

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

April 13, 2015

AGENDA

CALL TO ORDER

Business Meeting, Monday, April 13, 2015, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.

Personal Appearances, Monday, April 13, 1:00 p.m.

Robert Marier, M.D., Chairman, Department of Hospital Medicine, Ochsner Hospital, and Trevor W. Reichman, M.D., PhD, Director, ASTS, Personal Appearance, Monday, April 13, 2015, 2:00 p.m.¹

Oral Arguments, Monday, April 13, 2015, 3:00 p.m.²

PUBLIC SESSION

1. MINUTES/PRIOR MEETINGS/CONFERENCES

Approval of minutes of last meeting.

Status report on action items of prior Board meetings.

Report on assignments to counsel.

2. RULINGS AND ADVISORY OPINIONS

None submitted this month.

3. COMMUNICATIONS AND INFORMATION

David Randolph, M.D., PhD., MPH, Research, Long Opiate Use.

4. GENERAL ADMINISTRATIVE MATTERS¹

Financial Report.

President's Report.

Executive Director's Report.

Polysomnography Rules, Request for Interpretation, Follow-up.

Draft Statement of Position, Social Media By Physicians.

5. RULES AND REGULATIONS

Final Rules/Amendments: None published since the last meeting of the Board.

Rules/Amendments: Noticed for Intent: Physicians and Surgeons –

Unprofessional Conduct: During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself or herself as a specialist in a particular field of practice with appropriate formal training in that field. The draft also included a prohibition against a physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. A draft was submitted for the Board's review at its August and September 2013 meetings. At its October 2013 meeting, the Board determined to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the amendments on unprofessional conduct in the *Louisiana Register*. Prior to publication, additional information is being sought. Staff presented additional information concerning self/immediate family-prescribing of controlled substances at its June 2014 meeting. Following review and discussion, the Board elected to provide *Notice of Intent* to adopt the rules in the *Louisiana Register*. Said *Notice of Intent* will appear in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments in response to the *Notice of Intent*. Following review and discussion, the Board rejected some comments and decided to accept and address others by technical and substantive amendments. An annotated draft of the changes appeared in the January 2015 edition of *Louisiana Register*. At its February 2015 meeting, the Board discussed the current status of the rule project. The Potpourri hearing scheduled for March 26, 2015 was

¹ May be conducted in Executive Session

² Conducted in Executive Session

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postponed to discuss additional changes. **Occupational Therapy:** The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by Board staff, and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification have been received and incorporated into the draft. In sum, the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. At the July 2014 meeting, a draft was presented for initial review and consideration. At its August 2014 meeting, the Board considered additional revisions suggested by staff, and, thereafter, elected to provide *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments in response to the *Notice of Intent* and elected to refer them to its OT Advisory Committee for input. The Committee's input will be presented in due course. **Physicians and Surgeons – Telemedicine:** Act 442 of the 2012 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board during its July 2014 meeting for consideration and discussion. A revised draft was presented for consideration and discussion at its August 2014 meeting, at which time the Board voted to provide *Notice of Intent* to adopt the amendments. A draft containing technical and one substantive change is presented for review and discussion. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. At its December 2014 meeting, the Board considered the written comments in response to the *Notice of Intent*. Following review and discussion, the Board rejected some comments and decided to accept and address others by technical and substantive amendments. An annotated draft of the changes which appeared in the January 2015 edition of the *Louisiana Register* is included for the Board's review. The Potpourri hearing schedule for March 26, 2015 was postponed to discuss additional changes. **Physician Assistants:** During the October 2014 meeting, the Board elected to undertake a rulemaking effort to remove the co-signature requirement for PA services from its existing rules and replace it with alternative methods of physician oversight (e.g., chart review) based on experience and changes in a PA's major area of practice. At its December 2014 meeting, the Board considered suggestions based on the discussions at its October 2014 meeting and direction from the President, along with separate suggestions offered by the Louisiana Academy of Physician Assistants ("LAPA"). Following discussion, including the input of the LAPA and the Chair of the PA Advisory Committee, the Board directed that further amendments be incorporated into the draft. Following discussion and further suggested modifications of the draft at its January 2015 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. Said notice appeared in the February edition of the *Louisiana Register*. The comment period has closed during which the Board received a number of comments in support of the proposed amendment and no adverse comments.

Rules/Amendments under Development: The following rules are under consideration by the Board. **Midwifery:** Attached for Board member consideration are amendments to the existing rules governing licensed midwife practitioners incorporating changes pursuant to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, updating the rules generally and rearranging sections for ease of reference. The Board reviewed and discussed changes at its January and February 2015 meetings. **Physicians Compounding Medication:** At its January

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2015 meeting, 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. **Clinical Laboratory Personnel:** At the request of its Clinical Laboratory Personnel ("CLP") Advisory Committee, the Board agreed to undertake a rulemaking effort to amend its CLP Rules to reduce the term of a temporary permit from six months to three months. It directed that a draft be prepared and presented for review and approval. In conformity with the Board's direction, a draft is presented for initial review and discussion. **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 ABME 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 is presented for initial review and discussion.

6. **PROPOSED LEGISLATION**

2015 proposed legislation which may impact the Board.

EXECUTIVE SESSION

1. **MALPRACTICE COMMITTEE REPORT**

Professional liability reports.

2. **REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION**

Investigation reports.

Personal appearance schedule.

3. **LITIGATION**

Reports on pending appeals/suits/petitions.

4. **ADJUDICATION REPORT**

5. **GENERAL DISCIPLINARY MATTERS**

Review of requests for reinstatement to full, unrestricted status, off probation.

Request for acceptance of remediation program.

Request for modification of the terms of a Board Order.

6. **LICENSURE AND CERTIFICATION**

Clinical Laboratory Personnel, non-routine applicants.

Physician Assistant, non-routine applicant.

Podiatry, Advanced Practice - Conservative Treatment of the Ankle, applicant.

Graduates of International Medical Schools

Non-routine applicant.

Graduates of US/Canadian Medical Schools

Non-routine applicants.

Miscellaneous Licensure Matters

Short-Term Residency applicant.

GETP; non-routine applicant.

7. **NEXT MEETING**

Next meeting of the Board – May 18, 19, 2015.