

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**MARCH 18, 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, March 18, 2019, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Christy Lynn Valentine, M.D., President
Roderick V. Clark, M.D., Vice-President
Kweli J. Amusa, M.D.
Rita Y. Horton, M.D.
Lester Wayne Johnson, M.D.
Kim S. Sport, JD
James A. Taylor, Jr., M.D.
Terrie R. Thomas, M.D.

Board Member absent as follows:

Joseph Kerry Howell, M.D., Secretary-Treasurer
Daniel K. Winstead, M.D.

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

Vincent A. Culotta, Jr., M.D., Executive Director
Lawrence H. Cresswell, DO, JD, Director of Investigations
Jennifer Stolie, Attorney, General Counsel
James H. Hritz, Compliance Counsel
Aloma James, Director of Licensure
Jacinta Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

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Legal counsel to the Board was present as follows:

Philip O. Bergeron
Michael G. Bagneris (Ret)

Members of the public present as follows:

List attached

- 1. Minutes of February 11, 2019 Meeting.** The Board reviewed the minutes of its meeting held February 11, 2019. On the motion of Dr. Clark, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board approved the minutes of the meeting with all the necessary corrections.
- 2. Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted the action items as assigned to staff and counsel from previous meetings.
- 3. Rulings and Advisory Opinions; Use of Nitrous Oxide; Personal Appearances; Drs. Mary P. Lupo; Janine Hopkins, and Members of the Louisiana Dermatological Society.** Erik Soine, M.D., F.A.A.D., President of the Louisiana Dermatological Society, accompanied by Janine Hopkins, M.D., and other members, appeared before the Board to urge and request the Board to amend its Office-Based Surgery rules to allow for the use of nitrous oxide analgesia in the office setting. They fielded questions regarding education, training and the appropriate personnel required to administer and monitor nitrous oxide in order to maintain patient safety. Shaun Carpenter, M.D., provided information relative to training he received while in residency. Mary P. Lupo, M.D., stated the specific request was for a mild to moderate analgesia and not for conscious sedation. Parker Velargo, M.D., spoke as an otolaryngologist on the use of analgesia as it relates to the airway. David Baldone, M.D., anesthesiologist spoke on the different levels of anesthesia and Alan D. Kaye, M.D., Chairman, LSUHSC, Department of Anesthesiology, provided information of the use of nitrous oxide by other states, specifically Texas. Following the presentations and discussion, on the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board voted to form a panel, consisting of Drs. Johnson, Taylor, Thomas and Clark to gather information from other states regarding training, monitoring and appropriate personnel to use as a guideline to work with the dermatology and anesthesiology community to affect this rule amendment.
- 4. Communication and Information; Personal Appearance; Anjali Niyogi, M.D., MPH, Assistant Professor Internal Medicine and Pediatrics, Tulane University School of Medicine.** Anjali Niyogi, M.D., MPH, Assistant Professor Internal Medicine, Tulane University School of Medicine, accompanied by Bruce Reilly, Deputy Director, Voice of the Experienced ("VOTE") appeared before the Board to discuss the Board allowing physicians with restricted licenses to practice in correctional institutions. Dr. Niyogi and Mr. Reilly explained that statistics show that the prison population were often untreated or under treated. Dr. Niyogi cited a news article that quoted that an overwhelming number of physicians with encumbered licenses,

practiced in the prison system. The Board advised Dr. Niyogi that oftentimes the correctional facilities were the only place where these physicians were able to find employment due to credentialing and/or insurance policies. They were also advised that physicians whose licenses are suspended cannot practice at any location in the state of Louisiana and that they might want to address this matter with the Department of Corrections who is responsible for employment of these physicians and/or the Board of Pharmacy relating to prescribing issues.

5. General Administrative Matters; New Business; Personal Appearance; James E. Hussey, M.D., Louisiana Office of Behavioral Health; Medical Director. On the motion of Dr. Johnson, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board voted to take up an item of new business, the personal appearance of James E. Hussey, M.D., Medical Director, Louisiana Office of Behavioral Health. Dr. Hussey appeared before the Board to request the assistance of the Board to gather specific demographic information. Following his appearance, it was the consensus of the Board to allow Dr. Culotta to work with Dr. Hussey to gather more specific information relative to his request.

6. Communication and Information; Simulation Medical Training and Education Council (“SMTEC-LA”). The Board reviewed communication from the Board of Regent requesting a representative to serve on SMTEC. On the motion of Dr. Johnson, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board appointed Dr. Howell to serve on the council.

7. Communication and Information; Proposed Legislation; Louisiana Department of Health; Stacy Hall, RN, MSN, Immunization Program Director, Office of Public Health. The Board reviewed correspondence received from Stacy Hall, RN, MSN, Immunization Program Director and Frank Welch, M.D., Immunization Medical Director, Office of Public Health, providing information that LDH will propose legislation that will require all vaccinations given in Louisiana be entered into the Louisiana Immunization Information Systems, LINKS. Following review and discussion, it was the consensus of the Board that once the legislation passed to provide this information on the website.

8. General Administrative Matters; President’s Report. The Board received the report of its President on her activities since the last meeting of the Board. Dr. Valentine reported on her meeting relative to the CDS-CME approved courses available on the website. Following her report, it was the consensus of the Board to authorize Dr. Dennar to work with Dr. Allen regarding the approved courses.

9. General Administrative Matters; Executive Director’s Report. The Board received the report of its Executive Director on his activities since the last meeting of the Board. No further action was required or taken on this matter.

10. General Administrative Matters; Polysomnography Advisory Committee; Medical Equipment. The Board reviewed a request from John K. Schwab, Polysomnography Advisory Committee Member, seeking assistance informing companies that the law and/or rules require that certain medical equipment shipped to patients must be coordinated with polysomnographers and/or other licensed health care professionals for proper set up and instructions. Following review and discussion, it was the consensus of the Board to allow staff to gather more information on this matter.

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11. General Administrative Matters; Louisiana Physician Mortality Proposal Project Proposal. The Board reviewed a request from Susan Allen, DrPh, MBA, Research Analyst for the Board, to conduct a study on Louisiana Physician Mortality. Dr. Allen gave the purpose, intent and benefits of the project as well as the data set to be utilized in the study. Following review and discussion on the motion of Dr. Taylor, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board authorized the Louisiana Physician Mortality Study with the assistance of Dr. Dennar.

12. General Administrative Matters; Draft; Professional Services Contract. The Board reviewed a request from staff to enter into a professional services contract to allow a contractor to provide initial evaluations for referred patients identified as “in crisis” and those with other mental health issues requiring evaluation and treatment. The contractor would also provide education to staff on recognizing potential problems with suicide or other mental health issues. Following review and discussion, it was the consensus of the Board to explore other avenues regarding this matter.

13. General Administrative Matters; Financial Reports. The Board reviewed the Income Statement and Cash Balance Summary for the month of January 2019. Following review and discussion, it was the consensus of the Board to defer action on this matter pending receipt of additional information.

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: Acupuncture:** Pursuant to the Board’s request, a rulemaking effort commenced to amend the acupuncture rules, to accommodate several changes in the law resulting from Act 93 (HB 421, Rep. Leger) of the 2018 Regular Session of the Legislature. In conformity with Act 93, the proposed changes: (i) update the licensure qualifications for acupuncturists; (ii) remove the requirement that acupuncturists have a relationship with a referral physician, who practices at a physical practice location in this state, for any follow-up care which may be necessary; and (iii) make associated or necessary changes to the rules. The Acupuncture Advisory Committee (“Committee”) reviewed a draft of the rules prepared by staff and Counsel. The Committee offered additional changes with respect to CME for licensure renewal. These changes were incorporated into a revised draft that was presented for review by the Board. Following review at its October 2018 meeting, the Board approved providing *Notice of Intent* to adopt the amendments. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a request for a public hearing or any written comments. At the January 2019 meeting, the Board voted to adopt and promulgate the amendments by and upon publication in the *Louisiana Register* pending approval by the Occupational Licensing Review Commission (“OLRC”) and review by the Legislative Oversight Committee. Given that the *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*, the OLRC advised that the Commission’s consideration was not required, and a final report was submitted to the Legislative Oversight Committees in February 2019. It is anticipated that the amendments will be promulgated upon publication in the April 2019 edition of the *Louisiana Register*. **Genetic Counselors:** Pursuant to the Board’s request, a rulemaking effort commenced to develop rules for Genetic Counselors, to accommodate the new law contained in Act 593 (HB 753, Rep. Stokes) of the 2018 Regular Session of the Legislature,

which established this category of health care providers under the Board's jurisdiction. Staff and counsel developed a draft of set rules and forwarded the draft to the Genetic Counselors Advisory Committee for review. The Committee approved the draft and requested additional changes relative to CME renewal. At its October 2018 meeting, the Board approved providing a *Notice of Intent* to adopt the new rules. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a timely request for a public hearing but did receive written comments for one commenter. During its February 2019 meeting, the Board considered the written comments submitted by its Genetic Counselors Advisory Committee concerning the intent of the law as to the need for a collaborating physician for every licensee rather only by those who engage in the functions identified in R.S. 37:1360.103B. Following review and discussion, the Board voted to make substantive changes to the proposed rules previously noticed (require a CP for those licensees who engage in R.S. 37:1360.103B functions) and, in the interim, conform its application attestation to capture the revisions. At its March 2019 meeting, the Board approved providing a Potpourri Notice in the *Louisiana Register*. Publication of such *Notice of Intent* is anticipated in the April 2019 edition of the *Louisiana Register*. **Physician Assistants:** Pursuant to the Board's request, a rulemaking effort was commenced to accommodate several changes in the law resulting from Act 475 (SB 528, Sen. LaFleur) of the 2018 Regular Session of the Legislature. The advisory committee reviewed a draft set of rules. In conformity with the law, the proposed changes: (i) increase from 4 to 8 the number of PAs for whom a physician may serve as the primary supervising physician; (ii) restate and clarify the physician assistant qualifications for PA prescriptive authority previously contained in the law; (iii) remove any qualifications for PA prescriptive authority other than those set forth in Act 475; and (iv) make associated or necessary changes to the rules. In addition, because PAs are the only category of providers licensed by the Board whose rules do not contain a penalty for late renewal/reinstatement, the proposed changes include such a penalty. The Committee approved the draft rules. Following review and discussion, at its October 2018 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a request for a public hearing or any written comments. At its January 2019 meeting, the Board voted to adopt and promulgate the amendments by and upon publication in the *Louisiana Register*, pending approval by the OLRC. Given that the *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*, the OLRC advised that the Commission's consideration was not required. A final report was submitted to the Legislative Oversight Committees. It is anticipated that the amendments will appear in the April 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).

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: – 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*. Following review and discussion, the President requested that the rule effort be delayed to consider the assessment of fees in administrative disciplinary proceedings.

Therapeutic Marijuana: Pursuant to the Board's request, a rulemaking effort has been 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 gave consideration to the 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. It is anticipated that the *Notice of Intent* will appear in the April 2019 edition of the *Louisiana Register*. **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, on the motion of Dr. Clark, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board voted to provide a *Notice of Intent* to adopt the rules and to submit to the OLRC for approval. It is anticipated that the *Notice of Intent* will appear in the April 2019 edition of the *Louisiana Register*. **Telemedicine**: At its December 2018 meeting, the Board considered a request for clarification of the “in-state” requirement contained in .7505C of its telemedicine rules for consistency with the law and so that, as applied, it would not inadvertently impact physicians from prescribing medication or other health care services to their patients who may be vacationing or temporarily outside of Louisiana to the extent that such are permitted in other jurisdictions. Following review and discussion at its December 2018 meeting, the Board voted to amend .7505C., of the rules by deleting the words “in this state: and provide *Notice of Intent* to adopt the amendment

in the *Louisiana Register*. Publication of the *Notice of Intent* is anticipated in the April 2019 edition of the *Louisiana Register*.

15. Legislative Matters; 2019 Proposed Legislation. The Board reviewed a list of pre-filed legislation for the 2019 legislative session that may have an impact on the Board. No further action was required or taken on this matter.

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

[17.] Minutes of February 11, 2019 Executive Sessions. On the motion of Ms. Sport, duly seconded by Dr. Thomas 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 February 11, 2019. Following review and discussion, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of February 11, 2019 with any necessary corrections.

[18.] Report on Pending Litigation. On the motion of Dr. Amusa, duly seconded by Dr. Horton, 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).

[19.] Personal Appearances/Docket Calendar. On the motion of Dr. Johnson, duly seconded by Dr. Taylor, 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.

[20.] Healthcare Professionals' Foundation of Louisiana ("HPFL"); Personal Appearance; James David Hammond, M.D., Medical Director. On the motion of Dr. Taylor, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to receive the report of James David Hammond, M.D., Medical Director, HPFL 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.

[21.] Investigative Reports. On the motion of Dr. Thomas, duly seconded by Dr. Clark, 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. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board made the following decisions:

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

Eddy Gene Blossom II, M.D., Docket No., 16-I-402¹
 Parker Benjamin Jones, M.D., Docket No., 18-I-964
 Willie Raymond Vasquez, Jr., PA, Docket No., 18-I-703
 Kelly Cooper Harmon, RRT, Docket No., 18-I-730
 Brandon John Albin, ATH, Docket No., 19-I-019

- b. Consent Order: The following Consent Order was deferred:

Brett Cascio Butler, M.D., Docket No., 09--I-292

[22.] Investigative Matter; Personal Appearance; Willie Raymond Vasquez, Jr., PA. On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Willie Raymond Vasquez, Jr., PA, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Mr. Vasquez appeared before the Board in connection with the acceptance of his Consent Order.

[23.] Investigative Matter; Personal Appearance; Parker Benjamin Jones, M.D. On the motion of Dr. Horton, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Parker Benjamin Jones, M.D., concerning 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. Jones appeared before the Board in connection with the acceptance of his Consent Order.

[24.] Investigative Matter; Personal Appearance; Eddy Gene Blossom II, M.D.² On the motion of Dr. Thomas, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Eddy Gene Blossom II, M.D., concerning 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. Blossom appeared before the Board in connection with the acceptance of his Consent Order.

[25.] General Disciplinary Matters; Personal Appearance; James Alfred Chiverton, M.D. On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Jams Alfred Chiverton, M.D., concerning 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. Chiverton 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. Amusa, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the request of Dr. Chiverton for reinstatement of his license to a full, unrestricted status.

[26.] General Disciplinary Matters; Personal Appearance; Robert Lyle Cleveland, M.D.³ On the motion of Dr. Horton, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Robert Lyle Cleveland,

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

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

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

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M.D., concerning 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. Cleveland 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 Dr. Clark and passed by unanimous voice vote, the Board denied the request of Robert Lyle Cleveland, M.D., for reinstatement of his license to a full, unrestricted status.

[27.] Personal Appearance/Docket Calendar; Formal Hearing; Dawn C. Sullivan, RRT. On the motion of Dr. Horton, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session for the conclusion of the formal hearing in the matter of Dawn C. Sullivan, RRT, as a matter relating to the allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat§42:17A(4) and (10) and to 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 Ms. Sport, duly seconded by Dr. Horton, and passed by unanimous voice vote, 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.

[28.] Investigative Reports. On the motion of Dr. Thomas, duly seconded by Dr. Amusa, 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. Clark, 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 formal hearing and pre-trial conference:

Docket No., 16-I-172
Docket No., 18-I-982

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

Docket No., 19-I-144
Docket No., 19-123
Docket No., 19-169

- c. Formal Investigation: The Board approved commencing a formal investigation in the following matters:

Investigation No., 18-I-661	Investigation No., 18-I-588
Investigation No., 19-I-123	Investigation No., 19-I-589
Investigation No., 18-I-853	Investigation No., 18-I-743
Investigation No., 19-I-151	

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

Investigation No., 19-67
Investigation No., 18-388
Investigation No., 19-107
Investigation No., 19-16
Investigation No., 19-38
Investigation No., 19-159
Investigation No., 17-943

Investigation No., 19-33
Investigation No., 18-938
Investigation No., 18-937
Investigation No., 18-935
Investigation No., 18-996
Investigation No., 18-972
Investigation No., 19-3

e. Closed/Dismissed: The following matters were closed/dismissed:

File No., 18-I-811
File No., 17-I-223
File No., 18-I-1013⁴
File No., 18-I-977⁵
File No., 18-I-521
File No., 18-I-602
File No., 18-I-043

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

File No., 18-I-548
File No., 18-I-089⁶
File No., 18-I-658⁷
File No., 18-I-698⁸
File No., 18-I-643
File No., 17-I-130

g. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of February 2019.

[29.] Professional Liability Report. On the motion of Dr. Amusa, duly seconded by Dr. Thomas, 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.

[30.] General Disciplinary Matters. On the motion of Dr. Taylor, duly seconded by Dr. Johnson, the Board convened in executive session to consider the request relating to the execution or

4 Ms. Sport was opposed to this motion.

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

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

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. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, made the following decisions:

- a. Neal, Gene Joseph, Jr., LRT – To approve the request of Gene Joseph Neal, Jr., LRT, for reinstatement of his license to a full, unrestricted status, off probation.
- b. Giddens, Jeffrey Lee, M.D. – To approve the request of Jeffrey Lee Giddens, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- c. Investigations Year End Report – To note receipt of the Investigations' 2018 Year End Report.

[31.] Act 2018-655 Complaints. On the motion of Ms. Sport, duly seconded by Dr. Thomas, the Board convened in executive session to consider the complaints received as matters relating to the Board's actions and procedures in investigative 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 Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board made the following decisions:

- a. SM 1 – To request additional information regarding her complaint.
- b. SM 2 – To request additional information regarding her complaint.
- c. 76-A-002 – To note the response provided relative to this matter.

[32.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. On the motion of Dr. Amusa, duly seconded by Dr. Clark 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. Clark and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Brady, Shawn Kevan

Pirkle, Michael Scott

[33.] Licensure and Certification; Physicians and Surgeons; International/Foreign Medical Graduates. On the motion of Dr. Johnson, 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. Clark and passed by unanimous voice vote, made the following decisions:

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

Lammle, Markus

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b. Denied – To deny the application of the following inasmuch as he did not met the requirements of §315 of the Board's rules:

Kadhim, Muayad

[34.] Licensure and Certification; Other Licensure Matters; Special Events Permit. On the motion of Dr. Horton, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session to consider the other licensure matters, the continuing education audit as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). The Board reviewed the list of physicians applying for a Special Events Permit. Following review and discussion, the Board resumed in open session. It was the consensus of the Board to defer action on this matter pending further review.

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

Bush, Rosalind

36. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for April 15, 16, 2019.

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 March 18, 2019 and approved by the Board on the 15th day of April, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 15th day of April 2019.

Joseph Kerry Howell, M.D.
Secretary-Treasurer

Attest:

Christy Lynn Valentine, M.D.
President