

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 5, 2016
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, December 5, 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
Kweli J. Amusa, M.D.
Joseph D. Busby, Jr., M.D.
Roderick V. Clark, M.D.
Mark Henry Dawson, M.D.

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

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 Gласper, 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 November 3 and October 10, 2016 Meetings.** The Board reviewed the minutes of its meetings held November 3, 2016 and October 10, 2016. On the motion of Dr. Dawson duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the minutes of the meetings with any 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; Office-Based Surgery Clarification.** The Board reviewed the draft response prepared at its direction in connection with the inquiry received from Carla C. Page, Highland Clinic, Administration/Marketing concerning the Board's Office-Based Surgery rules with respect to what is meant by "other evidence" with reference to physician certification in advanced cardiac life support and her inquiry asking if qualified monitoring personnel are ACLS certified, does the operating surgeon also have to be ACLS certified. Following review and discussion, on the motion of Dr. Dawson, duly seconded by Dr. Amusa the Board approved the response as written for dissemination that the rule contemplates that such "other evidence" demonstrates 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 that it meets the requirement of the Board's rule and to advise Ms. Page that the operating surgeon is required to be ACLS certified.
5. **Rulings and Advisory Opinions; Physician Assistant ("PA"); Scope of Practice; Surgical Procedures.** The Board reviewed the request received from Lindsay York Fantaci, M.D., dba Lindsay York M.D., seeking an official position of the Board on the allowed duties of a PA, specifically, whether PAs are allowed to perform any portion of a surgical procedure while a patient is under anesthesia without the supervising physician present and under his/her direct supervision. Following review and discussion, it was the consensus of the Board to advise Dr. Fantaci that consistent with the law, a PA may assist a supervising physician in surgery but is not authorized to perform any portion of a surgical procedure without the presence of the SP in attendance.
6. **Rulings and Advisory Opinions; Sonographers; Scope of Practice.** The Board reviewed an inquiry from LaDonna Williamson, Associate Product Manager, MR & Ultrasound, Bracco Diagnostics, Inc., asking whether sonographers in Louisiana are allowed to start an intravenous line and administer contrast. Following review and discussion, it was the consensus of the Board to inform Ms. Williamson that Louisiana does not provide a class of licensure for ultrasonographers or sonographers and therefore, they would be considered unlicensed individuals in this state. A physician may delegate activities that may be undertaken or performed by an unlicensed individual who functions solely under the Louisiana licensed physician's direction and immediate personal supervision, i.e., where the physician is physically present in the office or suite *at all* times that an unlicensed individual is providing the service and retains full

responsibility to patients for the training, delivery and results of all services rendered. Therefore, it is the opinion of the Board that a sonographer working under the direct and immediate supervision as cited above would be able to perform the duties delegated by a physician, provided the sonographer is properly trained, and at no time acts independently of a licensed physician or exercises independent medical judgment in starting, selecting or implementing modalities of treatment.

7. Rulings and Advisory Opinions; Opioid Prescribing by Pain Specialists. The Board reviewed the request received from Jonathan D. Thompson, M.D., Neuroscience & Pain Institute, seeking guidance from the Board respecting the CDC guidelines that limit narcotic doses to 90 Morphine Equivalents (90 MME) in the primary care setting and asking whether pain specialists are allowed to go beyond these limits, in appropriate instances, given their specialty training in pain management. Following review and discussion, it was the consensus of the Board to advise Dr. Thompson that given the fact that the guidelines were developed for primary care clinicians treating adults patients for chronic pain in outpatient settings with the intention of improving communication between providers and patients and that while the Board would expect all physicians who prescribe opioids for the treatment of pain to be aware and mindful of the guidelines and its goals and recommendations, the dosage limits set forth in the guidelines are not binding and do not limit a physician's independent medical judgment with respect to dosage therapy to be utilized in the treatment and care of his or her particular patients.

8. Rulings and Advisory Opinions; Use of Hemp Oil. The Board reviewed the inquiry received from Leonard E. Gately, III, M.D., Academic Dermatology Associates, LLC, asking whether the Board has any rules or laws regarding recommending the use of hemp oil, specifically cannabidiol ("CBD") oil. Following review and discussion, it was the consensus of the Board to advise Dr. Gately that initially, the Board noted that if CBD oil is legally available for purchase and use by consumers as a nutritional supplement, then a physician's order or recommendation would not be necessary and to further advise that the Board noted that in December 2016, the DEA adopted a final rule for purposes of tracking marijuana extracts constituents and any extract containing one or more cannabinoids derived from Cannabis remains a Schedule I controlled substance under federal law. The rule includes CBD oils and other types of CBD extracts from the Cannabis plant. However, it does not include CBD oils and other extracts derived from hemp, which is produced from the mature stalks of such plant produced for industrial purposes. Therefore, it would be important to confirm that the CBD oil is produced from hemp, rather than Cannabis.

9. Rulings and Advisory Opinions; Physician; Scope of Practice Signing Off on Testing Results. The Board reviewed an inquiry received from Laura Layden Cassidy, M.D., asking whether physicians are allowed to sign off on test results utilized to diagnose dyslexia, "or must it be a psychologist" and if so, what credentials would be needed. Following review and discussion, it was the consensus of the Board to prepare a draft for approval at the next meeting of the Board to advise Dr. Cassidy there are no limitation on the scope of practice for Louisiana licensed physicians, as long as it is within their education, training and experience. To do so would be considered unprofessional conduct by the Board, and as long as the physician has had training in the analysis of testing used to diagnose dyslexia he or she may be qualified to sign off on such testing. With respect to credentialing there may be other qualifications and/or clinical restrictions imposed by hospitals or similar institutions.

10. Rulings and Advisory Opinions; Medical Necessity Determination by D.O. The Board reviewed electronic correspondence received from Julie Widmer, Director of Utilization Review, Brentwood Hospital, asking whether a doctor of osteopathy (“D.O.”) may serve as a peer review officer for medical necessity determinations for managed healthcare plans in Louisiana. Following review and discussion, it was the consensus of the Board to advise Ms. Widmer that under the Medical Practice Act, doctors of allopathic medicine and doctors of osteopathic medicine are afforded equal status and privilege in the practice of medicine and thus, a D.O. may serve as a peer review officer for medical necessity determination in Louisiana.

11. Communication and Information; Federation of State Medical Board, Inc.(“FSMB”); Call for Committee Appointments. The Board reviewed the communication received from Humayun J. Chaudhry, D.O., M.S., MACP, MACOI, President and Chief Executive Officer, FSMB, informing those interested in serving on a committee or workshop that the deadline for submission of a questionnaire, letter of interest and CV was December 30, 2016. No further action was required or taken on this matter.

12. Communication and Information; Federation of State Medical Board, Inc.(“FSMB”); Call for Nominations to Elected Offices. The Board reviewed the communication received from Humayun J. Chaudhry, D.O., M.S., MACP, MACOI, President and Chief Executive Officer, FSMB, calling for nominations to serve on the Board of Directors or Nominating Committee to be elected at the annual meeting in April 2017. The deadline for submission was December 30, 2016. No further action was required or taken on this matter.

13. Communication and Information; Federation of State Medical Board, Inc.(“FSMB”); Call for Associate Member. The Board reviewed the communication received from Humayun J. Chaudhry, D.O., M.S., MACP, MACOI, President and Chief Executive Officer, FSMB, calling for nominations for associate member to serve on the Board of Directors of the FSMB to be elected at its meeting in February 2017. No further action was required or taken on this matter.

14. Communication and Information; Teladoc; Proposed Telemedicine Rules. The Board reviewed the communication received from Claudia Duck Tucker, Teladoc, commending the Board on the proposed Telemedicine rules *Noticed for Intent* to adopt in the October 2016 edition of the *Louisiana Register*. Ms. Tucker stated they were in support of the rules and thanked the Board for allowing them to be part of such a comprehensive and deliberate process.

15. Communication and Information; James H. Diaz, M.D., Patient Centered Outcomes Research Institute. The Board noted receipt of a communication from James H. Diaz, M.D., MPH, Dr.PH, FACMT, Professor and Head, Environment and Occupational Health Sciences, LSUHSC- NO, School of Public Health, stating that they have been invited to apply to the Patient Centered Outcomes Research Institute (“PCORI”) for federal funding for research activities in support of safer opioid prescribing practices for chronic, non-cancer pain by primary care physicians and asked if they could include the Board as a key stakeholder and participant in their PCORI application. Following review and discussion, it was the consensus of the Board to congratulate Dr. Diaz and advise him that he could include the Board as a key stakeholder.

16. Communication and Information; SCR 65 Meaningful Oversight. The Board reviewed the draft report provided relative to SCR 65 Meaningful Oversight. No further action was required or taken on this action.

17. Executive Director's Report. Although Mr. Torres was not present for the meeting, the Board reviewed the information submitted for this month's meeting on his activities on behalf of the Board. His report contained information on meetings with the following work groups: Health Professionals Shortage Area Workgroup (SR 191 and 230) met in Baton Rouge on October 17, 2016; LA Commission on Preventing Opioid Abuse, Taskforce on Meaningful Oversight met on Monday, November 7, 2016; Medical Marijuana Advisory Group met on October 26, 2016. It was reported that John D. England, M.D., will appear at the January 2017 meeting to present the report on their recommendations. The report also contained communications with the FSMB regarding the Interstate Compact and concluded with information on the Big Picture initial application rollout.

18. General Administrative Matters; Prescription Monitoring Program Advisory Council. The Board received the report of the quarterly meeting of the Prescription Monitoring Advisory Council held on October 26, 2016 in Baton Rouge submitted by Dr. Mouton. Dr. Mouton reported on the pertinent issues discussed at the meeting which included the number of physicians accessing the PMP is approximately 36%. She concluded her report stating that PMP is working on several ongoing projects. There was continued discussion on how the new system is time consuming which may be a contributing factor to low usage. No further action was required or taken on this matter.

19. General Administrative Matters; Contract for Professional Legal Services; Adams and Reese, LLP. The Board noted the professional legal services contract with Adams and Reese, LLP expired on December 31, 2016. Following review and brief discussion, on the motion of Dr. Dawson, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board authorized the contract renewal and struck the following resolution:

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

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

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

WHEREAS, **Adams and Reese, LLP**, may provide such other legal or 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's its members, officers, employees or agents in any suit, action or claim in tort or for worker's compensation benefits; and

WHEREAS, this resolution shall take effect immediately

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

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

John Michael Burdine, M.D., President

20. General Administrative Matters; Financial Reports.

2017 Board Budget – The Board reviewed the proposed budget for 2017 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Dawson, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board approved the 2017 proposed Board budget and instructed staff to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

2017 Clinical Laboratory Personnel Budget – The Board reviewed the proposed budget for 2017 which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Dawson, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board approved the 2017 proposed Clinical Laboratory Personnel Budget and instructed staff to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

21. Rules and Regulations.

- a. Final Rules/Amendments: 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*. Following publication of the *Notice of Intent*, the Board did not receive a request for a public hearing or written comments during the comment period. At its August 2016 meeting, the Board voted to promulgate the amendments by and upon publication in the *Louisiana Register*. The final amendments appeared in the December 2016 edition of the *Register*, concluding this rulemaking effort. 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*. The *Notice of Intent* appeared in the August 2016 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a request for a public hearing or written comments during the comment period. At its August 2016 meeting, the Board voted to promulgate the amendments by and upon publication in the *Louisiana Register*. The final amendments appeared in the December 2016 edition of the *Register*, concluding this rulemaking effort.

b. Rules/Amendments – Noticed for Intent to Adopt: **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*. Said *Notice* appeared in the October 2016 edition of the *Louisiana Register*. A timely comment was received during the comment period and was presented for the Board’s consideration. Following review and discussion at the December 2016 meeting, on the motion of Dr. Dawson, duly seconded by Dr. Amusa, the Board elected to reject the comments and approved promulgation of the rule amendments in the same form as previously noticed, by and upon publication in the *Louisiana Register*.¹ **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

¹ Drs. Busby and Clark abstained from voting on this matter.

amendments in the *Louisiana Register*. Such *Notice* appeared in the October 2016 edition of the *Louisiana Register*. A timely comment was received and presented to the Board for consideration. Following review and consideration, inasmuch as the comment did not require a substantive change to the proposed rule amendments, on the motion of Dr. Dawson, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board approved promulgation of the amendments in the same form as previously noticed, by and upon publication in 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 worked on amendments to the athletic trainer rules to conform them to the 2014 amendments to the Athletic Trainer Practice Act. The Committee's draft was 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 was received and is being evaluated by staff. **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 2019.² Following further discussion and consideration at its September 2016 meeting, the Board approved further changes and voted to provide *Notice of Intent* to adopt in *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 reviewed the draft received for initial Board review and discussion at the December 2016 meeting.

22. General Administrative Matters; Personal Appearance; Mark Alain Dery, D.O., and Graham Patterson, MPP, Program Manager, Tulane University; Importance of Continuing HIV Medical Education in Louisiana. Mark Alain Dery, D.O., and Graham Patterson, MPP, Program Manager, Tulane University AETC Training Center appeared before the Board to discuss the importance of continuing HIV medical education in Louisiana during which they suggested that a portion of physician mandatory continuing medical education ("CME") be devoted to programs dealing with mechanisms to suppress the spread of HIV. Following their dismissal, it was the consensus of the Board not to require physicians to commit a given amount of CME to HIV, but to develop an online program on this topic that will be made available on its website to all licensed and allied health care providers on a voluntary basis.

[23.] General Administrative Matters; Denise M. Pilie, Attorney, Personal Appearance; Personnel Matters. 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 personnel matters pursuant to La.Rev.Stat. 42:17A(4). Ms. Pilie presented a preliminary report to the Board. No further action was required or taken on this matter.

[24.] Minutes of October 10, 2016; Executive Sessions. On the motion of Dr. Farris, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of October 10, 2016. 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 minutes of the executive sessions conducted during its meeting of October 10, 2016.

² Dr. Clark opposed the motion.

[25.] Report on Pending Litigation. On the motion of Dr. Valentine, 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 reviewed draft correspondence relative to pending litigation from the offices of the Attorney General and Risk Management as authorized at its last meeting. 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, the Board approved the recommendations of counsel relative to pending litigation along with the draft correspondence for dissemination to the Attorney General and the Office of Risk Management.

[26.] Personal Appearances/Docket Calendar. On the motion of Dr. Busby, duly seconded by Dr. Farris, 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.

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

- a. Administrative Complaints: The following Administrative Complaints were accepted for filing and scheduling of a formal hearing:

Docket No., 16-I-364³
Docket No., 16-I-377⁴

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

Docket No., 16-I-971
Docket No., 16-I-1019
Docket No., 16-I-248

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

Investigation No., 16-I-420
Investigation No., 16-I-680
Investigation No., 16-I-614

³ Drs. Burdine and Clark recused themselves from any and all participation in discussion and/or consideration of this matter.

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

Investigation No., 16-I-940
Investigation No., 16-I-778

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

John Alan Teal, M.P., Docket No., 15- I-1039
Robert Dale Bernauer, M.D., Docket No., 16-I-118
Ross Alan Gallo, M.D., Docket No., 15-I-318
Melissa Middleton Boughrara, RRT, Docket No., 15-I-1065
Kimberly A. McConkey, LRT, Docket No., 16-I-870
Krystle Renee Weathers, LRT, Docket No., 16-I-882

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

Docket No., 14-I-872
Docket No., 13-I-984
Docket No., 16-I-477
Docket No., 16-I-644⁵
Docket No., 16-I-612
Docket No., 16-I-611

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

Docket No., 16-I-330
Docker No., 15-I-1067
Docket No., 16-I-543
Docket No., 16-I-344
Docket No., 15-I-685
Docket No., 16-I-556
Docket No., 15-I-692
Docket No., 16-I-797
Docket No., 16-I-523
Docket No., 16-I-777
Docket No., 16-I-071
Docket No., 15-I-883
Docket No., 16-I-729

- g. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report for October 2016.

- h. Referral to Louisiana State Board of Wholesale Drug Distributors – The following matter was referred to the Louisiana State Board of Wholesale Drug Distributors:

Case No. 2016-798

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

[28.] Physicians Health Program. On the motion of Dr. Farris, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session to receive the report of Brian Zganjar, M.D., Interim 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.

[29.] Investigative Matter; Personal Appearance; Ross Alan Gallo, M.D. 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 personal appearance of Ross Alan Gallo, 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. Gallo, accompanied by his attorney, Vincent J. Booth, Esq., appeared before the Board in connection with the acceptance of his Consent Order For Reinstatement. No further action was required or taken on this matter.

[30.] 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.

[31.] General Disciplinary Matters. On the motion of Dr. Clark, 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. Pitard, Edward F., M.D. – To approve the request of Edward F. Pitard, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- b. Williams, Calvin Edward, M.D.⁶ – To approve the request of Calvin Edward Williams, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- c. Rawls, Wendy Michell, POLY – To approve the request of Wendy Michell Rawls, POLY, for reinstatement of her license to a full, unrestricted status, off probation.
- d. Sabatier, Richard Edward, M.D. – To deny the request of Richard Edward Sabatier, M.D., for early reinstatement of his license to a full, unrestricted status, off probation.
- e. Tran, Andy Van, M.D. – To approve the request of Andy Van Tran, M.D., for reinstatement of his license to a full, unrestricted status, off probation.

⁶ Dr. Valentine recused herself from participation from any discussion and/or consideration of this matter.

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

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

Bourgeois, Daniel J.
Francavalla, Thomas Louis
Grubb, Kristen R.
Marino, Megan

Padilla, Nyree
Planchar, Jeffrey Alan
Pulicchio, Louis Umile
Rahim, Robby

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

Rich, Brian Keith

[33.] Licensure and Certification; International Medical Graduates. On the motion of Dr. Busby, duly seconded 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 review and discussion, the Board resumed in open session and on the motion of Dr. Dawson, duly seconded by Dr. Clark and passed by unanimous voice vote, made the following decisions:

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

Garcia-Rivera, Ricardo

b. Approved – To approve the following for waivers of licensure requirements in accordance with §315 of the Board's rules:

Fazill, Tajammul Nazir

Jeon, Hoonbae

[34.] Licensure and Certification; Other Licensure Matters; Reinstatement/Relicensure. 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 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. Dawson, duly seconded

by Dr. Clark and passed by unanimous voice vote, approved the following for reinstatement/relicensure provided all requirements had been met:

Physician and Surgeons

Henderson, Mary S. K.
Ingham, Tiffany Michelle

Recine, Carl Albert

[35.] Licensure and Certification; Other Licensure Matters; Short Term Permit. 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 issuance of a short term 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 on the motion of Dr. Busby, duly seconded by Dr. Clark and passed by unanimous voice vote, approved the following for issuance of a short permit provided all requirements had been met:

Kessler, Adam D.

36. President's Report. The President reported that he received a communication from Eric D. Torres that he resigned his position as Executive Director, effective December 2, 2016.

37. General Administrative Matters; New Business; Interim Executive Director. On the motion of Dr. Amusa, duly seconded by Dr. Clark the Board voted to take up an item of new business, the appointment of an Interim Executive Director. On the motion of Dr. Dawson, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board voted to appoint John B. Bobear, M.D., as Interim Executive Director and to form a Search Committee for hiring of an Executive Director.

38. Next Meeting of Board. The President reminded the members that the next meeting of the Board was scheduled for January 9, 10, 2017.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 4:00 p.m., on Monday, December 5, 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 December 5, 2016 and approved by the Board on the 9th day of January, 2017.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 9th day of January, 2017.

MINUTES OF MEETING
DECEMBER 5, 2016

Christy Lynn Valentine, M.D.
Secretary-Treasurer

Attest:

John Michael Burdine, M.D.
President