

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**APRIL 10, 2017
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, April 10, 2017, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana,

Board Members present as follows:

Kennth Barton Farris, M.D., President
Christy Lynn Valentine, M.D., Vice-President
Roderick V. Clark, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
Mark Henry Dawson, M.D.
J. Kerry Howell, M.D.

Board Members absent as follows:

Daniel K. Winstead, M.D.

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

Keith C. Ferdinand, M.D., FACC, FAHA, Interim Executive Director
Cecilia Ann Mouton, M.D., 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
Aloma James, Licensing Analyst Supervisor
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

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

1. **Minutes of March 13, 2017 Meeting.** The Board reviewed the minutes of its meetings held March 13, 2017. On the motion of Dr. Valentine duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board approved the minutes of the meetings with all necessary corrections.
2. **Rules and Regulations. Rules/Amendments Under Development: Physician Advertising; Board Certification:** The Board received comments on the two (2) drafts presented at its March 2017 meeting. Draft 2A limits board approval to certifying organizations that require passage of a psychometric exam and complete ACGME training in the specialty/subspecialty. Draft 2B limits board approval to certifying organizations that require passage of a psychometric exam *plus* completion of ACGME/AOA training of comprehensive scope that is substantially equivalent to training required for ABMS/AOA certification in the specialty or subspecialty or for training other than ACGME, training of comprehensive scope that is substantially equivalent to that of an ACGME accredited program in the specialty or subspecialty. The Board heard from interested stakeholders on the acceptance of both drafts. Following the oral presentations, on the motion of Dr. Dawson, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board voted to adopt Draft 2A for publication as a *Notice of Intent* in the *Louisiana Register*.
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; Statement of Position Stem Cell: The Use of Non-FDA Approved Stem Cell Products; Follow-up.** The Board reviewed follow-up information provided by Philip Laden Batson, Jr., Batson Orthopaedics, L.L.C., in support of his request that the Board modify its Statement of Position on Stem Cell: The Use of Non-FDA Approved Stem Cell Products. Following review and discussion, it was the consensus of the Board to advise Mr. Batson that its previous position remains unchanged.
5. **Rulings and Advisory Opinions; Podiatry; Scope of Practice.** The Board reviewed electronic correspondence received from William Dabdoub, DMP, Podiatry Advisory Committee relative to the staff privileges of Lon M. Baronne, DPM, who requested confirmation that the scope of practice of a podiatrist, who is not certified by the Board for the surgical treatment of the ankle, encompasses “the superior dome of the talus down”. Following review and discussion, it was the consensus of the Board to advise Dr. Baronne that the scope of practice for every podiatrist licensed by the Board includes the area from the superior dome of the talus down and that while the surgical treatment of the muscles or tendons of the lower leg that govern the function of the foot and ankle is reserved to podiatrists who are certified by the Board for the surgical treatment of the ankle, every podiatrist licensed by the Board may engage in the surgical treatment of the foot. Inasmuch as the superior dome of the talus lies with the foot as defined by Law and the

Board's rules, the scope of practice of a podiatrist without advanced surgical privileges includes the superior dome of the talus down.

6. Communication and Information; HCR 113; Louisiana Commission on Preventing Opioid Abuse. The Board reviewed the Commission's Final Report on HCR 113 Louisiana Commission on Preventing Opioid Abuse submitted to the Governor's office on March 31, 2017. The Board noted the recommendations contained in the report. No further action was required or taken on this matter.

7. General Administrative Matters; Interim Executive Director's Report. The Board received the report of its Interim Executive Director on his activities since the last meeting of the Board. Dr. Ferdinand reported on personnel, administrative and financial matters.

8. Legislative Matters; 2017 Proposed Legislation. The Board reviewed the list of proposed legislation for 2017 that may have an impact on the Board. All members were encouraged whenever possible to attend legislative hearings regarding these and other matters relating to the Board. The Board instructed staff and counsel to continue monitoring proposed legislation.

[9.] General Administrative Matters; Executive Director Applicants. On the motion of Dr. Valentine, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to discuss the applicants for the position of Executive Director pursuant to La.Rev.Stat. 42:17A(3). Following review and discussion, the Board resumed in open session and on the motion of Dr. Valentine, duly seconded by Dr. Howell, the Board voted to invite three candidates to the next meeting for a second interview.

10. General Administrative Matters; Personal Appearance; Danielle Keyser, President, Paul Fontana, Representative, Louisiana Occupational Therapy Association. Danielle Keyser, MD, LOTR, GTC, accompanied by Paul Fontana, Representative, Louisiana Occupational Therapy Association, appeared before the Board to address their concerns with the license and practice of Occupational Therapists and Occupational Therapy Assistants. Their concerns dealt with the current tenure of the members of the Occupational Therapy Advisory Committee, submission of biannual continuing education units and adding physician assistants to the list of referring practitioners. Following their presentation, the Board advised that their concerns were under advisement.

11. General Administrative Matters; Physician Assistant Advisory Committee ("PA Advisory Committee"). The Board noted the terms of Drs. Laurie R. Grier and Thomas A. Trawick, Jr., expired as members of the PA Advisory Committee. Richard Y. McConnell, M.D., notified Kenneth W. Betzing, Chair, that he was interested in serving on the Committee. Following review and discussion, on the motion of Dr. Dawson, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved submitting the name of Dr. McConnell for appointment by the Governor.

12. General Administrative Matters; Financial Reports. The Board reviewed the budgeted versus projected expenditures through February 28, 2017, the detailed Income Statement for the

period ending February 28, 2017, and the report relative to the acceptance of the American Express credit card, submitted by Denise Businelle, Director of Operations.

13. General Administrative Matters; Newsletter. The Board reviewed a draft of the next issue of the *Newsletter*. Noting there were corrections, the Board deferred approval until the next meeting of the Board.

14. Rules and Regulations.

- a. **Final Rules/Amendments:** None published since the last meeting of the Board.
- b. **Rules/Amendments – Noticed for Intent to Adopt: 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 Board reviewed an initial draft of rule amendments presented for review and discussion at its July 2016 meeting. Following further review and consideration at its August 2016 meeting, the Board approved the amendments for publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. The *Notice of Intent* appeared in the March 2017 edition of the *Louisiana Register*. **Physician Assistants:** Act 453 (SB 115, Sen. Mills) modified the law governing physician assistants ("PAs) in a number of ways. The Bill created the necessity of a rulemaking effort 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 ("PAAC") and the Louisiana Association of Physician Assistants ("LAPA") respecting the amendments made necessary by virtue of Act 453. The PAAC in conjunction with the LAPA submitted a draft of proposed amendment in August 2016. Following a meeting between staff and representative of the PAAC/LAPA, a revised draft presented for consideration received the Board's approval. At its January 2017 meeting, the Board approved suggested amendments and authorized with one additional change to 1521B.5 respecting the development of an educational activity, and voted to provide *Notice of Intent* to adopt the amendments in the *Louisiana Register*. Said *NOI* appeared in the March 20, 2017 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 2016 meeting, the Board reviewed the additional information submitted by the various stakeholders and entertained brief presentations by interested parties. Following discussion, the Board voted to defer action on this rule-making effort pending further review and voted to designate 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. During its January 2017 meeting, the Board received the committee's input. Following discussion, the Board requested certain changes to the draft previously appearing on its agenda, along with additional information for its consideration. As directed, the Board reviewed two (2) drafts at its meeting in March 2017 meeting, and as noted above voted to provide *Notice of Intent* to adopt Draft 2(A). **Physicians; Training:** During its December 2015 meeting, the Board received a further report from staff outlining the review and analysis of data, which correlates 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 IMGs. Finally, it considered staff's recommendation that an increase in PGY training should result in a decrease in physician disciplined by the Board. 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 considered an initial 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 IMGs commencing January 2019. **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 conforms 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. At its December 2016 meeting the draft amendments were presented for initial review and consideration. Following further consideration at its January 2017 meeting, the Board approved the amendments and approved publication of a *Notice of Intent* to adopt the amendments in the *Louisiana Register*. It is anticipated that said notice would appear in the April 2017 edition of the *Louisiana Register*.

[15.] Minutes of March 13, 2017, 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 March 13, 2017. Following review and discussion, the Board resumed in open session and on the motion of Dr. Amusa, duly seconded by Dr. Dawson and passed by unanimous voice vote approved the minutes of the executive sessions conducted during its meeting of March 13, 2017.

[16.] Report on Pending Litigation. On the motion of Dr. Amusa, duly seconded by Dr. Howell, 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.

[17.] Personal Appearances/Docket Calendar. On the motion of Dr. Dawson, duly seconded by Dr. Clark, 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.

[18.] Personal Appearance/Docket Calendar; Formal Hearing; Divini Luis Perez-Luccioni, M.D. On the motion of Dr. Clark, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session for conclusion of the formal hearing in the matter of Divini Luis Perez-Luccioni, 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. Following the conclusion, the Board resumed in open session and on the motion of Dr. Valentine, duly seconded by Dr. Clark rendered a decision in this matter and ordered Judge Michael G. Bagneris (Ret), Independent Counsel to prepare an Opinion and Order reflective of its decision.

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

- a. Interim Actions: The Board approved the Interim Actions handled by the President:

Docket No., 17-I-212
Docket No., 17-I-221
Docket No., 17-I-220

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

Investigation No., 17-078
Investigation No., 16-I-885

- c. Preliminary Review: The Board approved a three-month extension to complete the preliminary review of the following matters:

Investigation No., 16-926
Investigation No., 16-927

Investigation No., 16-873

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

Docket No., 17-I-114

Docket No., 16-I-917

Docket No. 17-195

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

Docket No., 16-I-031

- f. Closed/Dismissed The following matter was denied for Closure/Dismissal:

Docket No., 16-I-883

- g. Unauthorized Practice of Medicine: The following matter was approved for all necessary handling, up to filing of an Injunction:

Docket No., 17-210

- h. Closed Complaint Cases - The Board reviewed the report on closed complaint cases submitted for the month of March 2017.

[20.] Professional Liability Report. 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 report 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.

[21.] General Disciplinary Matters; Personal Appearance; Robin Kathleen Ford, D.O. On the motion of Dr. Dawson, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Robin Kathleen Ford, D.O., 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. Ford appeared before the Board in connection with her request for reinstatement of her prescribing privileges. Following her dismissal, the Board resumed in open session. On the motion of Dr. Dawson, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board denied her request at this time.

[22.] General Disciplinary Matters. On the motion of Dr. Clark, duly seconded by Dr. Amusa, and passed by unanimous voice vote, 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. Valentine, duly seconded by Dr. Clark and passed by unanimous voice vote, made the following decisions:

- a. Jackson, Joshua Darnell, ATH – To approve the request of Joshua Darnell Jackson, ATH, for reinstatement of his license to a full, unrestricted status, off probation in accordance with the term of his Consent Order dated February 15, 2016.
- b. Allied Health Monitoring Report – To review the Allied Health Monitoring Report submitted for the 1st quarter, 2017.

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

Technician

Prine, Jennifer Nicole

Generalist

Basnet, Bijaya

Laboratory Assistants

Chauvin, Heather Marie
Jones, Donna Lashelle

Robinson, Lashondalon Chantel
Smith, Arnita

[24.] Licensure and Certification; Occupational Therapy. On motion of Dr. Clark, duly seconded by Dr. Howell 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. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Miller, Andrea Noelle

[25.] Licensure and Certification; Medical Psychologist. On motion of Dr. Amusa, duly seconded by Dr. Valentine 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. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Duchmann, Erich George

[26.] 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 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. Dawson and passed by unanimous voice vote made the following decisions:

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

Buabeng, Kwame
Caperton, Caroline Virginia
Case, Joshua Daniel
Garcia, Bobby Allen
Greene, James Chad
Guidry, Chrissy

Krane, Louis Spencer
Liner, Zachary Jefferson
Mohammed, Richard Shameed
Pulicicchio, Louis Umile
Ryan, Karen Smallwood
Stewart, Norman Charles

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

Yousuf, Tariq Mohammed, GETP

c. Denied – To deny the request of the following for acceptance of the LMCC examination as meeting the requirement for licensure:

Timothy, John Van De Leur, M.D.

[27.] Licensure and Certification; International Medical Graduates. On the motion of Dr. Valentine, duly seconded 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 the review, the Board resumed in open session. On the motion of Dr. Dawson, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board voted to inform the following applicant that he is ineligible for licensure because he lacks the required three years of training in the same specialty:

Gholve, Purushottam Arjun, M.D.

28. Rules and Regulations; Rules Under Development; Physicians, Collaboration with APRNs. On the motion of Dr. Valentine, duly seconded by Dr. Clark and passed by unanimous

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voice vote, the Board voted to take up an item of new business, rules under development; physician collaboration with APRNs. The Board noted that drafts of proposed rules relative to collaboration with APRNs had been approved by the subcommittee and submitted to the Louisiana State Board Nursing for their upcoming meeting.

[29.] General Administrative Matters. On the motion of Dr. Dawson, duly seconded Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider other investigative matters pursuant to La.Rev.Stat. 42:17A(3). No further action was required or taken on these matters.

30. Next Meeting of Board. The President reminded the members that the next meeting of the Board is scheduled for May 8, 9, 2017.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 3:00 p.m., on Monday, April 10, 2017.

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on April 10, 2017 and approved by the Board on the 8th day of May, 2017.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 8th day of May 2017.

Roderick V. Clark, M.D.
Secretary-Treasurer

Attest:

Kenneth Barton Farris, M.D.
President