

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS NEWSLETTER



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1999 Legislation

Breast Cancer Treatment Alternatives

In June 2000 the Board mailed to each physician licensed to practice medicine in this state, a brochure containing a summary on breast cancer treatment alternatives, developed by the Louisiana Department of Health and Hospitals, along with notification that duplicate copies of the brochure may be accessed from our web site—www.lsbme.org—or obtained by telephone (504) 524-6763. In an effort to both comply with our mandate and do all that is possible to disseminate information on such an important topic to the health, safety and welfare of Louisiana citizens, the Board takes this opportunity to reiterate below its prior advice and attach to this publication another copy of the brochure for your reference.

Physician Obligations to Patients

Act 199 of the 1999 regular session of the Louisiana legislature, charged the Louisiana Department of Health and Hospitals ("DHH"), in consultation with the Louisiana Cancer and Lung Trust Fund Board, to develop a written summary addressing breast cancer treatment alternatives. The summary was required to be written in layman's language and provide: (i) information regarding alternative methods of treatment; (ii) available telephone numbers to allow breast cancer patients to obtain current information; (iii) a discussion of breast cancer reconstructive surgery; and (iv) statistics on the incidence of breast cancer. The law and the rules recently adopted by DHH to establish the content of the summary and manner of its distribution to physicians, charge the Board with disseminating the summary through several methods, *i.e.*, its *Newsletter*, with license renewals in the year 2001 and in subsequent years to all new licensees and to make additional copies of the summary available to physicians upon request. The law¹ specifically provides:

On and after July 1, 2000, a treating physician or surgeon shall inform his patient diagnosed with any form of breast cancer of the alternative efficacious methods of treatment by discussing such alternative methods of treatment with his patient and by providing his patient with the summary as provided in this Part. If the treating physician or surgeon informs his patient of

the alternative methods of treatment and provides his patient with the summary prior to the performance of a biopsy to determine whether or not his patient has breast cancer, the requirement to inform and to provide the summary to a patient diagnosed with breast cancer shall be deemed to have been met. La. Rev. Stat. §40:1300.154A.

Physicians are required to document in the patient chart the date and time that he discussed alternative methods of treatment with his patient and provided a copy of the enclosed written summary. A physician's failure to adhere to the law's requirements constitutes unprofessional conduct and provides cause for the Board to take action against his license pursuant to La. Rev. Stat. §37:1285.

¹LA. REV. STAT. §§40:1300.151-1300.154 (West & Supp. 1999).

Rules & Regulations

Rules on Continuing Medical Education; Funding of Physicians' Health Program and CME Program

Continuing Medical Education—Act 661 of 1999 regular session of the Louisiana legislature, amended the Louisiana Medical Practice Act, La. Rev. §37:1261-92 and authorized the Board to require continuing education as a condition to the renewal and/or reinstatement of any license or permit issued by the Board. The enclosed informational brochure includes the continuing medical education ("CME") rules which have been adopted by the Board. Pursuant to such rules, commencing on January 1, 2002, and annually thereafter, physicians must document that in the preceding year they have obtained twenty (20) hours of Board approved CME as a prerequisite to renewal or reinstatement of licensure. The rules specify those categories of CME which are acceptable, the method for annual documentation, identify a minimum percentage of applicants to be audited annually, provide a period of ninety days to submit evidence of compliance once an audit notice is received and exempt altogether certain categories of applicants. As part of such CME requirement, the rules provide that physicians seeking to renew their license for the first time must have

attended a Board sponsored seminar, which will be utilized to acquaint new licensees with such matters as the Louisiana Medical Practice Act, the scope and function of the Board and its rules, complaint investigation and disposition, opportunities available in rural and professional health shortage areas, etc. Inasmuch as physicians are required to have obtained twenty (20) hours of CME to be eligible for licensure renewal or reinstatement for the year 2002, physicians must participate in qualified CME activities during the year 2001. The Board is currently in the process of formulating its seminar to be offered to physicians who will renew their license for the first time in the year 2002. The program will be offered several times next year. Physicians originally licensed in Louisiana during the year 2001 and thereafter, will be required to attend the seminar as a condition to licensure renewal. A copy of the CME rules is included with this *Newsletter* for ease of reference.

Funding of Physicians' Health Program/Continuing Medical Education Program for Physicians—During this past session, the Louisiana legislature amended the Louisiana Medical Practice Act, La. Rev. Stat. §37:1281, to require that the Board begin assessing each physician, except those who have retired from active practice, an annual fee of \$32.00 commencing on August 1, 2000. The fee shall be assessed at the time of licensure issuance, renewal and reinstatement. Of this sum, \$25.00 will be utilized to support a physicians' health program in the identification, monitoring and assistance of physicians suffering from chemical dependency, psychiatric conditions or physical deficiencies, which may interfere with their ability to practice medicine with reasonable skill and safety. The remaining \$7.00 will be utilized to establish and maintain the continuing education program for physicians.

Board News and Notes

Appointment/departure of members, election of new officers

As noted in the December 1999 edition of the *Newsletter*, last year the Louisiana legislature restructured the nominating process for Board member appointment and required the appointment or reappointment of each of the seven Board members in the year 2000. In compliance with that law, Governor Foster has reappointed four of the Board's members, Richard M. Nunnally, M.D., a Baton Rouge pathologist, Elmo J. Laborde, M.D., a general surgeon practicing in Lafayette, Keith C. Ferdinand, M.D., a New Orleans cardiologist and Trenton L. James, II, M.D., a family practitioner practicing in Baton Rouge and Livingston. Joining them will be three new members appointed by Governor Foster, Kweli J. Amusa, M.D., Melvin G. Bourgeois, M.D. and Kim Edward LeBlanc, M.D., Ph.D. We take this opportunity to welcome and introduce the newest members of the Board:

Kweli J. Amusa, M.D., Slidell—a 1978 graduate of the Washington University School of Medicine, St. Louis, Missouri, served her internship at Mt. Sinai Hospital, Chicago, Illinois and undertook her residency training in internal medicine at Cook

County Hospital, Chicago. She is a diplomat of the American Board of Internal Medicine and the American Board of Emergency Medicine. Dr. Amusa has practiced emergency medicine in Louisiana since 1985.

Melvin G. Bourgeois, M.D., Morgan City—a 1961 graduate of Louisiana State University School of Medicine—New Orleans, served his internship at Touro Infirmary, New Orleans and performed his residency training in family practice at Lafayette Charity Hospital. He is a member in good standing of the American Academy of Family Practice. Dr. Bourgeois has practiced family and occupational medicine in Morgan City since 1963.

Kim Edward LeBlanc, M.D., Ph.D., Breaux Bridge—a 1978 graduate of Louisiana State University School of Medicine—Shreveport, undertook his post graduate training and residency in family practice at Dr. W. O. Moss Regional Hospital, Lake Charles. He is board certified by the American Board of Family Practice. Dr. LeBlanc has practiced primary care sports medicine and family practice in Breaux Bridge since 1981. In 1999 he was appointed Director of the Family Practice Residency Program at University Medical Center.

Drs. Muslow, Bordelon and Applewhite conclude service on the Board

Ike Muslow, M.D., F. P. Bordelon, Jr., M.D. and Mary Lou Applewhite, M.D., have concluded their service on the Board.

Dr. Muslow—served more than 26 years as a member of the Board. He graduated from Centenary College in 1944, Louisiana State University School of Medicine, New Orleans in 1948 and completed his internship and medicine residency training at Charity Hospital in New Orleans. Dr. Muslow has both practiced and served as an instructor in internal medicine at Louisiana State University School of Medicine-Shreveport, where he has held numerous positions including those of Acting Dean and Dean. Since 1981 he has served as the School of Medicine's Vice-Chancellor and in addition, he currently holds the position of Interim Dean. Dr. Muslow was elected Vice-President of the Board from 1986-1988 and as President from 1988-1990. For the past several years, he has served as Chairman of the Board's Physicians Health Committee.

Dr. Bordelon—served on the Board for over 20 years. He received his Bachelor of Science degree from Louisiana State University and his medical degree from Louisiana State University School of Medicine in 1945. Dr. Bordelon served his internship at Charity Hospital in New Orleans. Following active duty in the U.S. Navy, in 1948 he opened his practice in Marksville. He has served as Avoyelles Parish coroner since 1975 and is a past president of the Louisiana State Medical Society (1968-1969), and was named to its Hall of Fame in 1983. Dr. Bordelon was elected Vice-President of the Board in 1988 and served as President from 1994-1996.

Dr. Applewhite—served more than 7 years as a member of the Board. She received her Bachelor of Science degree from Louisiana State University and her medical degree from Louisiana State University School of Medicine in 1955. Dr. Applewhite trained in dermatology and pathology at Charity Hospital and Tulane Medical Center in New Orleans. She has practiced dermatology in Jefferson Parish since 1965. As the first female

physician ever to serve on the Board, Dr. Applewhite was elected Secretary-Treasurer in 1994, Vice-President in 1996 and served as President from 1998-March 2000.

In recognition of their outstanding service achievement, on May 24, 2000, the Board unanimously adopted a resolution expressing their gratitude and appreciation to Dr. Muslow, Dr. Bordelon and Dr. Applewhite for their service to the Board in protection of the health, safety and welfare of the citizens of Louisiana and directed that a plaque containing its resolution be struck and presented to each of them expressing the highest esteem of the Board. The Board and its staff will miss the good counsel of Drs. Muslow, Bordelon and Applewhite. We hope that you will join us in wishing them many years of good health, happiness and prosperity.

Board elects new officers

As indicated on the masthead of this *Newsletter*, at its May 2000 meeting the Board elected new officers to serve until January 1, 2002. Trenton L. James, II, M.D. was elected President of the Board. Elmo J. Laborde, M.D., will serve as Vice-President and Richard M. Nunnally, M.D., has been elected as the Board's Secretary-Treasurer. As with licensure boards country wide, Dr. James' presidency will face the many challenges attendant to the continually evolving nature of health care and its delivery. He will need the continuing cooperation and support of the professions licensed by the Board to address the needs and concerns of the public health and welfare. Please wish him well and assist him in his endeavor.

From the PHP

As it has done for the past 16 years, the Physicians' Health Program (the "PHP") continues to offer its assistance to the physicians of Louisiana. Thus far, eleven physicians have enrolled in the PHP this year, bringing the total number of participants in the program to one hundred and seven. Approximately 57% of these participants have enrolled on a voluntary basis, while the remaining 43% have been ordered by the Board to participate in the PHP.

The intention of the PHP has always been to offer its assistance to those physicians experiencing problems related to impairment prior to any involvement by the Board. While the PHP does not actively seek physicians with impairment, it does prefer that physicians self-report. In this way, the PHP may be able to assist the physician before the problem escalates to a level requiring the attention of the Board.

If the PHP can intervene in a timely fashion and help the physician, not only will it likely prevent Board action but also may avert any adverse action by HMOs, PPOs, hospitals (privileges) and possibly reporting to the National Practitioners Databank. Impaired physicians who choose not to self-report will likely avoid any short term consequences and not receive the assistance necessary to ameliorate the problem but will likely suffer immeasurably in the long run. If you find yourself confronted with impairment related problems, please contact the PHP before it is too late. Moreover, if you know of a physician who may be suffering from impairment please contact

the PHP or encourage the physician to contact the PHP. All reports are confidential and can be made anonymously to any of the following individuals:

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Board Policies

Internet/Telephonic Prescribing

During its May 2000 meeting, the Board adopted a Statement of Position on Internet and Telephonic Prescribing. Simply stated, it is the position of the Board that: (i) it is in contravention of the Louisiana Medical Practice Act for a physician to prescribe medication, treatment or a plan of care generally if the physician has not established a physician-patient relationship; and (ii) the issuance of a prescription or order to dispense medication to individuals who are residents of or physically located in the state of Louisiana constitutes the practice of medicine and may only be undertaken by physicians licensed to practice medicine in this state.

The full text of the Board's Statement is annexed to this publication. Additional copies may be obtained by visiting our web site at www.lsbme.org

Technology Update

As mentioned in our last edition of this publication, the Board has embarked on a number of technological improvements to facilitate the application process, licensure verification and information dissemination. While we continue to develop and add to its contents, the information listed below is currently available on our web site,

www.lsbme.org

- Licensure verification
- Application forms and instructions
- The Louisiana Medical Practice Act and allied health care practice acts
- The Board's Rules
- Items designated for immediate release
- Significant addressees and telephone numbers
- Continuing education
- Publications

Comments or suggestions regarding our efforts to improve technology and service are welcomed at vbenoi@lsunc.edu.

For autoresponse for verifications, visit the Board's website www.lsbme.org **Verifications Service**. Requests for written verification of licensure may also be made by e-mail by contacting the Board at LSMBEVER@lsunc.edu