

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 9, 2019
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was convened and called to order at 8:30 a.m., Monday, December 9, 2019, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Roderick V. Clark, M.D., President
Joseph Kerry Howell, M.D., Vice-President, M.D.
Terrie R. Thomas, M.D., Secretary-Treasurer
Rita Y. Horton, M.D.
Patrick K. O'Neill, M.D.
Kim S. Sport, JD
James A. Taylor, Jr., M.D.
Christy Lynn Valentine, M.D.
Leonard Weather, Jr., M.D.

Board Member absent as follows:

Lester Wayne Johnson, M.D.

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

Vincent A. Culotta, Jr., M.D., Executive Director
Denise Businelle, Deputy Executive Director
Lawrence H. Cresswell, DO, JD, Director of Investigations
Mary R. Peyton, Esq., General Counsel
Tedra C. White, Esq., Compliance Counsel
Leslie Rye, Compliant Investigator
Carol Chauvin, Compliance Investigator
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Executive Staff Officer

Legal counsel to the Board was present as follows:

Don K. McKinney
Michael G. Bagneris (Ret)

Members of the public present as follows:

Jeff Williams, Executive Vice-President & CEO, Louisiana State Medical Society
Stephen Wright, Louisiana Chapter American Academy of Pediatrics

1. **Pledge of Allegiance.** All recited the Pledge of Allegiance.
2. **Mission Statement.** Jacintha Duthu, Administrative Program Specialist, read the mission statement of the Board.
3. **Minutes of October 14, 2019 Meeting.** The Board reviewed the minutes of its meeting held October 14, 2019. On the motion of Dr. Howell, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the minutes of the meeting with all the necessary corrections.
4. **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.
5. **General Administrative Matters; BoardEffects, Follow-Up.** The Board reviewed the follow-up information provided by Rita Auritt, Senior Governance Advisor, BoardEffects, regarding liability coverage for any breach of information while utilizing their online system. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Taylor and passed by majority voice vote¹, the Board approved BoardEffects for online delivery of the monthly agenda.
6. **Ruling and Advisory Opinions; Administration of Ketamine Infusions.** The Board reviewed the draft correspondence prepared in response to the electronic correspondence received from Ervey Clarke, Clinical Director, Kalypso Wellness, seeking the input of the Board on the use of low-dose ketamine infusions for chronic pain conditions, depression and anxiety. Specifically whether someone other than a physician may administer ketamine infusions, such as PAs, CRNAs, FNP, RN, etc., and if so, whether a physician must be on-site to provide supervision. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the response for dissemination providing a copy of its previous advisory opinion on this matter. The communication further advised that PAs may not utilize Ketamine or any other controlled substance, for the treatment of chronic pain and referred him to the other licensing Boards for their response inasmuch as the several nurse categories referenced were not within the Board's jurisdiction.

¹ Dr. Valentine opposed this motion.

7. Rulings and Advisory Opinions; Intraocular Injections; Louisiana Academy of Eye Physicians and Surgeons. The Board reviewed the draft response prepared in reply to the electronic correspondence received from Jay Culotta, M.D., requesting an advisory opinion from the Board on the ability of APRNs and/or Physician Assistants to perform intravitreal injections of medications for diseases such as macular degeneration, diabetic retinopathy and other problems. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Valentine, and passed by unanimous voice vote, the Board approved the response referring him to the Louisiana State Board of Nursing with respect to his question relating to APRNs. The Board further advised Dr. Culotta that with respect his question relating to PAs, that the Board will seek the input of its PA Advisory Committee for their opinion on this matter.

8. General Administrative Matters; Guidelines for Non-Compete Agreements. The Board reviewed the correspondence prepared in response to the communication received from Katherine Williams, M.D., FACOG, President-Elect, Louisiana State Medical Society, asking the Board to consider researching and publishing guidelines for physicians regarding non-competes often contained in employment contracts. Following review and discussion, on the motion of Dr. Weather, duly seconded by Dr. Valentine, and passed by unanimous voice vote, the Board approved dissemination of the draft response, advising that the Board had previously expressed its views on the extent to which a corporation, other than a professional medical corporation, may employ a physician. The Board's Statement of Position differed from the jurisdictions that have held that the physician's employment by a corporate entity may engage itself into the practice of medicine. Its belief is that such a relationship does not necessarily infringe upon the physician's practice of medicine, and advised that as part of the physician's due diligence, he or she may wish to consider consulting with knowledgeable colleagues, healthcare consultants and his/her own legal counsel on this matter.

9. Rulings and Advisory Opinions; Skin Testing by Clinical Laboratory Personnel; Follow-Up. The Board reviewed follow-up information provided by its Clinical Laboratory Personnel Committee relative to their request that the Board adopt its views regarding skin testing by clinical laboratory personnel. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Weather and passed by unanimous voice vote, the Board approved adopting the policy that skin testing is not within the scope of practice for clinical laboratory personnel.

10. Rulings and Advisory Opinions; Podiatry; Scope of Practice; Conscious Sedation. The Board reviewed the request for an advisory opinion received from Kie McNabb, Director of Surgical Services, Beauregard Health System, on whether a CRNA could be utilized "to provide conscious sedation to patients using non-anesthetic drugs and local injection" for podiatric surgery procedures without the presence of an anesthesiologist. Following review and discussion, it was the consensus of the Board to have staff prepare a draft response for approval at the next meeting of the Board.

11. Rulings and Advisory Opinions; Physician Assistants; Scope of Practice; Interpretation of X-Rays. The Board reviewed the request for an advisory opinion received from Lyn S. Savoie, Attorney, Benton, Benton & Associates on the ability of physician assistants to read x-rays without a physician over read. Following review and discussion, it was the consensus

of the Board to have a draft response prepared for the next meeting of the Board.

12. Rulings and Advisory Opinions; Utilization Review; Practice of Medicine. The Board reviewed electronic correspondence received from Ian Logan, Crowell & Moring, LLP, seeking an advisory opinion as to whether utilization review/utilization management constitutes the practice of medicine under the laws of Louisiana. Mr. Logan had a copy of previous correspondence from the Board stating that medical necessity does constitute the practice of medicine that relied upon statutes that had been repealed. Following review and discussion, it was the consensus of the Board to research this matter and prepare a draft response for the next meeting of the Board.

13. Rulings and Advisory Opinions; Crash Cart Determination. The Board reviewed electronic correspondence received from Carol Hubbard, Office Manager, Saini Medical Associates, LLC, requesting clarification on whether an internal medical clinic is mandated by law to keep and maintain a crash cart on site. Following review and discussion, it was the consensus of the Board to draft correspondence stating that a crash cart would be in keeping with the standard of care given by physicians.

14. Communication and Information; International Society of Hair Restoration Surgery. The Board acknowledged receipt of a communication from the International Society of Hair Restoration Surgery providing information on a statement made by the Medical Board of California that hair restoration surgery should be performed by licensed surgeons or licensed health care providers authorized to perform such procedures within the scope of their practice. No further action was required or taken on this matter.

15. General Administrative Matters; President's Report. The Board received the report of its President on his activities since the last meeting of the Board. Dr. Clark expressed his appreciation to all the presenters at the Board's Retreat/Conference who made it all worthwhile, especially Ms. Sport for setting up the boundaries panel and Ms. Duthu and Dr. Culotta for organizing the event. He welcomed our new employee, Thadra "Colette" White, Compliance Attorney to the Board's staff. He provided follow-up information on the request from the Attorney General's Office regarding reimbursement of expenses incurred and stated we are awaiting a response from the Office of Risk Management relative to indemnification. He concluded his report stating that there are several rule making efforts under development for adoption in the coming year.

16. General Administrative Matters; Executive Director's Report. The Board reviewed the report of its Executive Director on his activities since the last meeting of the Board. Dr. Culotta asked the Board to approve a Resolution asking the Attorney General if the Board could purchase liability coverage for its members and staff. On the motion of Dr. Valentine, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the Resolution. The Board approved two policies as follows: 1) No permit or license will be issued without a complete criminal background, and 2) When a CME audit reveals that the licensee has failed to complete the required number of hours of CME, the licensee may take the required number of hours in the next year, but these hours may only count for the audited year.

17. General Administrative Matters; Prescription Monitoring Program (“PMP”) Advisory Council. The Board received the report of the quarterly meeting of the PMP Advisory Council held October 16, 2019 in Baton Rouge. No further action was required or taken on this matter.

18. General Administrative Matters; Podiatry Advisory Committee. The Board noted the list of nominees solicited from an e-mail blast for appointment to the Podiatry Advisory Committee. Following a ballot vote cast by all present, the Board elected Dayna Bolton, DPM to the Podiatry Advisory Committee.

19. General Administrative Matters; Physician Assistants (“PA”) Advisory Committee. The Board noted the list of nominees for appointment to the PA Advisory Committee. The law required the member to be an active supervising physician appointed by the Governor from a list names submitted by the Board. Following a ballot vote cast by all present, Drs. Ajsa Nikolic, Daniel J. Frey and James E. Craven were selected for appointment to the PA Advisory Committee.

20. General Administrative Matters; Lee R. Pankey, M.D., Statewide Credentialing System. The Board reviewed a request from Lee R. Pankey, M.D., Delta Pathology and other providers of Northeast Louisiana, asking the Board for support of a statewide credentialing system. Following review and discussion, it was the consensus of the Board to refer them to the Louisiana State Medical Society who may be in a better position to assist in this matter.

21. General Administrative Matters; Raoul Manalac, M.D., FHM, Assistant Professor, Pennington Biomedical Research Center; Exemption to Obesity Rules. The Board reviewed the request received from Raoul Manalac, M.D., FHM, Assistant Professor, Pennington Biomedical Research Center, for an exemption to the Board’s Obesity Rules, t§6907 Part D, Continued Use of Anorectics. Following review and discussion, it was the consensus of the Board to seek clarification on this matter.

22. General Administrative Matters; SR 255; Recommendations Relative to Medical Marijuana. In accordance with SR 255, the Board was required to submit its recommendations relative to certain provisions of Louisiana law on medical marijuana. The Board reviewed a draft of the recommendations proposed. Following review and discussion, on the motion of Dr. Valentine, duly seconded by Dr. Thomas, and passed by majority voice vote, the Board approved submitting the recommendations as drafted.

23. General Administrative Matters; Public Records Request Form. The Board reviewed the proposed Public Records Request Form recommended by staff for utilization by persons who seek to obtain public information from the Board. Following review and discussion, on the motion of Dr. Valentine, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the Public Records Request Form.

24. General Administrative Matters; Professional Legal Contract; Adams and Reese, LLP. The Board noted that the professional legal contract with Adams and Reese, LLP, expires December 31, 2019. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Thomas, and passed by unanimous voice vote of the members present, the Board authorized renewal of the contract and struck the following resolution:

MINUTES OF MEETING
DECEMBER 9, 2019

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

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, provide legal advice and assistance to the Board, provides other legal services that are required by the Board and agreed on by the parties to this agreement and represents the Board in litigation filed against or by the Board.

WHEREAS, Adams and Reese, LLP, may provide such other legal or other professional services and assistance as the Board may from time to time deem necessary or appropriate in the discharge of its responsibilities under the Act and Other Governing Laws. Such services, however, shall not include any professional legal services with respect to the defense or other representation of the Board, its members, officers, employees or agents in any suit, action or claim in tort or for worker's compensation benefits; and

WHEREAS, this resolution shall take effect immediately.

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

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

25. General Administrative Matters; Financial Reports. The Financial Report presented by Danny Allday, CPA and Denise Businelle, Deputy Director, CFO, consisted of the following:

a. 2020 Board Budget. The Board reviewed the proposed budget for 2020, 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. Thomas, duly seconded by Dr. Valentine and passed by unanimous voice vote of the members present, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

b. 20209 Clinical Laboratory Personnel Budget. The Board reviewed the proposed budget for 2020, 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. Valentine, duly seconded by Dr. Thomas and passed by unanimous voice vote of the members present, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

26. Rules and Regulations.

a. Final Rules/Amendments: Physician; Fellowship Training Permit: Pursuant to the

Board's request, a rulemaking effort has been undertaken to amend its rules to provide for a short-term training permit that would accommodate fellowship training that is not accredited by the ACGME, that is offered by a Louisiana medical school or major teaching hospital with an underlying ACGME accredited residency training program in the same specialty as the fellowship. The Board reviewed a draft of the rules presented for review and discussion. Following review and discussion at its October and December 2018 meetings, it was the consensus of the Board to provide a preview draft to various stakeholders. After the report from various stakeholders was received, the Board voted to provide a *Notice of Intent* to adopt the rules and to submit to the OLRC for approval. The OLRC approved the proposed amendments. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. Neither a request for a public hearing or written comments was received during the comment period. Following review and discussion during the June 2019 meeting, the Board approved submission of the required reports to the OLRC and Legislative Oversight Committees and, provided no changes were recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 2, 2019, a report was submitted to the OLRC for consideration at the Commission's next meeting. The OLRC scheduled a meeting for August 22, 2019, which was rescheduled for August 27, 2019. The OLRC, before the scheduled meeting, advised the Board that inasmuch as no changes were made since the original publication of the *Notice of Intent* a second review was not necessary. On August 28, 2019, the final report was submitted to the Legislature. The oversight period prescribed by law has expired. The rule amendments were promulgated by and became effective upon publication in the October 20, 2019 edition of the *Louisiana Register*, thus concluding this rule making effort.

Therapeutic Marijuana: Pursuant to the Board's request, a rulemaking effort commenced to accommodate several changes in the law resulting from Acts 496 (HB 627, Rep. Lyons) and 708 (HB 579, Rep. James) of the 2018 Regular Session of the Legislature. In conformity with the law, the proposed changes: (i) add various conditions to the definition of a *debilitating medical condition*, for which therapeutic marijuana may be recommended by a physician; and (ii) clarifies two provisions in conformity with the Board's prior advice (e.g., 7705A.5, 7714A.4). The draft also highlighted several provisions that were the subject of a request for rule making, which the Board denied/deferred pending the conclusion of the 2018 legislative session. During the September 2018 meeting, the Board reviewed the proposed amendments and considered items noted in a request for rulemaking. Following discussion and comment from numerous members of the public, the Board voted to adopt a number of proposed amendments including (i) to include post-traumatic stress disorder and chronic/intractable pain as debilitating medical conditions, given their addition to the law by Act 709 of the 2018 Regular Session of the Legislature (7705A) See: definition of *Debilitating Medical Condition*; (ii) eliminate the 100 patient limit (impose no limit) on the number of patients for whom a physician registered with the Board may recommend therapeutic marijuana (7707A.2, 7709B.); (iii) remove the requirement that the physician re-examine the patient at intervals not to exceed 90 days and instead leave the frequency of follow-up examinations to the judgment of the treating physician (7717A.6); adopt other changes made necessary for conformity with the law and consistency with prior Board advice. Given that requirement of the law that defines a recommendation for therapeutic marijuana to be an "order from a physician...authorized by the Board to recommend medical marijuana that is patient-specific and disease-specific", the Board did not modify the rule requirements relative to form, amount, dosage

and instruction for use (7721A.4: 7729D). In addition, the Board suggested additional amendments to the rules for conditions associated with autism spectrum disorder (Act 496 of the 2018 Regular Session) for review. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to defer providing *Notice of Intent* to adopt the amendments until it had further opportunity to consider and explore the amendment to certain new definitions made necessary by Act 496. Upon further consideration and discussion at its December 2018 meeting, the Board voted to (i) revise the definitions for “consult or consultation” and “pediatric subspecialist”; (ii) in response to a request for clarification by the Louisiana Hospital Association, amend the definition of “Bona-Fide Physician-Patient Relationship” (7705A) to eliminate the unintended consequences of in-person examinations conducted at locations other than a physician’s physical practice location, which are contained in the physician’s registration with the Board; and (iii) provide *Notice of Intent* to adopt all of the proposed amendments following approval from the OLRC. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. A request for a public hearing was submitted to the Board, *albeit* untimely, by a professional association concerning the proposed definition of “pediatric subspecialist”. The submission was considered and accepted by staff as a written comment and the commenter was advised that it would be considered at the June 2019 meeting. Following review and discussion during the June 2019 meeting, the Board approved submission of the required reports to the OLRC and Legislative Oversight Committees and, provided no changes were recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 2, 2019, a report was submitted to the OLRC for consideration at the Commission’s next meeting. The OLRC scheduled a meeting for August 22, 2019. The OLRC before the meeting was convened advised the Board that inasmuch as no changes were made since the original publication of the *Notice of Intent* a second review was not necessary. On August 28, 2019, the final report was submitted to the Legislature. The oversight period prescribed by law has expired. The rule amendments were promulgated by and became effective upon publication in the October 20, 2019 edition of the *Louisiana Register*, thus concluding this rule making effort.

b. **Rules/Amendments; Noticed for Intent to Adopt: Physicians; Complaints and Investigations:** – Pursuant to the Board’s request, a rulemaking effort is being commenced to conform its rules on complaints and investigations to various changes in the law resulting from Act 599 (HB 778, Rep. K. Jackson) of the 2018 Regular Session of the Legislature. A draft was presented for initial review and consideration. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to provide a preview draft to various stakeholders prior to providing *Notice of Intent* to adopt the amendments. Following a report that there had been no negative feedback from the various stakeholders, at its December 2018 meeting, the Board voted to provide *Notice of Intent*. At the request of the President, the rule effort was delayed until the March 2019 meeting to provide the Board the opportunity to consider a new rule on the assessment of fees in administrative disciplinary proceedings. During the June 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the originally proposed amendments in the *Louisiana Register* and give further consideration to the rule on assessment of costs. The proposed changes were transmitted to and approved by the Occupational Review Commission meeting held October 30, 2019. *Notice of Intent* is anticipated to appear in the December 20, 2019 edition of the *Louisiana Register*. **Physician Practice; Therapeutic Marijuana:** Act 284 (2019 Regular Session), amended state law governing

medical marijuana in a manner that impacts the Board's existing rules in several respects e.g., removes the: (i) requirement for annual reporting by the Board to the legislature as to any additional diseases or conditions that should be added or removed from the list of debilitating conditions; (ii) requirement that a physician utilize *step therapy or fail first* protocols; and (iii) physician domiciliary requirement for a physician to recommend marijuana. At its August 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. The proposed changes were transmitted to the Louisiana Occupational Review Commission and approved at its meeting of October 30, 2019. It is anticipated that the *Notice of Intent* will appear in the December 20, 2019 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 consideration 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 word 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. Following further discussion and consideration at its April 2017 meeting, the Board voted to provide *Notice of Intent* to adopt Draft 2(A). During the March 2018 meeting, the Board determined to defer moving forward to the next step of the rulemaking process until it had an opportunity to further explore and consider all other available options, as well as the outcome of a bill introduced in this session of the Louisiana Legislature that would remove its jurisdiction to act in this matter (See SB 186). It is anticipated that the Board will discuss moving forward on this matter on the next meeting of the Board. **Physicians; Licensure:** Amendments to the physician licensure rules as suggested by staff was presented for initial review and discussion to update generally for consistency with current standards and make other substantive and technical modifications made necessary by the passage of time and

current practices. Following review and discussion at its January 2018 meeting, the Board suggested proceeding slowly with the proposed changes to consider how such changes may affect other Sections of the rules. In the interim, the Board approved moving forward with the suggested amendment to §417B to clarify that a renewal reminder would be mailed to licensees in lieu of an actual application. **Physicians; Complaints and Investigations:** During its June 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the originally proposed amendments in the *Louisiana Register* and to give consideration to a rule on assessment of costs. The draft remains under consideration by the Board. **Petitions for Rulemaking:** A rule for the form for petitions for adoption, amendment or repeal of a rule, and the procedure for their submission, consideration and disposition remains under consideration.

27. General Administrative Matters; New Business; Unclassified Employee; Executive Director. On the motion of Dr. Howell, duly seconded by Ms. Sport, and passed by majority voice vote², the Board voted to take up an item of new business, the salary of the Executive Director. Following discussion on this matter, on the motion of Dr. Howell, duly seconded by Ms. Sport, and passed by majority voice vote³ of the members present, the Board approved an increase in the annual salary of Dr. Culotta. In addition, on the motion of Dr. Taylor, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved implementation of a rubric to utilize in evaluating the performance of certain members of its staff for a merit increase.

28. Public Comments. The President asked if anyone from the public had questions and/or any further comments. Hearing none the public session concluded.

[29.] Minutes of October 14, 2019 Executive Sessions. On the motion of Dr. Valentine, duly seconded by Dr. Horton 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 14, 2019. Following review and discussion, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of October 14, 2019 with any necessary corrections.

[30.] Report on Pending Litigation. On the motion of Dr. Horton, duly seconded by Dr. Taylor, 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.

[31.] Personal Appearances/Docket Calendar. On the motion of Dr. Taylor, duly seconded by Dr. O'Neill, 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.

² Drs. Thomas and Valentine were opposed to this motion.

³ Drs. Thomas and Valentine were opposed to this motion.

[32.] Healthcare Professionals' Foundation of Louisiana; Physicians Health Program; Personal Appearance; James David Hammond, M.D., Medical Director. On the motion of Dr. Weather, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board convened in executive session to receive the report of James David Hammond, M.D., Medical Director, relating to physician health and well-being 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). No further action was required or taken on this matter.

[33.] General Disciplinary Matters; Personal Appearance; Carl Henry Hines, M.D. On the motion of Dr. Howell, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Carl Henry Hines, 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. Hines appeared before the Board in connection with his request for modification of the terms of his Consent Order. Following his dismissal, on the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved modification of the terms of the Consent Order dated October 14, 2019.

[34.] General Disciplinary Matters; Personal Appearance; Robert Jarrett Kadish, M.D. On the motion of Dr. Valentine, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Robert Jarrett Kadish, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Kadish 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. On the motion of Dr. Valentine, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved reinstatement of the license of Dr. Kadish to a full, unrestricted status, off probation.

[35.] General Disciplinary Matters; Personal Appearance; Wanda G. Tipton-Holt, M.D. M.D. On the motion of Dr. O'Neill, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Wanda G. Tipton- Holt, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. Tipton-Holt appeared before the Board in connection with her request for modification of the terms of her Order and reinstatement of her license to a full, unrestricted status, without restrictions or limitations. Following her dismissal, the Board resumed in open session. On the motion of Dr. Valentine, duly seconded by Dr. Weather and passed by unanimous voice vote, the Board approved reinstatement of the license of Dr. Tipton-Holt to a full, unrestricted status, without limitations or restrictions.

[36.] General Disciplinary Matters; Personal Appearance; Dan J. LaFleur, M.D.⁴ On the motion of Dr. Horton, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Daniel J. LaFleur, M.D., concerning a matter relating to the character and professional conduct and allegations of

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

MINUTES OF MEETING
DECEMBER 9, 2019

misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Dr. LaFleur 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. On the motion of Dr. Horton, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved reinstatement of the license of Dr. LaFleur to a full, unrestricted status, off probation.

[37.] Investigative Reports. On the motion of Dr. Taylor, duly seconded by Dr. Howell, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as a matter 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. Howell, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board made the following decisions:

- a. Administrative Complaints: The following Administrative Complaints were accepted and approved for scheduling of a pre-trial conference and formal hearing:

Docket No., 19-I-231
Docket No., 17-I-525
Docket No., 17-I-668
Docket No., 18-I-275

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

Docket No., 19-I-734

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

Investigation No., 19-161
Investigation No., 19-507
Investigation No., 19-278
Investigation No., 19-571
Investigation No., 19-119
Investigation No., 19-1114

- d. Formal Investigations: The Board approved an extension of 180 days to commence a formal investigation in the following matters:

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| Investigation No., 19-253 | Investigation No., 19-206 |
| Investigation No., 19-672 | Investigation No., 19-720 |
| Investigation No., 19-925 | Investigation No., 19-878 |
| Investigation No., 19-547 | Investigation No., 19-896 |
| Investigation No., 19-835 | Investigation No., 19-894 |
| Investigation No., 19-836 | Investigation No., 19-839 |
| Investigation No., 19-967 | Investigation No., 19-937 |
| Investigation No., 19-837 | Investigation No., 19-949 |

MINUTES OF MEETING
DECEMBER 9, 2019

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|---------------------------|---------------------------|
| Investigation No., 19-712 | Investigation No., 19-972 |
| Investigation No., 19-631 | Investigation No., 19-953 |
| Investigation No., 19-810 | Investigation No., 19-954 |
| Investigation No., 19-881 | Investigation No., 18-768 |
| Investigation No., 19-901 | Investigation No., 18-655 |
| Investigation No., 19-919 | Investigation No., 19-944 |
| Investigation No., 19-912 | Investigation No., 19-873 |
| Investigation No., 19-870 | Investigation No., 19-801 |
| Investigation No., 19-922 | Investigation No., 19-119 |
| Investigation No., 19-960 | Investigation No., 19-886 |
| Investigation No., 19-947 | Investigation No., 18-723 |
| Investigation No., 19-897 | Investigation No., 18-354 |
| Investigation No., 19-907 | Investigation No., 18-809 |
| Investigation No., 19-962 | Investigation No., 18-764 |
| Investigation No., 19-961 | Investigation No., 18-928 |
| Investigation No., 19-187 | Investigation No., 18-902 |
| Investigation No., 19-708 | Investigation No., 18-180 |
| Investigation No., 19-704 | Investigation No., 19-398 |
| Investigation No., 19-707 | Investigation No., 19-317 |
| Investigation No., 19-866 | Investigation No., 19-295 |
| Investigation No., 19-749 | Investigation No., 19-441 |
| Investigation No., 19-744 | Investigation No., 19-390 |
| Investigation No., 19-789 | Investigation No., 19-342 |
| Investigation No., 19-871 | Investigation No., 19-451 |
| Investigation No., 19-687 | Investigation No., 19-496 |
| Investigation No., 19-306 | Investigation No., 19-527 |
| Investigation No., 19-419 | Investigation No., 19-557 |
| Investigation No., 19-244 | Investigation No., 19-586 |
| Investigation No., 19-254 | Investigation No., 19-606 |
| Investigation No., 19-474 | Investigation No., 19-616 |
| Investigation No., 19-543 | Investigation No., 19-548 |
| Investigation No., 19-774 | Investigation No., 19-543 |
| Investigation No., 19-786 | Investigation No., 19-541 |
| Investigation No., 19-849 | Investigation No., 19-824 |
| Investigation No., 19-857 | Investigation No., 19-823 |
| Investigation No., 19-891 | Investigation No., 19-850 |
| Investigation No., 19-814 | Investigation No., 19-853 |
| Investigation No., 19-832 | Investigation No., 19-899 |
| Investigation No., 19-868 | Investigation No., 19-902 |
| Investigation No., 19-903 | Investigation No., 19-840 |
| Investigation No., 19-948 | Investigation No., 19-298 |
| Investigation No., 19-917 | Investigation No., 19-957 |

e. Consent Order: The following Consent Order was rejected:

File No., 18-I-033⁵

f. Consent Orders: The following Consent Orders were accepted:

Gregg Joseph Williams, DPM, Docket No., 18-I-382⁶
 Vanessa Thomas, M.D., Docket No., 18-I-898⁷
 Corey Everette Jackson, CRT, Docket No., 15-I-691
 Jorge M. Contreras, M.D., Docket No., 18-I-246

g. Closed/Dismissed: The following matters were approved for closure/dismissal:

| | |
|-----------------------------|-----------------------------|
| Investigation No., 19-I-489 | Investigation No., 18-I-877 |
| Investigation No., 19-I-892 | Investigation No., 19-I-599 |
| Investigation No., 19-I-806 | Investigation No., 19-I-763 |
| Investigation No., 19-I-716 | Investigation No., 19-I-908 |
| Investigation No., 19-I-907 | Investigation No., 19-I-187 |
| Investigation No., 19-I-800 | Investigation No., 19-I-751 |
| Investigation No., 19-I-585 | Investigation No., 19-I-939 |
| Investigation No., 19-I-877 | Investigation No., 19-I-834 |
| Investigation No., 19-I-669 | Investigation No., 19-I-180 |
| Investigation No., 19-I-557 | Investigation No., 19-I-823 |
| Investigation No., 19-I-606 | Investigation No., 19-I-787 |
| Investigation No., 19-I-781 | Investigation No., 19-I-713 |
| Investigation No., 19-I-899 | Investigation No., 19-I-770 |
| Investigation No., 19-I-769 | Investigation No., 19-I-888 |
| Investigation No., 19-I-758 | Investigation No., 19-I-895 |
| Investigation No., 19-I-769 | Investigation No., 19-I-831 |
| Investigation No., 19-I-922 | Investigation No., 19-I-686 |
| Investigation No., 19-I-757 | Investigation No., 19-I-748 |
| Investigation No., 19-I-896 | Investigation No., 19-I-778 |
| Investigation No., 19-I-839 | Investigation No., 19-I-953 |
| Investigation No., 19-I-882 | Investigation No., 19-I-883 |
| Investigation No., 19-I-587 | Investigation No., 19-I-718 |
| Investigation No., 19-I-773 | Investigation No., 19-I-509 |
| Investigation No., 19-I-508 | Investigation No., 19-I-644 |
| Investigation No., 19-I-739 | Investigation No., 19-I-609 |
| Investigation No., 19-I-876 | Investigation No., 19-I-885 |
| Investigation No., 19-I-884 | Investigation No., 19-I-931 |
| Investigation No., 19-I-874 | Investigation No., 19-I-835 |
| Investigation No., 19-I-916 | Investigation No., 19-I-936 |
| Investigation No., 19-I-825 | Investigation No., 19-I-851 |
| Investigation No., 19-I-826 | Investigation No., 19-I-736 |

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

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

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

MINUTES OF MEETING
DECEMBER 9, 2019

Investigation No., 19-I-957
Investigation No., 19-I-529
Investigation No., 19-I-726
Investigation No., 19-I-771
Investigation No., 19-I-812
Investigation No., 19-I-954
Investigation No., 19-I-869

Investigation No., 19-I-741
Investigation No., 19-I-643
Investigation No., 19-I-401
Investigation No., 19-I-379
Investigation No., 19-I-901
Investigation No., 19-I-962
Investigation No., 19-I-865

h. Closed/Dismissed: The following matter recommended for closure/dismissal with a Letter of Concern:

Investigation No., 18-I-940
Investigation No., 19-I-311
Investigation No., 19-I-310⁸
Investigation No., 19-I-607

Investigation No., 18-I-915
Investigation No., 19-I-369
Investigation No., 19-I-037

i. Closed Complaints Cases: The Board reviewed the Closed Complaint Case Report for the month of October and November 2019.

[38.] Professional Liability Report. On the motion of Dr. Thomas, duly seconded by Dr. O'Neill 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 this matter.

[39.] General Disciplinary Matters. On the motion of Dr. O'Neill, duly seconded by Dr. Thomas, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and upon the motion of Dr. O'Neill, duly seconded by Ms. Sport and passed by unanimous voice vote, made the following decisions:

a. Nicholson, Robert Joseph, M.D. – To approve the request of Robert Joseph Nicholson, M.D., to add an additional practice site as required in accordance with the terms of his Order.

b. Blossom, Eddy, M.D. – To deny the request of Eddy Blossom, M.D., for approval of his practice setting.

40. Licensure and Certification; Other Licensure Matters; Short-Term Residency Training Program. The Board reviewed the request for approval of a short-term residency in plastic surgery received from Abigail E. Chaffin, M.D., Tulane University/Ochsner Clinic Plastic Surgery Independent Residency Program. The purpose is to allow training for visiting residents to receive training in plastic surgery. Following review and discussion, upon motion of Dr. Howell

⁸ Ms. Sport was opposed this motion.

duly seconded by Dr. Thomas and passed by unanimous voice vote; the Board approved the short-term residency training program in plastic surgery.

41. Licensure and Certification; Other Licensure Matters; Educational Demonstration; Non-Surgical Cosmetic Injections. The Board reviewed the request received from Alan Matarasso, M.D., FACS, on behalf of the American Society of Plastic Surgeons (“ASPS”) to conduct an educational demonstration of non-surgical cosmetic injections at their ASPS.ASPSP spring meeting scheduled for Saturday, March 14, 2020. Following review and discussion, on the motion of Dr. Howell duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board approved their request.

[42.] Licensure and Certification; Other Licensure Matters; Volunteer Physician.⁹ On the motion of Dr. Horton, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board convened in executive session to take up an item of business, a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Following review and discussion, the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the request of the following to return his license to a volunteer license status as previously held:

Marshall Fritz, M.D.

[43.] Licensure and Certification; Physicians and Surgeons; International/Foreign Medical Graduates. On the motion of Dr. Thomas, duly seconded by Dr. Taylor 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. Thomas, duly seconded by Dr. O’Neill and passed by unanimous voice vote, made the following decision:

a. Approved – To approve the following for licensure in accordance with §315 of the rules provided all other requirements had been met:

Khan, Pervez Ahmad

b. Approved – To approve the request of the following for a waiver of an examination attempt due to extenuating circumstances:

Mayes, Chadwick M.

[44.] General Administrative Matters; Legislative Auditors Performance Audit Report; Plan of Action; Follow-Up. On the motion of Dr. Thomas, duly seconded by Dr. Howell, and passed by unanimous voice vote, the Board convened in executive session, to consider the follow-up report on the Legislative Auditors Performance Audit Final Report, pursuant to, La.Rev.Stat., 42:17A(10). No further action was required or taken on this matter.

⁹ Dr. O’Neill recused himself from any and all participation in discussion and/or consideration of this matte

45. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for January 27, 2020.

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 9, 2019 and approved by the Board on the 27th day of January 20, 2020.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 27th day of January 2020.

Terrie Roselyn Thomas, M.D.
Secretary-Treasurer

Attest:

Roderick Vance Clark, M.D., MBA
President