** On motion of Dr. Farris, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session to consider the 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. Dawson, duly seconded by Dr. Farris and passed by unanimous voice vote, approved the following for licensure provided all other requirements had been met:

Burke, Leo J. III

**[45.] Licensure and Certification; Respiratory Therapy.** On the motion of Dr. Busby, 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 on the motion of Dr. Valentine, duly seconded by Dr. Clark and passed by unanimous voice vote deferred action on the applications of the following pending further review:

McConkey, Kimberly A.

Weathers, Krystle R.

**[46.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates.** On the motion of Dr. Clark, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Clark, duly seconded by Dr. Busby and passed by unanimous voice vote approved the following licensure provided all requirements had been met:

Akinniyi, Deborah C.  
Bragg, Julian A.  
Burke, Gail A.  
Charles, Pierre S.  
Gray, Teas E.C.  
Hendiani, Amir J.  
Jackson, Harold G.  
Lasher, Ricky

Bingham, Natalie D.  
Mokrian, Shahriar.  
Reddick, Stephanie A.  
Rogers, William D.  
Rosenthal, Seth Ian  
Taylor, Jennifer E.  
Toussaint, Joseph L.

**[47.] Licensure and Certification; International Medical Graduates.** On the motion of Dr. Busby, duly seconded by Dr. Farris 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, on the motion of Dr. Dawson, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board denied the request of Derek Hinds, M.D., for a waiver of the three years of ACGME residency training.

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

Physician and Surgeon

Gaddis, Todd Donavon, M.D.

Occupational Therapy Assistant

Eubanks, Gigi

**[49.] General Administrative Matters; Board Security.** On the motion of Dr. Valentine, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session to consider follow-up information relative to security of the premises and personnel pursuant to La.Rev.Stat. 42:17A(3). No further action was required or taken on this matter.

**[50.] General Administrative Matters; Resource Allocation.** Continuing in executive session, the reviewed the report of staff relative to resource allocations, received further input from other members of the Board's staff which led to other ancillary issues.

**51. Next Meeting of Board.** The President reminded the members that the next meeting of the Board was scheduled for December 5, 6, 2016.

MINUTES OF MEETING  
OCTOBER 10, 2016

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Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 5:30 p.m., on Monday, October 10, 2016.

**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 October 10, 2016 and approved by the Board on the 5<sup>th</sup> day of December, 2016.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 5<sup>th</sup> day of December, 2016.

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Christy Lynn Valentine, M.D.  
Secretary-Treasurer

Attest:

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John Michael Burdine, M.D.  
President