

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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Volume 2, No. 1

NEWSLETTER

August 1988

1987 In Review

The past year was a significant one for the Board. It marked the end of an era in the management of the Board's office with Dr. Lyons's retirement as Secretary-Treasurer, substantial amendment of the Medical Practice Act, and, certainly, the busiest year in the the Board's history. In this issue, we would like to review some of the activities of the Board during 1987.

Licensure. During 1987, the staff processed and the Board approved licensure or certification in the following categories:

Acupuncturists	0
Acupuncture Assistants	0
Athletic Trainers	52
Emergency Medical Technicians	
Paramedic	51
Intermediate	91
Midwives	0
Occupational Therapists	64
Occupational Therapy Assistants	8
Physical Therapists ¹	56
Physicians	
U.S. Graduates	
Reciprocity	252
Reciprocity + Component 2 of FLEX	78
Examination	425
Foreign Graduates	
Unrestricted Licensure	98
Visiting Resident Permits	31
Physician Assistants	
Class I	8
Class II	4
Podiatrists	2
Respiratory Therapists	281
Respiratory Therapy Technicians	443
18 Month Respiratory Therapy Temporary Permits	210
24 Month Respiratory Therapy Temporary Permits	307

Disciplinary Actions. During 1987-88, the Board took the following disciplinary actions:

<i>Physicians</i>	
Revocations ²	2
Suspensions ²	10
Summary Suspensions	5
Voluntary Surrender	1
Consents to Supervision or Restriction of Practice	2
Reinstatement of Suspended License	1
<i>Impaired Physicians</i>	
Summary Suspensions ³	6
Voluntary Surrender	1
Probation	3

¹Issued prior to creation of separate Board of Physical Therapy Examiners.

²Three were appealed. Two appeals are pending, and one has been dismissed.

³One summary suspension was stayed by court order and later reimposed on additional grounds, and five were later placed on probation, one of which relapsed, and remains suspended at this time pending hearing.

Probation ⁴	<i>Physical Therapists</i>	3
Granted Conditional Permit	<i>Respiratory Therapists</i>	1

Investigations/Adjudications. From mid-1986 through 1987, the Board received and docketed for formal investigation some 264 complaints. Of that number, 137 have been dismissed and closed following investigation, 92 are still under investigation. The balance have formal proceedings pending or have resulted in actions ranging from revocation and voluntary surrender of licensure to consent orders imposing probationary terms or providing for voluntary monitoring or restriction of practice.

How Much Do You Know About the Louisiana Medical Practice Act?

The Louisiana Medical Practice Act (MPA) affords you a license to practice medicine, governs much of your practice, sets standards, calls for discipline, and offers you protection from liability when you serve as a member of an examining committee or provide information to the Board when done in good faith and without malice. In this issue and in subsequent issues, we hope to address some points of interest in the MPA. Should you have questions, direct them to the Board office, and we will try to address them.

Recognizing the practice of medicine as a privilege and not a natural right, and that it is in the best interest of the public to regulate the granting of the privilege and to protect the public against the unprofessional, improper, unauthorized and unqualified practice, the MPA was enacted. In its original form, the MPA created the Louisiana State Board of Medical Examiners. As currently amended, the Board functions within the Department of Health and Hospitals.

Who Are the Members of the Board? The Board comprises seven members, all appointed by the Governor from lists of names submitted by the Louisiana State Medical Society and the Louisiana Medical Association. One of the members must be a physician practicing in a parish or municipality with a population of less than 20,000 people, and at least one member must be appointed from nominations of the Louisiana Medical Association. The current members of the Board are noted in the masthead of the *Newsletter*. For those not familiar with them, Dr. Muslow is an internist, Dr. Bordelon a family practitioner, Dr. Laborde a general surgeon, Dr. Nunnally

⁴One is still on appeal.

a pathologist, Dr. Hackett an obstetrician-gynecologist, Dr. LaNasa a urologist, and Dr. Kaplan a general surgeon. Each member serves for a term of six years, succeeding himself in each subsequent term unless removed or replaced by the Governor.

Are Board Members Compensated? The members of the Board receive a \$50 per diem and hotel and travelling expenses while engaged in Board business.

How Often Does the Board Meet? The law requires that the Board convene two regular meetings each year in New Orleans. The volume of the Board's business is such, however, that special meetings are called and held monthly, typically lasting 2½ days. Special hearing sessions may last as long as a week.

What are the Duties and Powers of the Board? The Board issues licenses or permits to applicants possessing the requisite qualifications and takes appropriate administrative action to regulate the practice of medicine. The Board may select officers and adopt rules and regulations. It is authorized to employ legal counsel, special agents, inspectors and investigators; issue subpoenas; employ necessary clerical assistance; and appoint an examining committee of physicians to inquire into a physician's fitness and ability to practice with reasonable skill and safety to patients.

What Will Happen to My License if I am Convicted of a Crime? The Board may take action against your license if you are convicted of or plead guilty or *nolo contendere* to a crime constituting a felony, or any crime arising out of or in connection with the practice of medicine.

How Does State Law Address Physician Impairment? We plan to devote a future issue of the *Newsletter* to physician impairment and the cooperative efforts of the Board and the Louisiana State Medical Society in conducting an Impaired Physicians Program. Information regarding the program was included with your last two renewals. Impairment, of course, can involve physical or mental conditions, including the habitual or recurring use of drugs or alcohol. While the Board is empowered to sanction the license of an impaired physician to protect the public health, safety and welfare, the Board makes every effort to assist the physician in achieving rehabilitation. The MPA authorizes the Board to appoint a committee of physicians to conduct physical and mental examinations, to inquire into a physician's fitness and ability to practice with reasonable skill and safety, and to submit reports and recommendations. Refusing to submit to the examination and inquiry of an examining committee appointed by the Board provides additional grounds upon which the Board may act against a physician's license.

What Potential Liability Do I Have When Appointed by the Board to Evaluate Alleged Impairment of Another Physician? If the Board asks and you agree to serve on a committee to evaluate a physician, the MPA provides that there shall be no liability for any action performed within the scope of the Board's appointment when you act without malice and in the reasonable belief that the action you take is warranted.

A discussion of the MPA and related matters will be continued in subsequent issues. Again, should you have specific questions about this law, please let us hear from you. If you would like a copy of the current Medical Practice Act, send your request with a stamped, self-

addressed envelope, and we will be happy to provide you with one.

