

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**JULY 29, 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 9:00 a.m., Monday, July 29, 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
Joseph Kerry Howell, M.D., Secretary-Treasurer
Rita Y. Horton, M.D.
Lester Wayne Johnson, M.D.
Kim S. Sport, JD
Terrie R. Thomas, M.D.
Daniel K. Winstead, M.D.

Board Member absent as follows:

Kweli J. Amusa, M.D.
James A. Taylor, Jr., 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
Aloma James, Director of Licensure
Lesley Rye, Compliance Investigator
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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Philip O. Bergeron
Michael G. Bagneris (Ret)

Members of the public present as follows:

See list attached

- 1. Minutes of June 10, 2019 Meeting.** The Board reviewed the minutes of its meeting held June 10, 2019. On the motion of Dr. Clark, duly seconded by Ms. Sport 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; Adam Arcement, M.D., FAAEM, Physician Assistant; Supervision.** The Board reviewed the draft reply prepared in response to the request of Adam Arcement, M.D., FAAEM, relative to his supervision of physician assistants at two urgent care clinics while living in Florida. Following review of the draft correspondence, on the motion of Ms. Sport, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board voted to defer action on dissemination of the draft correspondence so that certain provisions contained in the Board's rules could be included.
- 4. Rulings and Advisory Opinions; Physician Assistants ("PAs"); Scope of Practice; Surgical Implant of Hormone Pellets.** The Board reviewed the inquiry received from Jennifer M. Piker, PA, asking whether it is within the scope of practice for a PA to surgically implant hormone pellets. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board voted to advise Ms. Piker that PAs are not authorized to perform any portion of a surgical procedure without the presence of his/her supervising physician. To the extent that a PA is called upon to assist his/her SP in surgery, such supervision would require the immediate physical presence of the SP in the suite or room where the procedure is being performed.
- 5. Rulings and Advisory Opinions; Brian R. Warren, R.S., M.S., Sanitarian Program Administrator, Food and Drug/Milk and Dairy Unit, Louisiana Department of Health, Office of Public Health, Sanitarian Services** asking whether the practice of nanoneedling constitutes the practice of medicine. Following review and discussion, it was the consensus of the Board to seek additional information on this matter.
- 6. Rulings and Advisory Opinions; Physician Assistant; Scope of Practice; Supervision.** The Board reviewed the inquiry received from Sarah Balladares, PA-C, seeking clarification relative to the relationship between a supervising physician ("SP") who supervises a

PA, who owns the practice. Following review and discussion, it was the consensus of the Board to follow-up the advice already given with a copy of a previous advisory opinion rendered in May 2018 advising that any arrangement between the SP and the PA should be structured so as to preserve the autonomy and authority of the SP to exercise his or her independent medical judgement with respect to the supervision of the PA and the services that the PA renders.

7. General Administrative Matters; Personal Appearance; Trenton L. James II, M.D., Medical Director; eQHealth Solutions. Trenton L. James II, M.D., QIN-QIO Medical Director, Debra Rushing, RN, MBA, Medicare Project Director and Louise Bourgeois, RN, Opioid Program Project Manager appeared before the Board to provide information on eQHealth Solutions and its initiative to impact the opioid crisis in Louisiana. During their appearance, they asked the Board for a letter of support for submission with their proposal relative to their opioid crisis initiative and also asked to provide educational resources on the website. Following their presentation, it was the consensus of the Board to advise them that the Board may be able to provide this information through communications disseminated to all licensees.

8. General Administrative Matters; Personal Appearance; Clinical Laboratory Personnel Committee Members; Beverly Ogden, M.D., and Patsy Jarreau, B.S., M.H.S., Director. Beverly Ogden, M.D., and Patsy Jarreau, B.S., M.H.S., appeared before the Board to discuss the performance of skin testing by clinical laboratory personnel. Dr. Ogden explained that the skin testing, defined as a test carried out in allergic or immunologic conditions to identify the cause of immediate or delayed skin hypersensitivity, is not within the scope of medical laboratory personnel practice and is not contained on the list of CLIA testing. Following their presentation, it was the consensus of the Board to defer action pending receipt of additional information.

9. General Administrative Matters; New Business; Personal Appearance, Todd Eppler, FACHE, CEO, DeSoto Regional Health System. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board voted to take up an item of new business, DeSoto Regional Health Systems. Todd Eppler, FACHE, CEO, appeared before the Board to discuss the Hospitalist Program implemented at DeSoto Regional Health Systems and explained that nurse practitioners act as part of the hospitalist program. He further detailed that the emergency room physician complaints stem from the semantics of having to “admit to” an APRN versus a physician. He concluded his appearance asking for the Board’s opinion regarding their program.

10. General Administrative Matters; New Business; Personal Appearance; Andrew P. Mayer, M.D., West Jefferson Medical Center. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board voted to take up an item of new business, the personal appearance, Andrew P. Mayer, M.D. Dr. Mayer appeared before the Board to discuss the matter of admitting to nurse practitioners. He stated he was on the Board of Directors for West Jefferson Medical Center and spoke to the issue of the independent practice of nurse practitioners, which he believed should not be allowed in Louisiana. Following his dismissal, it was the consensus of the Board to take this matter under advisement while seeking the opinion from the various stakeholders, including but not limited to the Louisiana State Board of Nursing and the Office of the Attorney General.

11. Licensure and Certification; Other Licensure Matters; Personal Appearance Robert I. Hart, M.D., Executive Vice President and Chief Medical Officer, Ochsner Health System. Dr. Hart, accompanied by Robert L. Marier, M.D., Hospitalist, Jeremy Scott Zollinger, Esq., and Shelly Tyman, Esq., appeared before the Board to discuss the acceptance of candidates to an unaccredited fellowship training program pending adoption of the proposed rule amendments as well as their J1 Visa status. Mr. Zollinger spoke to the issue of J1 Visa stating that it authorizes an individual to reside and work in the US backed by DS 29 Form. He stated that the conflict lies with the fact that fellowship training is considered educational and not employment. Shelly Tyman, Esq., informed the Board that residents are considered contractors employed by Ochsner Health System but was uncertain whether fellows are subject to Ochsner's employee handbook. Following their appearance, it was the consensus of the Board to defer action on the approval of the candidates for the unaccredited fellowship training program until adoption of the rules.

12. Communication and Information; Federation of State Medical Boards, Inc. ("FSMB"). The Board reviewed the special message received from Scott Steingard, M.D., Chair, FSMB, thanking the Board for their participation in the FSMB Board of Directors State Medical Boards Liaison Program, stating that Kenneth Simons, M.D., will serve as Louisiana's Liaison Director.

13. 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 stated that it had been an amazing two years serving as the Board's President. She saw the composition of the Board change from seven to ten members, the hiring of a new Director of Investigations and legislation passed that will help shape the future of the Board. She concluded thanking everyone for their support during her term as President.

14. 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. No further action was required or taken on this matter.

15. General Administrative Matters; CDS-CME Course Requirement. The Board reviewed the electron correspondence received from Laura J. Bell, Director of CME, LSUHSC, New Orleans, asking whether the requirement of post-assessment summative evaluation (test) with a passage of 80% from a substantial set of questions required by the Board was in line with the ACGME CME requirements. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board confirmed its requirement of 80% passage on a post-assessment test.

16. General Administrative Matters; Financial Reports. The Board reviewed the Income Statement and Cash Balance Summary for the first five months ending May 31, 2019 along with that of the Physicians' Health Foundation and Clinical Laboratory Personnel accounts. Following review and discussion, on the motion of Dr. Clark, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved the Financial Report.

17. Rules and Regulations.

- a. Final **Rules/Amendments**: None published since the last meeting of the Board.
- b. **Rules/Amendments; Noticed for Intent to Adopt: 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 from 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*. The Potpourri Notice appeared in the April 2019 edition of the *Louisiana Register*. A hearing to consider comments on the proposed substantive changes was held on May 30, 2019. No written comments were received and no one appeared at the hearing to present oral comments. Following review and discussion during the June 2019 meeting, the Board approved submission to the Legislative Oversight Committees and, provided no oversight changes are recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 3, 2019, a report was submitted to the legislative oversight committees for consideration. **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*. The proposed rule amendments were submitted to the OLRC for approval. The OLRC advised that because the amendment merely brings the rule into compliance with the wording of the law, Commission approval was not required. The *Notice of Intent* was published in the April 2019 edition of the *Louisiana Register*. Neither a request for a public hearing or written comments were received during the comment period. Following review and discussion during the June 2019 meeting, the Board approved submission to the Legislative Oversight Committees and, provided no oversight changes are recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 3, 2019, a report was submitted to the legislative oversight committees for consideration. **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 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 this meeting (see item 3 and 4 above). 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 are 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. **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, 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 are 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.

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*. 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. **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.

d. **Potpourri Notice/Petitions for Rulemaking (Act 454 Notice:** Pursuant to Act. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as La. R.S. 49:953(C)(2), at least once prior to January 1, 2020, and at least once during every six-year period thereafter, each agency which engages in rulemaking is required to conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The agency is required to publish notice of the meeting in the *Louisiana Register*, give notice electronically to the appropriate legislative oversight committees, and provide notice to all persons who have made timely request of the agency for notice of rule changes, no later than thirty days prior to the meeting. As with all such efforts, the agency is required to consider the comments and issue a response to each submission describing the principal advantages and disadvantages of the suggest changes. It may also prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. All submission, which must be made in writing and responses, must be submitted to the legislative oversight committees. Consistent with the law, a *Potpourri* Notice was presented for consideration and approval for a convenient date and time for a public hearing to be held no sooner than 30 days following publication of the Notice, which is anticipated to be published in the July 2019 edition of the *Louisiana Register*. Agencies

are also required to prescribe by rule the form for petitions for adoption, amendment, or repeal of a rule and the procedure for their submission, consideration and disposition. During the June 2019 meeting, the Board approved the *Potpourri Notice* for publication in the July 20, 2019 edition of the *Louisiana Register*. Legislative notice has been provided. The public hearing has been scheduled for October 14, 2019 at 9:00 a.m. Agencies are required to prescribe by rule the form for petitions for adoption, amendment or repeal of a rule and the procedure for their submissions, consideration and disposition. A draft rule to address such petitions remains under consideration by the Board.

18. General Administrative Matters; Election of Officers. Dr. Valentine called for the election of officers. On the motion of Dr. Howell, duly seconded by Dr. Thomas, Dr. Clark was nominated for the office of President. There being no further nominations and the nominations duly closed, the Board elected Dr. Clark President by acclamation. Upon opening the nominations for the office of Vice-President, Dr. Clark nominated Dr. Howell for the office of Vice-President. There being no further nominations and the nominations duly closed, the Board elected Dr. Howell Vice-President by acclamation. Upon opening the nominations for the office of Secretary-Treasurer, upon the motion of Dr. Johnson, duly seconded by Dr. Horton, Dr. Johnson nominated Dr. Thomas for the office of Secretary-Treasurer. There being no further nominations, and the nominations duly closed, the Board elected Dr. Thomas Secretary-Treasurer by acclamation. All terms effective August 1, 2019.

19. General Administrative Matters; Christy Lynn Valentine, M.D., President. With the election of officers, the Board expressed its appreciation to Dr. Valentine for her term of office and presented her with the following plaque struck in her name stating the following:

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS
Presents This Award To
CHRISTY LYNN VALENTINE, M.D.
In Appreciation of Faithful Service As
President
2017-2019

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

[21.] Minutes of June 10, 2019 Executive Sessions. On the motion of Dr. Clark, duly seconded by Ms. Sport 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 June 10, 2019. 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 approved the minutes of the executive sessions conducted during its meeting of June 10, 2019 with any necessary corrections.

[22.] Licensure and Certification; International/Foreign Medical Graduate; Personal Appearance; Robert L. Marier, M.D., Hospitalist Director, Ochsner Health System.. On the motion of Ms. Sport, duly seconded by Dr. Winstead, and passed by unanimous voice vote, the Board convened in executive session to consider 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 his dismissal, the Board resumed in open session. On the motion of Dr. Winstead, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board voted to defer action in his request for a waiver of licensure requirements pending receipt of additional information for the following:

Jafar Al-Said, M.D.

[23.] Report on Pending Litigation. On the motion of Dr. Johnson, 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). There was no further action required or taken on this matter.

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

[25.] General Disciplinary Matters; Personal Appearance; Vinicio E. Madrigal, M.D. On the motion of Dr. Thomas, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Vinicio E. Madrigal, 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. Madrigal, accompanied by his attorney, Conrad Meyer, Esq., appeared before the Board in connection with his request for reinstatement of his suspended license. Following his appearance, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board voted to reinstated the license of Dr. Madrigal contingent on his compliance with conditions for reinstatement.

[26.] Personal Appearance/Docket Calendar; Formal Hearing, Jerome Lee Broussard, CLP, Conclusion. On the motion of Dr. Thomas, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board convened in executive session for the conclusion of the formal hearing in the matter of Jerome Lee Broussard, CLP, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.RevStat§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. On the motion of Dr. Clark, duly seconded by Dr. Winstead 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.

27. General Administrative Matters; New Business, Licensure and Certification; Other Matters; Retired Physicians. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board voted to take up an item of new business, Retired Physicians. Following review and discussion relative to changing the name from Retired Physicians to Emeritus Physicians, on the motion of Dr. Clark duly seconded by Dr. Thomas, and

passed by unanimous voice vote, the Board voted to change the name of the licensure category of Retired Physicians to Emeritus Physicians.

[28.] General Administrative Matters; New Business, Licensure and Certification; Other Matters; Retired Physician; Walter Benoit Comeaux, M.D. On the motion of Dr. Clark, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session to take up an item of new 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 informing the following physician that CME is not required for retired physicians:

Walter Benoit Comeaux, M.D.

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

Docket No., 17-I-937
Docket No., 17-I-273
Docket No., 19-I-302

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

Docket No., 19-I-302

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

Investigation No., 19-I-302	Investigation No., 19-I-003
Investigation No., 18-I-195	

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

Investigation No., 19-472	Investigation No., 19-325
Investigation No., 19-475	Investigation No., 19-261
Investigation No., 19-401	Investigation No., 19-276
Investigation No., 18-310	Investigation No., 19-360
Investigation No., 19-379	Investigation No., 19-362

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Investigation No., 19-391	Investigation No., 19-278
Investigation No., 18-723	Investigation No., 19-328
Investigation No., 18-834	Investigation No., 19-263
Investigation No., 18-809	Investigation No., 19-226
Investigation No., 18-846	Investigation No., 19-497
Investigation No., 18-764	Investigation No., 19-397
Investigation No., 19-355	Investigation No., 19-528
Investigation No., 19-356	Investigation No., 19-595
Investigation No., 19-364	Investigation No., 19-511
Investigation No., 19-345	Investigation No., 19-298
Investigation No., 19-403	Investigation No., 19-502
Investigation No., 18-178	Investigation No., 19-562
Investigation No., 18-956	Investigation No., 19-561
Investigation No., 18-957	Investigation No., 19-275
Investigation No., 18-958	Investigation No., 19-253
Investigation No., 18-678	Investigation No., 19-206
Investigation No., 19-560	Investigation No., 19-627
Investigation No., 19-415	Investigation No., 19-482
Investigation No., 19-201	Investigation No., 19-535
Investigation No., 19-775	Investigation No., 19-547
Investigation No., 19-274	Investigation No., 19-484
Investigation No., 19-311	Investigation No., 19-482
Investigation No., 19-357	Investigation No., 15-225

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

Shelton Wiley Barnes, M.D., Docket No., 15-I-223
 Rickey Lawayne Owers, M.D., Docket No., 18-I-096
 John Eastman Clark, M.D., Docket No., 19-I-151
 Chesley L. Gregory, M.D., Docket No., 18-I-965
 Venisha Devon Hayes, CLP, Docket No., 13-I-527
 Bobby E. Slaydon, Jr., CLS-GEN, Docket No., 14-I-574

f. Closed/Dismissed: To approve closing/dismissing the following matters:

File No., 19-I-170
 File No., 19-I-196
 File No., 19-I-334
 File No., 19-I-167

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

File No., 19-I-426
 File No., 18-I-665
 File No., 19-I-475
 File No., 19-I-345

File No., 19-I-346

- h. Deferred: The defer action on the following matter pending further consideration:

File No., 18-I-634

- j. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of June 2019.^{1 2}

[30.] Professional Liability Report. On the motion of Dr. Howell, duly seconded by Dr. Clark 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.

[31.] General Disciplinary Matters. On the motion of Dr. Taylor, duly seconded by Dr. Horton, 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. Howell, duly seconded by Ms. Sport and passed by unanimous voice vote, made the following decisions:

- a. Macaluso, Jacqueline Ann, MDW – To approve the request of Jacqueline Ann Macaluso, MDW for a waiver of the costs of the proceeding as per the Decision and Order dated April 15, 2015 with all other conditions remaining in effect.
- b. Evaluation Site – To approve the request of staff to add Jefferson Neurobehavioral Group to this list of Board- Approved psychiatric/psychological testing.

[32.] Licensure and Certification; Physicians and Surgeons; US/Canadian Medical Graduates. On the motion of Dr. Thomas, 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, deferred action on the application of the following pending receipt of additional information:

Hussain, Faheem Hyderi

[33.] Licensure and Certification; Physicians and Surgeons; US/Canadian Medical Graduates; Training Permit. On the motion of Dr. Winstead, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session to consider the non-

1 Dr. Valentine recused herself from consideration of the following matter: 18-I-999.

2 Dr. Howell recused himself from consideration of the following matter: 18-I-876

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 issuance of a PGY training permit provided all other licensure requirements had been met:

McLaughlin, Nathaniel, M.D., JD, PhD.

[34.] Licensure and Certification; Physicians and Surgeons; International/Foreign Medical Graduates. On the motion of Dr. Winsted, 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 request of the following for a waiver of the licensure requirements in accordance with §315 of the Board's rules:

Marrouche, Nassir

[35.] Licensure and Certification; International/Foreign Medical Graduate. On the motion of Dr. Thomas, duly seconded by Dr. Winstead, and passed by unanimous voice vote, the Board convened in executive session to consider 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 his dismissal, the Board resumed in open session. On the motion of Dr. Winstead, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board voted to deny the request for a waiver of the licensure requirements in a non-accredited fellowship program for the following:

Ghori, Uzai Khan

[36.] General Administrative Matters; Legislative Auditors Performance Audit Report; Plan of Action. 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 an item of new business, Legislative Auditors Performance Audit Final Report, pursuant to, La.Rev.Stat., 42:17A(10). 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, approved the updated plan of action deferring action on the implementation of CE Broker, Inc., for CME audits pending further consideration and development of a working policy.

37. Legislative Matters; 2019 Legislation. The Board reviewed the Legislative Update prepared for dissemination to all licensees. No further action was required or taken on this matter.

38. Next Meeting of the Board. The Board reviewed the proposed 2020 meeting dates. It was a consensus of the Board to defer action pending further revision with the possibility of moving the dates to the last Monday of the month when possible. The President reminded the members that the next meeting of the Board was scheduled for August 12, 2019.

MINUTES OF MEETING
JULY 29, 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 July 29, 2019 and approved by the Board on the 12th day of August, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 12th day of August 2019.

Terri Roselyn Thomas, M.D.
Secretary-Treasurer

Attest:

Roderick Vance Clark, M.D., MBA
President