

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

July 21, 2014

AGENDA

CALL TO ORDER

Business Meeting, Monday, July 21, 2014, 8:30 a.m., 630 Camp Street, New Orleans, 5th Floor.

Kim Edward LeBlanc, M.D., Ph.D., Executive Director, Clinical Skills Evaluation Collaboration, National Board of Medical Examiners, Personal Appearance, USMLE Step Examinations, Monday, July 21, 2014, 9:00 a.m.

Lena Osbourne, Louisiana Academy of Physician Assistants, Co-Signatures by Supervising Physicians, Personal Appearance, Monday, July 21, 2014, 10:00 a.m.

Louisiana Athletic Trainers Association, Personal Appearance, Monday, July 21, 2014, 11:00 a.m.

Personal Appearances, Monday, July 21, 2014, 11:00 a.m.

Formal Administrative Hearing, Monday, July 21, 2014, 1:00 p.m.

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

Active Shooter Policy.

Obtaining Vitals.

Physician Delegation.

PA Authority to Purchase Testosterone.

CPAP Delivery; Follow-up.

3. COMMUNICATIONS AND INFORMATION

Healthcare Journal of New Orleans; Follow-up.

Telehealth Practices.

Department of Children and Family Services.

Gachassin Law Firm

International Society of Hair Restoration Surgery.

Delgado Community College Polysomnography Program.

4. GENERAL ADMINISTRATIVE MATTERS¹

Financial Report.

President's Report.

Executive Director's Report.

Interview of Applicants; Follow-up.

Prescription Monitoring Program Quarterly Report.

Athletic Advisory Committee.

PA Rules Regarding Countersignature by Supervising Physician.

5. RULES AND REGULATIONS

Final Rules/Amendments: Perfusionist: The Perfusion Advisory Committee prepared an initial draft of rules for this category of allied health care professionals. A revised draft was received and studied. Following a number of revisions to conform the rules to the law and rule format and reviewed by staff, a revised draft was forwarded to the Committee's Chair for review. A draft of the rules was presented for initial review and consideration by the Board at the September 2013 meeting. Following review and consideration at its October 2013 meeting, the Board voted to provide *Notice of Intent* to

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adopt the rule amendments. The *Notice of Intent* appeared in the February 14, 2014 edition of the *Louisiana Register*. No comments were received during the comment period and the rules will become final upon promulgation in the July edition of the *Louisiana Register*.

Rules/Amendments: Noticed for Intent: Physicians and Surgeons – Office-Based Surgery: The Board considered suggestions for amendment of its office-based surgery rules. A revised draft incorporating the suggested changes was considered and further suggestions were presented in a revised draft. Following review and discussion, the Board voted to provide *Notice of Intent* to adopt the rule amendments. Prior to publication of said *Notice of Intent*, staff suggested additional changes at its August 2013 meeting relative to the performance of office-based procedures using moderate or conscious sedation. Pursuant to the Board's instructions, a revised draft incorporating comments and suggestions of Board members and staff was considered by the Board at its December 2013 and its January and February 2014 meeting at which time the Board voted to provide *Notice of Intent* to adopt the rule amendment. Minor changes suggested by staff were presented for the Board's consideration at its June 2014 meeting and upon approval, the Board voted to provide *Notice of Intent* to adopt the rules amendments which will appear in the July 2014 edition of the *Louisiana Register*.

Rules/Amendments under Development: The following rules are under consideration by the Board. **Midwifery:** Given changes to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, staff anticipates presenting revisions to its existing rules in due course for the Board's consideration and discussion. **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. Pursuant to the Board's direction, a draft of such rules is being prepared for initial review and consideration. The draft also includes 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*.

Physicians and Surgeons – Collaborating Physicians: The Board expressed a desire to consider the development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial review and consideration at its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and consideration, the Board elected to preview the draft to several professional organizations (LSMS, LMA, and LAFP) and the Louisiana State Board of Nursing. Revised drafts (annotated/clean) incorporating certain suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending receipt of additional suggestions. Additional revisions to the draft were offered by the Board during the May and June 2014 meeting. Following consideration and discussion of the latest revised draft at its June 2014, the Board voted to provide *Notice of Intent* to adopt the rules.

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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. The draft is presented for initial Board review and consideration.

EXECUTIVE SESSION

1. MALPRACTICE COMMITTEE REPORT

Professional liability reports.

2. REPORTS INVESTIGATIONS/ADJUDICATIONS/LITIGATION

Investigation reports.

Formal hearings and 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.

Review of request for training permit.

6. LICENSURE AND CERTIFICATION

Clinical Laboratory Personnel, non-routine applicants.

Physician Assistants, non-routine applicant.

Podiatrists Advanced Practice applicant.

Respiratory Therapy, non-routine applicant.

Graduates of International Medical Schools

Non-routine applicants.

Graduates of US/Canadian Medical Schools

Non-routine applicant.

Miscellaneous Licensure Matters

Reinstatement/Relicensure; non-routine applicant.

Intern Registration; non-routine applicants.

Licensees suspended for non-renewal.

Short Term Residency Permit.

IMGs Requirements.

7. BOARD MEMBER REVIEW

8. NEXT MEETING

Next meeting of the Board – August 18, 19, 2014.

Proposed Meeting dates 2015.