CALL TO ORDER

Business Meeting, Monday, February 11, 2019, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.
Lisa Robin, Chief Advocacy Officer, Federation of State Medical Boards, Interstate Medical Licensure Compact, Monday, February 11, 2019, 9:00 a.m.
William “Beau” Clark, MD, FACEP, D-ABMDI, Coroner, East Baton Rouge Parish Coroner’s Office, Monday, February 11, 2019; 10:00 a.m.
Personal Appearances, Monday, February 11, 2019, 1:00 p.m.
Formal Administrative Hearing, Monday, February 11, 2019, 3:00 p.m.
Business Meeting, Conclusion, Tuesday, February 12, 2019, 8:30 a.m.

1. PUBLIC/VISITORS INTRODUCTION/COMMENTS

2. MINUTES/PRIOR MEETINGS/CONFERENCES

3. RULINGS AND ADVISORY OPINIONS

4. COMMUNICATIONS AND INFORMATION

5. ADVISORY COMMITTEE REPORTS

6. GENERAL ADMINISTRATIVE MATTERS

7. RULES AND REGULATIONS
   a. Rules/Amendments: None 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 laws resulting from Act 93 (HB 421, Rep. Leger) of the 2018 Regular Session of the Legislature. A draft was developed and forwarded to the advisory committee for input. In conformity with Act 421, 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 referrals and any follow-up care which may be necessary; and (iii) make associated changes to the rules. The Committee advised the Executive Director of its approval of the draft amendments; however, it requests a further amendment regarding CME for licensure renewal. A revised draft was presented to the Board at its October 2018 meeting. Following review and discussion at the October 2018 meeting, the Board voted to provide Notice of Intent to adopt the amendments in the Louisiana Register. The Notice of Intent appeared in the December 2018 edition of the Louisiana Register. During the comment period, 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 Occupational Licensing Review Commission and review by the Legislative Oversight Committee, it is anticipated that the amendments will appear in the April or May 2019 edition of the *Louisiana Register*. **Genetic Counselors:** Pursuant to the Board’s request, a rule-making 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. A draft was developed and reviewed by the Advisory Committee. The Committee advised the Executive Director of its approval; however, it requests changes to the CME rules. A draft of the revised rules was presented to the Board at its October 2018 meeting. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the new rules in the *Louisiana Register*. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. During the comment period, the Board did not receive a timely request for a public hearing but did receive written comments from one commenter, which is presented for review and discussion. **Physician Assistants:** Pursuant to the Board’s request, a rulemaking effort commenced to accommodate several changes in the law resulting from Act 475 (SB 528, Sen. Lefleur) of the 2018 Regular Session of the Legislature. A draft has already been developed. 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 has advised the Executive Director of its approval of the draft amendments. Following review and discussion at the October 2018 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. The *Notice of Intent* appeared in the December edition of the *Louisiana Register*. During the comment period, 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 Occupational Licensing Review Commission and review by the Legislative Oversight Committee, it is anticipated that the amendments will appear in the April or May 2019 edition of the *Louisiana Register*. **c. Rules/Amendments under Development:** The following rules are under consideration by the Board. **Physicians Compounding Medication:** At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana State 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 its April 2015 meeting. Following further discussion at its May 2015 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments.
An additional wording change was discussed at the September 2015 meeting and pre-
notice input was received from interest parties at that time. Following review and
discussion, the Board elected to defer action on this matter for at least another month
to allow further consideration and input by other stakeholders. The additional
information requested from interested stakeholders by the Board on certification,
training and accreditation has not been received. In line with the Board’s direction at
its March 2016 meeting, a letter was sent to interested stakeholders requesting that
they submit any additional information they may want to be considered in time for the
May 2016 agenda. During its May 2016 meeting, the Board received the input of
interested parties present who wished to speak on the agenda item. It also gave initial
consideration to the voluminous materials submitted by various organizations and
individuals. Following discussion the Board elected to defer action on the rule-making
effort pending further review of the information submitted and the receipt of additional
information. To that end, it also elected to designate a special committee comprised
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 Report of the Ad Hoc Committee. Following discussion, the Board requested certain
changes to the draft previously appearing on its agenda, along with additional
information for its consideration. Per the Board’s directions, attached are two (2) drafts
amending the draft that was previously in the 2015 agenda: Draft one ((Exh. 2A) limits
board approval to certifying organizations that require passage of a psychometric exam
and complete ACGME training in the specialty/subspecialty; Draft two (2B) limits board
approval to certifying organizations that require passage of a psychometric exam plus
completion of ACGME/AOA training of comprehensive scope that is substantially
equivalent to training required for ABMS/AOA certification in the specialty or
subspecialty or for training other than ACGME, training of comprehensive scope that is
substantially equivalent to that of an ACGME accredited program in the specialty or
subspecialty. During its March 2017 meeting, the Board considered and discussed the
two drafts of the proposed rule and received input from interested parties present.
Following further discussion and consideration at its April 2017 meeting, the Board
approved Draft 2A and voted to provide Notice of Intent to adopt the amendments in
the Louisiana Register. During the March 2018 meeting, the Board determined to defer
moving forward to the next step of the rulemaking process until it has 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. 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 in order to fully
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 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 developed and reviewed by staff.
It was presented for initial review and discussion at the October meeting of the Board.
Following review and discussion, the Board voted to provide a preview draft to various
stakeholders prior to providing Notice of Intent to adopt the amendments. At the
December 2018 meeting, the Executive Director reported no negative feedback from
the preview draft. Upon further consideration and discussion, the Board voted to
provide Notice of Intent to adopt the amendments in the Louisiana Register.

**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) clarify two provisions in
conformity with the Board’s prior advice (e.g., 7705A.5, 7714A.4). The draft also
highlights 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);
(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 (7701A.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 requirements of the law which 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 during the October 2018 meeting. A draft
incorporating those changes along with draft wording to address the additional changes
were presented for review and consideration at the October 2018 meeting. Following
review and discussion, the Board voted 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” (77075A) to eliminate 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 in the
Louisiana Register.

**Physicians; 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. A draft was prepared and presented that Board
at the October 2018 meeting for initial review and discussion. Following review and
discussion, at its October and December 2018 meetings, the Board voted to provide a preview draft to various stakeholders prior to providing Notice of Intent to adopt the amendments in 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”.

8. **PUBLIC COMMENTS**

**EXECUTIVE SESSION**

1. **MINUTES/PRIOR MEETINGS**
   Executive Session Minutes Approval.

2. **MALPRACTICE COMMITTEE REPORT**
   Professional liability reports.

3. **REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION**
   Interim Actions.
   Recommendation to Commence Investigations.
   Recommendation to Extend Preliminary Review.
   Other Investigative Matters.

4. **LITIGATION**
   Reports on pending appeals/suits/petitions.

5. **GENERAL DISCIPLINARY MATTERS**
   Request for approval of practice setting.
   Request for reinstatement of license to full, unrestricted status, off probation.

6. **OTHER MATTERS**
   Office-Based Surgery 2018 Year End Report.
   Approval of Evaluation Site.

6. **LICENSURE AND CERTIFICATION**
   **Graduates of US/Canadian Medical Schools**
   Non-routine applicants.
   **Other Licensure Matters**
   Request for approval of Special Event Permits.
   Continuing Education Audit Results – 2018.

7. **NEXT MEETING**
   Next meeting of the Board – March 18, 19, 2019.