CALL TO ORDER
Business Meeting, Monday, January 27, 2020, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.
Personal Appearances, Monday, January 27, 2020, 1:00 p.m.

1. PUBLIC/VISITORS INTRODUCTION/COMMENTS
Mission Statement.

2. MINUTES/PRIOR MEETINGS/CONFERENCES
Approval of minutes of last month’s meetings.
Status report on action items of prior Board meetings.
Report on assignments to counsel.

3. RULINGS AND ADVISORY OPINIONS
Utilization of Medical Assistants to Perform IV Therapy to include IV Pushes.
Employment of Supervising Physician by a Physician Assistant; Follow-Up Request.

4. COMMUNICATION AND INFORMATION
Louisiana Dermatological Society; Statement on Safe In-Office Preparation of Buffered Lidocaine as a Local Anesthetic.

5. ADMINISTRATIVE MATTERS
President’s Report.
Executive Director’s Report.
PMP Advisory Council Quarterly Report.
Newsletter; Draft.
Travel Authorization 2020.
Review of 655 Complaints. ¹

6. RULES AND REGULATIONS
a. Rules/Amendments: None since the last meeting of the Board.
b. Rules/Amendments: Noticed for Intent to Adopt: 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 presented for initial review and discussion at the October 2018 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. At the request of the President, that the rule effort was delayed until the March 2019 meeting to provide the Board an opportunity to consider a new rule on the assessment of fees in administrative disciplinary proceedings, the draft of which was included. Given that there is no need for further discussion on the original rule effort, the Board at its June 2019 meeting voted to provide Notice of Intent to adopt the originally proposed amendments in the Louisiana Register and give further consideration to the rule on assessment of costs. The proposed changes were transmitted to and approved by the OLRC at Commission meeting held October 30, 2019. The Notice of Intent appeared in the December 20, 2019 edition of the Louisiana Register. Physician Practice; Therapeutic Marijuana: Act 284 (2019 Regular Session), amended state law governing medical marijuana in a manner that impacts the Board’s existing rules in several respects e.g., removes the (i) requirement for annual reporting by the Board to the legislature as to any additional diseases or conditions that should be added or removed

¹ May be considered in Executive Session
from the list of debilitating conditions; (ii) requirement that a physician utilize step therapy or fail first protocols; and (iii) physician domiciliary requirement for a physician to recommend marijuana. At the August 2019 meeting, the Board voted to provide Notice of Intent to adopt the amendment in the Louisiana Register. The proposed changes were transmitted to and approved by the OLRC at the Commission’s October 30, 2019 meeting. The Notice of Intent appeared in the December 20, 2019 edition of the Register with technical errors. The Louisiana Register will republish the Notice of Intent in the January 2020 edition with an Editor’s Note of explanation. **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 considered 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; Assessment of Costs:** During its June 2019 meeting, the Board voted to provide Notice of Intent to adopt the originally proposed amendments (on complaints and investigations) in the Louisiana Register and consider a rule on assessment of costs. **Petitions for Rulemaking (Act 454 Notice):** A draft rule for the form for petitions for adoption, amendment, or repeal of a rule and the procedure for their submission, consideration, and disposition was provided for initial review and discussion during its June 2019 meeting. The draft remains under consideration.

7. **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 Action.
   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 site location.
   Allied Health Monitoring Report.

6. **LICENSURE AND CERTIFICATION**
   **Other Licensure Matters**
   Guidance related to CME Audit Deficiencies.
   Guidance related to Re-application/Reinstatement.

7. **GENERAL ADMINISTRATIVE MATTERS**
   LLA Performance Audit; Follow-up.

8. **NEXT MEETING**
   Next meeting of the Board – February 17, 18, 2020.