From the President

In this issue of the Newsletter we provide timely updates on rules that may affect your practice, report on progress we are making in streamlining our licensure process in the development of on-line services and highlight the Physicians Health Program. For links to the Notices of Intent and more information on the topics included in our Newsletter - check out our web site at www.lsbsme.la.gov.

We hope that you will take the time to review this information to the extent that it relates to your practice. We welcome your feedback on the topics that are presented and recommendations regarding future topics as well as legislative and/or rule making efforts, and board services. Please contact us at feedback@lsbsme.la.gov. Thanks.

Kweli Amusa MD, President LSBME

Rules – Notices of Intent

Acupuncture Detoxification Specialists April 08

A Notice of Intent to amend the Board’s Rules relating to Acupuncture was published in the Louisiana Register in April 08. The amendments provide for the certification and supervision of Acupuncture Detoxification Specialists and remove the requirement that Acupuncture Assistants be employed by physicians. The Board is accepting applications for certification in this area at this time pending final adoption of the rule. Permits will be issued when the rule is adopted. More information and the application forms may be found on our web site.

Athletic Trainers Jan 08

A Notice of Intent to amend the Board’s Rules relating to Athletic trainers was published in the Louisiana Register in January 08. The amendments eliminate the state examination and update other provisions of the Rule in keeping with current practices.

Adjudication Dec 07

A Notice of Intent to amend the Board’s Rules relating to adjudication was published in the Louisiana Register in December 07. The amendment provides for a hearing within 60 days rather than 45 days in the event of summary suspensions of licensure.

Certified Midwives Oct 07

A Notice of Intent to amend the Board’s Rules relating to Certified Midwives was published in the Louisiana Register in October 07. The amendments update a number of provisions generally, incorporate certain revised definitions and make other substantive modifications consistent with the controlling law.

Physicians Assistants: Supervision October 07

A Notice of Intent to amend the Board’s Rules relating to Physicians Assistants was published in the Louisiana Register in October 07. The proposed amendments clarify the qualifications for supervising physicians, the supervision requirements for physician assistants supervised by multiple supervising physicians, the authority and limitations of supervising physicians and the role of primary and locum tenens supervising physicians.

Physicians: Dispensing Physicians Dec 07

A Notice of Intent to amend the Board’s Rules relating to dispensing physicians was published in the Louisiana Register in December 07. The amendments update the existing rule to comply with the Louisiana Prescription Monitoring Program.

Rules – Noticed for Adoption

Pain Clinics: DHH Jan 08

Rules relating to the regulation of pain clinics were noticed for adoption by the Department of Health and Hospitals in the Louisiana Register in January 2008 pursuant to Act 488 (2005) as amended by Act 665 (2006).

A Pain Management Clinic is defined as a publicly or privately owned facility which primarily engages in the treatment of pain by prescribing narcotic medications. Primarily Engaged is defined as occurring when 51 percent or more of the patients seen on any day a clinic is in operation, are issued a narcotic prescription for the treatment of chronic non-malignant pain.
With certain exceptions each clinic shall be 100 percent owned and operated by a physician certified in the subspecialty of pain management by a member board of the American Boards of Medical Specialties. Pain Management Clinics are subject to a number of other requirements as set forth in the rules. See our web site for the details. It will be deemed unprofessional conduct for a physician to practice in a clinic that is not in conformity with these rules.

Physicians Assistants: Supervision Feb 08

Amendments to the Board’s Rules relating to Physicians Assistants were noticed for adoption in the Louisiana Register in February 08. The amendments clarify the qualifications for supervising physicians, the supervision requirements for physician assistants supervised by multiple supervising physicians, the authority and limitations of supervising physicians and the role of primary and locum tenens supervising physicians.

Physicians and Surgeons: Rural Self Referral Mar 08

Amendments to the Board’s Rules relating to self referral were noticed for adoption in the Louisiana Register in February 08 pursuant to Act 819 of the 2006 Legislature prohibiting Louisiana licensed physicians from making referrals to health care facilities located in the primary service area of a rural hospital in which the referring physician or an immediate family member owns a direct or indirect ownership interest. The Act provides relevant exceptions.

In the News

Expiration Dates for Licenses - Starting on April 1, 2008, licensees who do not renew their licenses on time will be suspended for non renewal on the date the license expires. The change in status will be posted on-line in the licensee's profile. Licenses will be reinstated with payment of the applicable late fees.

Subscribe to our News Service - Licensees and the public can subscribe to our news service and receive copies of everything that appears "In the News" on our web site when it is posted delivered automatically via RSS feeds to their desktops, email clients or mobile devices. We will limit this to news about changes in state laws or rules that affect the licensees under our jurisdiction and other noteworthy developments. Check it out on our web site.

Collaborative Drug Therapy Management Registration

The Board of Medical Examiners and the Board of Pharmacy have jointly promulgated rules that permit pharmacists and physicians to formally collaborate in the management of drug therapy for certain conditions in their patients. More information and directions with respect to the application process may be found on the LSBME web site.

Protect your patients and customers - be sure your drug and devise suppliers are licensed: The Louisiana Board of Wholesale Drug Distributors licenses and regulates drug and device wholesalers. In the ever growing market of counterfeit and adulterated drugs and devices, it is important to validate that your drug and device suppliers are properly licensed and inspected by the wholesale regulatory agencies to help protect your patients and customers from unscrupulous people that prey on the healthcare industry. The Louisiana Wholesale Drug Board maintains a website that you can use to validate that your suppliers of drugs and devices are licensed to do business in Louisiana. That website is located at www.lsbwdd.org.

If you are currently doing business with a supplier that is not listed on the website and not licensed by the Wholesale Drug Board, please contact the Board at 225-295-8567. Your participation in this process of verification will help identify, license, and protect the drug and device distribution chain that we all rely on and expect to be free from counterfeit and adulterated drugs and devices.

For more information contact John Liggio, Executive Director, Louisiana Board of Wholesale Drug Distributors, 12046 Justice Ave., Suite C, Baton Rouge, LA 70816, 225-295-8567.

LSBME launches new web site On January 23, 2008 the Board launched its new web site featuring improved navigation and content. On-line renewal for all licenses is around the corner. Check it out at www.lsbsme.la.gov. Feedback welcome at webmaster@lsbsme.la.gov

Board Orientation on-line Physicains seeking initial licensure may meet the requirement for attending a Board Orientation Program prior to their first renewal by taking the course on line if they graduated from medical school more than 10 yrs from the date of their application for licensure.

Louisiana Wants You! New web-site for emergency volunteers Louisiana is looking for a few good men and women. The Louisiana Department of Health and Hospitals - Office of Public Health recently launched its brand new volunteer management web site. LAVA, or Louisiana Volunteers in Action, is the program responsible for recruiting the Department's volunteer workforce (medical and non-medical). The LAVA web site will allow individuals to register to volunteer to help the state during health emergencies and day-to-day activities. LAVA also provides web-based emergency preparedness training to volunteers at no cost.

Louisiana learned the value of volunteers during Hurricanes Katrina and Rita. Office of Public Health - Center for Community Preparedness Director, Doris Brown says more than 8,500 volunteers helped DHH in shelters and clinics across the state. "These volunteers helped supplement the medical work force. We couldn't have gotten through these tragedies without their help." Right now the program has 2,831 volunteers on file. Interested volunteers can sign up at www.lava.dhh.louisiana.gov.

The federal government requires states to have emergency volunteer registries. LAVA is part of the federal program known as Emergency Systems for Advance Registration of Volunteer Health Professionals (ESARVHP). For more information please contact Mardrah Starks-Robinson, program manager at 225-763-3965.

Criminal Background Check Fees: The Louisiana Department of Safety and Corrections has reduced the fee for criminal background checks from $50.00 to $45.25. Money orders received after the reduction in the fee was implemented are being returned to the applicants with a request for the new (correct) amount. Licenses will be approved without delay while this is taking place with the provision that licenses may be revoked if the correct fee is not submitted timely or if the criminal background check turns up information that was not reported to the Board.

Personal Appearances: Applicants for initial licensure are no longer required to make personal appearances if they are enrolled in an ACCME approved training program (in state or out of state) at the time of their application. The Board reserves the right, however, to require a personal appearance for any reason on a case by case basis.
Disciplinary Actions

Since publication of the last Newsletter the listed administrative disciplinary orders have been entered by the Board. The charges noted are the principal statutory causes cited in the institution of administrative proceedings or in the conduct of investigations but do not necessarily represent the findings by the Board or admissions by respondent as to the respondent's culpability of such charges. Publication deadlines for the Newsletter may prevent indication here as to petitions for rehearing or proceedings for judicial review pending at the time of publication but initiated after our publication deadlines.

The final decisions, consent and other orders reported in this issue include orders entered by the Board since the last issue through March 2008. Orders and rulings entered after that date will be reported in the next Newsletter.

Solem Michael Austin, PA, Minden, No. 07-1-514. Charges—Habitual or recurring use of substances which may induce physiological or psychological dependence; inability to function as a physician assistant with reasonable skill or safety to patients; violation of rules or regulations of the Board or Physician Assistants Practice Act, La. Adm. C.46:4513A(5), (13) and (19). Disposition—Consent Order entered January 14, 2008. Physician Assistant's license placed on probation for five years subject to continuing treatment and monitoring with submission of written reports to the Board, participation in the Board's Allied Professionals Health Program, periodic announced drug screens, maintenance of abstinence from alcohol, controlled or mood-altering substances, prohibition on prescriptive authority for narcotic medications, notification to prospective employers, certification of compliance with the terms of the order and payment of probation monitoring fee.

Roy Edward Berkowitz, M.D., Slidell, No. 07-1-218. Charges—Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification or in other than a legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state; violation of any rules and regulations of the Board, or any provisions of this Part; and violation of the Board's Rules on Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain, R.S.37:1285A(6), (14), and (20), and La. Adm. C.46:6915-6923. Disposition—Consent Order entered December 10, 2007. Physician's license placed on probation for a period of three years, prohibition on the practice of pain management or holding himself out as being engaged in the treatment of the long-term management of nonmalignant chronic or intractable pain; prohibition on the ownership, interest, in operation of, contracting with, or professional association with any pain management clinic, any pain management practitioner or any pain management group; prohibition on the prescription of Schedule II-V controlled substances, or the drugs Nubain, Dalgan, Soma, Ultram or Butalbital in any form, prohibition on the performance or assistance in surgery, completion of continuing medical education, certification of compliance of probationary terms and payment of fine and probation monitoring fee.

Georgianna Tsokovas Burns, M.D., Monroe, No. 06-1-619. Charges—Continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state, R.S.37:1285A(14). Disposition—Consent Order entered December 10, 2007. Physician's license officially reprimanded. Physician's license subject to prohibition on the prescription of certain narcotic medications, specifically those containing hydrocodone, oxycodone, hydromorphone, meperidine, methadone or morphine, Board approval of practice setting and completion of continuing medical education.

Lawrence Clarence Carter, M.D., Winnboro, No. 07-1-453. Charges—Habitual or recurring abuse of drugs; including alcohol; inability to practice with reasonable skill or safety to patients, R.S. 37:1285A(3) and (25). Disposition—Consent Order entered March 17, 2008. Physician's license suspended for five months, effective July 30, 2007, with reinstatement on probation for ten years subject to continuing treatment and monitoring, participation in the Physicians' Health Foundation of Louisiana's Physicians Health Program, with the submission of written reports to the Board, periodic unannounced drug screens, maintenance of abstinence from alcohol, controlled and mood-altering substances, prohibition on the practice or ownership of, association with, or remuneration from the treatment of chronic pain or obesity, Board approval of practice setting, completion of continuing medical education and payment of probation monitoring fee.

John Russell Davis, M.D., Metairie, No. 06-1-324. Charges—Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States, R.S.37:1285A(1). Disposition—Stipulation and Agreement for Voluntary Surrender of Medical Licensure dated and accepted March 17, 2008. Voluntary surrender of license to practice medicine.

Kami Kay Dehler, L.M., Covington, No. 07-1-424. Charges—Being delinquent in any duty imposed by law; violation of the standard of practice; violation of any lawful order, rule or regulation rendered or adopted by the Board; providing care to high risk patient; improper screening; failure to have initial examination performed by physician; failure to consult the physician to ensure that the patient is a low or normal risk; failure to provide physician back-up, R.S. 37:3244 and 3251(1), (6), and (5), and La Admin.C. LAC 46:XLV.5301, 5309, 5311, 5315A, 5315.B. 5319, 5321, 5347.C. 5361.A, 5361.B, 5363.A. 5363.B. 2367A(1), (6), (15). Disposition—Consent Order entered October 15, 2007. Midwifery license suspended for a period of thirty days followed by probation for a period of one year conditioned upon strict adherence to the Board's Rules, practice supervised by a physician with written reports to the Board, and payment of probation monitoring fee.

Antonio Dessell Edwards, M.D., Plaquemine, No. 07-1-690. Charges—Providing false sworn information to the Board; unprofessional conduct, R.S. 37:1285A(4), and (13). Disposition—Consent Order entered March 17, 2008. Physician's license placed on probation for a period of one year, subject to completion of continuing medical education, certification of compliance with probationary terms, and payment of fine and probation monitoring fee.
TANDY WILSON McELWEE, JR., M.D., BOSIER CITY, No. 07-1-303. Charges—Habitual or recurring abuse of drugs or alcohol; inability to practice medicine with reasonable skill and safety to patients. R.S. 37:1285A(5) and (25). Disposition—Consent Order entered October 15, 2007. Physician's license suspended until further notice of the Board.

CHARLES DAVID MAYEUX, RRT, New Orleans, No. 06-1-076. Charges—Obtaining a license by means of misrepresentation or concealment of material facts; unprofessional conduct; violation of the code of ethics of the American Association for Respiratory Care; practicing or otherwise engaging in conduct or functions beyond the scope of respiratory care; making or submitting unfounded claims or reports for the purpose of obtaining anything of economic value. R.S. 37:3358A(1) and (2); La. Adm. C. 46:3519A(3), (17), (15) and (7). Disposition—Consent Order entered March 17, 2008. Respiratory Therapy license suspended for one year effective March 31, 2006, with reinstatement on probation subject to monitoring and therapy, the submission of written reports to the Board, completion of specified continuing education, practicing in a setting approved by the Board, with the submission of written reports to the Board, notification to prospective employers and payment of probation monitoring fee.

GARLAND DUPER MILLER, JR., M.D., ZWOLLE, No. 06-1-183. Charges—Fraud, deceit, or perjury in obtaining any diploma, license or permit pertaining to this Part. R.S.37:1285A(3). Disposition—Consent Order entered December 10, 2007. Physician's license officially reprimanded and conditioned upon compliance of minimum conditions, completion of specified continuing medical education, and payment of fine.

HERBERT LEE MUNCIE, JR., M.D., NEW ORLEANS, No. 07-1-175. Charges—Unprofessional conduct; prescribing, dispensing or administering controlled substances without medical justification or in other than a legal or legitimate manner; violation of license by licensing authority of another state (Maryland). R.S. 37:1285A(13), (6) and (29). Disposition—Consent Order entered January 14, 2008. Physician's license placed on probation for three years, subject to compliance with the terms imposed on his Maryland license by the state's board, certification of compliance with probationary terms and payment of fine and probation monitoring fee.

ROBERT FERNANDO ORDONZ, M.D., SHREVEPORT, No. 07-1-195. Charges—Habitual or recurring abuse of drugs or alcohol; inability to practice medicine with reasonable skill and safety to patients; prescribing, dispensing or administering controlled substances without medical justification or in other than a legal or legitimate manner. R.S. 37:1285A(5), (25) and (6). Disposition—Interim Consent Order entered December 10, 2007. Physician's license continued on indefinite suspension pending compliance with terms and conditions and conclusion of administrative proceedings before the Board.

JOSEPH GEORGE PASTOREK, M.D., COVINGTON, No. 07-A-005. Charges—Unprofessional conduct; prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification or in other than a legal or legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state, violation of any rules and regulations of the Board, or any provisions of this Part; and the Board's Rules on Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain. R.S.37:1285A(6), (14), and (30), and La.Adm.C.46:6915-6923. Disposition—Consent Order entered July 16, 2007. Physician's license placed on probation for a period of three years, probation on the practice of pain management or holding herself out as being engaged in the treatment of the long-term management of non-malignant chronic or intractable pain, prohibition on the ownership, interest in, operation of, contracting with, or professional association with any pain management clinic, any pain management practitioner or any pain management group, prohibition on the prescription, dispensation or administration of Schedule II-V controlled substances, or the drugs Nubain, Dilgan, Soma, Ultram or Butalbital; completion of continuing medical education, certification of compliance of probationary terms, and payment of fine and probation monitoring fee.

DAVID PAUL SAPPOGNARO, M.D., HARVEY, No. 07-A-008. Charges—Conviction of a crime or entry of a plea of guilty or nolo contendere to a criminal charge constituting a felony under the laws of Louisiana or of the United States; failure to complete the evaluation ordered by the Board. R.S. 37:1285A(1) and (30). Disposition—Opinion and Ruling dated January 31, 2008. Physician's license suspended pending completion of evaluation, further orders of the Board and payment of fine and all costs of the proceeding.

MARY CHRISTINE WEBSTER, M.D., Mandeville, No. 07-A-140. Charges—Prescribing, dispensing or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice; violation of any rules and regulations of the Board, or any provision of this Part, and violation of the Board's Rules on Controlled Substances Used in the Treatment of Noncancer-Related Chronic or Intractable Pain. R.S.37:1285A(6), (14), and (30), and La.Adm.C.46:6915-6923. Disposition—Consent Order entered March 22, 2007. Physician's license placed on probation for a period of three years, probation on the practice of pain management or holding herself out as being engaged in the treatment of the long-term management of non-malignant chronic or intractable pain, prohibition on the ownership, interest in, operation of, contracting with, or professional association with any pain management clinic, any pain management practitioner or any pain management group, prohibition on the prescription, dispensation or administration of Schedule II-V controlled substances, or the drugs Nubain, Dilgan, Soma, Ultram or Butalbital; completion of continuing medical education, certification of compliance of probationary terms, and payment of fine and probation monitoring fee.
Verification of State Licenses: Applicants for initial licensure are no longer required to submit a "Request for Verification of Licensure Status" to out of state licensing authorities on a routine basis as this is being done by LSBME electronically. A few states require licensees to request verifications directly in which case you will be notified by LSBME.

Cultural Competence: Increased cultural competence of health care providers is associated with increased trust of the system, enhanced patient satisfaction and greater compliance with treatment regimens. In order to increase the cultural competence of health care providers, the US Department of Health and Human Services has developed an online course that may be taken for CME credit. Check it out at [http://thinkculturalhealth.org/cccm/](http://thinkculturalhealth.org/cccm/).

Highlights

Physicians Health Program: Physicians often find themselves caring for others continuously, many times sacrificing their own wants and/or needs. However, physicians also need assistance at times and we want you to know that it is ok to ask for help, to not be able to solve every problem, overcome every obstacle or combat every illness by yourself. Help is available. It is the primary role of the Physicians' Health Foundation of Louisiana (PHFL) Physicians Health Program (PHP) to offer assistance to physicians who may be suffering from difficulties such as substance use issues, depression, anxiety, etc., in addition to a host of physical ailments and maladaptive behavioral patterns. The PHFL PHP also supports physicians who are in our program with their applications for hospital privileges, health plan network enrollment, malpractice insurance, disability insurance, and medical licensure.

Of noteworthy importance, the assistance offered by the PHFL PHP is confidential. For example, any physician who is experiencing a problem with substance use for which they have not been adequately treated or monitored, can access the PHFL PHP without any obligation on the part of the PHFL PHP to notify the Louisiana State Board of Medical Examiners (LSBME). There are some circumstances which the PHFL PHP is mandated to report to the LSBME. The PHFL PHP is obligated to inform when it receives information indicating a physician has diverted prescription drugs for trade or sale, information of a physician acting inappropriately with a patient (boundary violation), or a relapse. However, in all cases, the LSBME and the PHFL PHP mutually support early detection and treatment of physicians.

If you or someone you know could use the assistance of the PHFL PHP, please do not hesitate to contact us at 888-743-5747.

Board Member Profiles

Mark H. Dawson MD, MBA, Board Secretary was appointed to the Board in 2005 by Governor Kathleen Blanco. Dr. Dawson is a Family Physician, Pediatrician who has practiced in Rayne, Louisiana since 1980. He holds the position on the LSBME reserved for rural physicians.

Dr. Dawson attended LSU Baton Rouge from 1970-1973 and was accepted to LSU Medical School, New Orleans after 3 years of college. He received his medical degree from LSU Medical School New Orleans in December, 1976. His first residency was in Family Medicine at W.O. Moss Regional Hospital where he was Chief Resident his senior year. He then practiced in Rayne for 8 years in the field of Family Medicine. His second residency was in pediatrics at Earl K. Long Hospital which he completed in 1990. Dr. Dawson is board certified by both the American Board of Family Practice and the American Board of Pediatrics, having been re-certified by both recently. He is a member of the Louisiana State Medical Society, the American Academy of Family Practice, the American Academy of Pediatrics and the Louisiana Coroners Association.

Dr. Dawson continued his education by obtaining an MBA degree from LSU in 1995. His major interests are in the field of practice management. He lectures to residents and students on a regular basis on practice management topics. He holds faculty appointments and regularly teaches junior and senior students from three different medical schools: LSU School of Medicine, New Orleans, Tulane University School of Medicine, and Nova Southeastern School of Osteopathic Medicine. In 2003 he was named "Preceptor of the Year" for excellence and enthusiasm in teaching of Family Medicine by the Department of Family and Community Medicine, Tulane University School of Medicine. He also is a faculty member at the Family Medicine Residency Program at Lake Charles Memorial Hospital, an LSU program in the Department of Family Medicine.

On a personal note Dr. Dawson has been the Cornor of Acadia Parish since 1983. He and his wife, Linda, have 4 daughters and one granddaughter. His major interests include the medical education in the field of rural family medicine and rural pediatrics. He currently is the Secretary-Treasurer of the LSBME. He remains a strong advocate for rural physicians and physicians in training from rural Louisiana.

Tonya Sheppard MD was appointed to the Board in 2005. She is a graduate of Tulane University where she majored in Biomedical Engineering and where she won awards for engineering design and leadership. She graduated from LSU HSC School of Medicine in New Orleans and completed her training in Obstetrics and Gynecology at LSU HSC in New Orleans, as well, where she excelled academically and served as chief resident.

Presently Dr. Sheppard works at the Woman's Clinic of Monroe and serves as Chair of the Department of OB/GYN at Glenwood Regional Medical Center. She is a junior fellow in the American College of Obstetrics and Gynecologists and has been active in the American Medical Society as well as the Louisiana State Medical Society, the Ouachita Medical Society and the Northeast Louisiana OB/GYN Society. She has had an interest in partner violence among homeless adolescents presenting a paper in this area at the American Academy of Child and Adolescent Psychiatry in 1995. She also has had an interest in international medicine travelling to Ghana West Africa in 1998 as an extern and to China in 2006 as a member of the People to People Delegation in OB/GYN.

On a more personal note, Dr Sheppard lives in Monroe with her husband and daughter where somehow she finds time to pursue her interests in piano, aerobics, reading, and public speaking.

Work Force Trends: The physician workforce in Orleans and St Bernard Parishes continue to be well below pre-Katrina levels with significant increases to the west and north of the affected areas especially when comparing the mailing vs business addresses. More information and analysis of the physician as well as other licensee workforce trends is available on our website at [http://www.lsmbme.org/](http://www.lsmbme.org/).