

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**SEPTEMBER 20, 21, 2010
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to call of the President and lawful notice, was duly convened and called to order at 8:30 a.m., Monday, September 20, 2010, by order of the Vice-President, at the offices of the Board, 1515 Poydras Street, Suite 2700, New Orleans, Louisiana.

Board Members were present as follows:

Mark Henry Dawson, M.D, President
Robert Earl Dawson, M.D., Vice-President
Melvin G. Bourgeois, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
John Michael Burdine, M.D.
Kim Edward LeBlanc, M.D., Ph.D.
Cynthia Gail Montgomery, M.D.

The following members of the Board's staff were present:

Robert L. Marier, M.D., Executive Director
Emily Diane Eisenhauer, M.D., Assistant Director of Investigations
Thania Elliott, RN, Investigator
Grace Hammons, Program Compliance Officer Manager
Christine Holder, Program Compliance Officer III
Leslie Rye, Program Compliance Officer III
Merian Gласper, Director of Licensure
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Judge Frederick S. Ellis
Philip O. Bergeron

MINUTES OF MEETING

SEPTEMBER 20, 21, 2010

First Session

Monday, September 20, 2010

1. Minutes of August 16, 17, 2010 Meeting. The Board reviewed the minutes of its meeting of August 16, 17, 2010. On the motion of Dr. LeBlanc, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board approved the minutes of the meetings together with the executive sessions conducted during such meeting with all necessary corrections.

2. Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel. The Board noted that action items as assigned to staff and counsel from previous meetings had been completed. No further action was required or taken on this matter.

3. Rules and Regulations.

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

b. Rules/Amendments – Noticed for Intent: - **Physicians and Surgeons – Emergency Transfer of Patients:** The Board directed the development of a rule that would exempt the need for licensure of physicians and allied health care professionals, licensed in another state, who are part of a transport team providing emergency or other medical services to patients during transfer or transportation to or from a hospital in this state. A draft was presented for initial consideration and discussion during its March 2010 meeting. Following discussion, the Board decided to approve publication of a *Notice of Intent* to adopt the proposed amendments in the *Louisiana Register*. The Louisiana Fiscal Office requested some changes to the Financial and Economic Impact Statement that required some further revisions. The *Notice of Intent* appeared in the August edition of the *Louisiana Register*. **Physicians and Surgeons – Unprofessional Conduct:** The Board proposed a rule making effort to identify some of the instances which may, in its view, constitute *unprofessional conduct* and thereby provide a basis for enforcement of disciplinary action. Following due consideration and acceptance of technical changes, the Board approved publication of *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. It is anticipated that the *Notice* will appear in the September 2010 edition of the *Louisiana Register*. **Physicians and Surgeons – Combined Internship/Exception to 10 Year Rule:** The Board proposed to amend Section 311 of its rules to: (i) provide that a combined internship program which is not accredited shall be deemed to satisfy the internship requirement for licensure, provided that each program of the combined program is accredited; and (ii) consider for licensure applicants who complete a residency or fellowship within the last four years and are continuing training or practicing in their specialty, irrespective of whether or not the applicant passed the qualifying national examination within a span of ten years as is otherwise required for applicants. A draft was presented for initial consideration and discussion at its March 2010 meeting. Following discussion at its March and June 2010 meetings, the Board approved publication of *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*, which is anticipated to appear in the September 2010 edition. **Physicians and Surgeons - Reciprocity:** The Board proposed to amend Section 353 to: (i) make patent that its application of the rule limiting examination attempts (Section 387) applies equally to reciprocity applications; and (ii) allow the proposed amendment to Section 311.B, to apply equally to reciprocity applicants, e.g. those completing residency

training and continuing fellowship or practicing in their specialty need not have taken the qualifying examination for licensure within a span of ten years. Following due consideration, the Board approved publication of *Notice of Intent* to adopt the rule amendment. It is anticipated the *Notice* will appear in the September 2010 edition of the *Louisiana Register*.

c. Rules/Amendments Under Development – Respiratory Therapy - The Respiratory Therapy Advisory Committee reviewed the current rules to ascertain what modifications may be needed in light of the legislative changes to the Louisiana Respiratory Therapy Act in 2007 and provided its recommendations for review. A revised draft was received from the Committee. As soon as a final draft has been prepared, it will be presented to the Board for review and discussion. 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 is being studied. As soon as it has been refined, it will be presented to the Board for consideration. Physicians and Surgeons - Mid-Level Providers - The Board appointed a Committee to work on the development of rules for supervision, collaboration and consultation with mid-level providers. As soon as such draft is finalized, it will be presented to the Board for consideration. Clinical Laboratory Personnel – The Clinical Laboratory Advisory Committee recommended that the Board undertake the following additional rule-making efforts: (i) to adopt staff’s recommendations to include a number of causes that may give rise to the denial, suspension, or revocation of licensure; (ii) to delete Chapter 111 of its rules so that the Board may continue to handle disciplinary proceedings relative to CLP applicants/licensees as it does for all other allied health care providers; and (iii) to eliminate certification examinations CLS-G/CLS-T offered by two organizations, which in the view of the Committee, do not provide the minimum acceptable educational, clinical, employment or experience requirements requisite to licensure. The Board previously reviewed, discussed and decided to provide *Notice of Intent* to adopt items (i) and (ii) in the *Louisiana Register* and further requested and received clarification on item (iii) from the Committee. Representatives of the Board’s CLP staff and CLP Advisory Committee appeared at the March 2010 meeting to discuss the recommendations to item (iii). Following discussion, the Board authorized publication of *Notice of Intent* to adopt the proposed rule amendments in the *Louisiana Register*. Prior to publication and following discussion at the March and June 2010 meetings, the Board discussed an exemption for military personnel. Following review and discussion, upon the motion of Dr. Robert Dawson, duly seconded by Dr. LeBlanc, the Board approved and authorized publication of *Notice of Intent* without reference to an exemption for military personnel to adopt the rule amendments in the *Louisiana Register*. Physicians and Surgeons - Supervision of Unlicensed Providers - The Board directed staff/counsel to work on the development of rules for supervision of unlicensed providers of cosmetic and other medical services. As soon as a draft is finalized, it will be presented to the Board for consideration. Polysomnography - The Board received a proposed draft of new rules for polysomnographers from its Advisory Committee on Polysomnography. As soon as a final draft has been prepared, it will be presented to the Board for review and discussion. Physician Assistants – A draft of proposed amendments concerning scope of practice issues relating to physician assistants was referred to the PA Advisory Committee for input. A draft was presented to the Board for consideration at its July 2008 meeting. Suggested modifications, along with additional revisions from the Committee and staff were incorporated into a draft and considered by the Board at its August 2008 meeting. Following review and discussion, the Board approved the draft and voted to provide

Notice of Intent to adopt the rules in the *Louisiana Register*. Prior to publication, the Board granted the request of the Physician Assistant Advisory Committee and the Louisiana Association of Physician Assistants to discuss the proposed rules at its December 15, 2008 meeting. Following discussion among these parties and the Board at that time, the Board decided to withhold publication of the *Notice of Intent* and study the proposed draft further.

Midwifery - The Board directed staff to prepare an amendment to its rules to address certification of midwifery training by a national accrediting entity. **Medical Psychologists** – The Board decided to undertake a rule making effort pursuant to Act 251 of the 2009 session of the Louisiana Legislature which, among other matters, transfers medical psychologists from the Louisiana State Board of Examiners of Psychologists to the Board. Following a review of the draft rules presented for review and discussion, on the motion of Dr. LeBlanc, duly seconded by Dr. Amusa, the Board approved publication of a *Notice of Intent* to adopt the rules in the *Louisiana Register*, which should appear in the November edition of the *Louisiana Register*. **Physicians and Surgeons – Demonstration of Clinical Competency**: The Board instructed staff/counsel to work on the development of rules for demonstration of physician clinical competency for licensure reinstatement/renewal. A draft was presented to the Board for initial consideration and discussion at its April 2009 meeting. During its January 11, 2010 meeting, the Board reviewed, discussed and decided to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. **Private Radiologic Technologists**: - The Board reviewed the proposed rule amendments that move the fee schedule for private radiologist technologists from Chapter 81 to Chapter 1 and revise the training requirements needed for certification. The Board approved providing a *Notice of Intent* to adopt the rule amendment. **Physicians and Surgeons – Board Certification**: The Board directed staff/counsel to work on establishing and identifying criteria for Board Certification to be employed by the Board. Pursuant to this request, a draft was presented and discussed by the Board during its December 2009 and January 2010 meetings. A revised draft, incorporated suggested modifications was presented for discussion during its March 2010 meeting. At its June 2010, the Board received presentations from representatives of the American Board of Physician Specialties, the American Board of Medical Specialties and others on the proposed draft following which the Board advised it would take the concerns presented under advisement and defer action on the proposed rules pending further review.

[4.] Report on Pending Litigation. On the motion of Dr. Robert Dawson duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board was a party and the status of proceedings for judicial review of prior Board decisions, La. Rev. Stat. § 42:17A(2). No further action was required or taken on this matter.

[5.] Personal Appearances/Docket Calendar. On the motion of Dr. LeBlanc, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session, to review the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. 42:17 A(1), (4). No further action was required or taken on this matter.

[6.] Investigative Reports. Continuing in executive session, the Board considered the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

- a. Administrative Complaints: The following administrative complaints were approved for filing and scheduling of a formal hearing:

Docket No., 10-I-296
Docket No., 10-I-411

- b. Consent Orders: The following Consent Orders were accepted:

John Eastman Clark, M.D., Docket No., 08-I-898
Steven Bruce Bilton, CLP, Docket No., 10-I-263
Carlos Alberto Bruno, M.D., Docket No., 10-I-396
Natalie Jane Broussard, RRT, Docket No., 10-I-648
Hal David MacMurdo, M.D., Docket No., 09-I-209
Phyllis Bryan Wallo, M.D., Docket No., 07-I-746
Mary Lisa Leonard, M.D., Docket No., 09-I-067
Troy Channing Shows, OTT, Docket No., 10-I-950
Lawrence Anthony Giambelluca, M.D., Docket No., 09-I-039
Glen David Steeb, M.D., Docket No., 03-I-004
Ravish Vinay Patwardhan, M.D., Docket No., 09-I-280

7. Rules and Regulations; Office Based Surgery Rules; Personal Appearance; Gustavo A. Colon, M.D. Gustavo A. Colon, M.D., as a member of the Office Based Surgery Panel who helped implement the rules relative to Office Based Surgery, appeared before the Board to request modification of the Office Based Surgery rules to required dedication of an operating room for anesthesia. Following discussion, the Board advised Dr. Colon that they would take the matter under advisement and seek follow-up information regarding the matter.

[8.] Investigative Reports. On the motion of Dr. LeBlanc, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board re-convened in executive session to consider the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

- a. Closed: The following matters were closed with a Letter of Concern:

Docket No., 05-I-177
Docket No., 10-I-399

- b. Closed: The following matters were closed with no further action:

MINUTES OF MEETING

SEPTEMBER 20, 21, 2010

Docket No., 09-I-468

Docket No., 10-I-497

- c. Information Only: The following matters were presented for information only:

Docket No., 10-I-708

Docket No., 10-I-512

- d. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Report. No further action was required or taken on this matter.

[9.] Professional Liability Report. On the motion of Dr. Bourgeois duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the report of Dr. Eisenhower, on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

[10.] Physicians Health Committee. On the motion of Dr. Amusa, duly seconded by Dr. Montgomery and passed by unanimous voice vote, the Board convened in executive session to receive the report of Julie Alleman, M.Ed., LPC, LMFT, LAC, Administrative Director, Physicians' Health Foundation. Ms. Alleman then reported on the participates in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). No further action was taken on this matter.

[11.] General Disciplinary Matters. On the motion of Dr. Montgomery, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the requests relating to the execution or modification of a Decision and/or Consent Order as a matter relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1). Following review and discussion, the Board resumed in open session and upon motion made and passed by unanimous voice vote, took the following actions:

- a. Probation Report - The Board noted the activity report for the probation department submitted for this month.

b. Site Visits – The Board noted the report on site visits for physician assistants, supervising physicians, and those with collaborative practice agreements and discussed compliance with the rules relative to supervision of physician assistants by primary and locum tenens physicians.

- c. Johnson, James Bruce, M.D. – To provide James Bruce Johnson, M.D., with a copy of the approved treatment facilities and inform him that in accordance with the Opinion and Ruling he is expected to participate in an approved program to allow an evaluation as to his ability to practice medicine with reasonable skill and safety.

MINUTES OF MEETING

SEPTEMBER 20, 21, 2010

- d. Burns, Georgianna Tsekouras, M.D. – To approve the request of Georgianna Tsekouras Burns, M.D., to add Monroe Regional Medical Clinic as an approved work location.
- e. Supervising/Locum Tenens Physicians – To establish the policy that Board approval of more than 40 supervising/locum tenens physicians is required otherwise the licensure analyst can submit for approval, using the established policy and procedures, provided all other requirements are met.

[12.] Investigative Report; Personal Appearance; Carlos Alberto Bruno, M.D. On the motion of Dr. Amusa, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Carlos Albert Bruno, M.D., and several other licensees, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Bruno appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[13.] Investigative Report; Personal Appearance; Hal David MacMurdo, M.D. On the motion of Dr. Montgomery, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Hal David MacMurdo, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. MacMurdo appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken in this matter.

[14.] Investigative Report; Personal Appearance; Phyllis Bryan Wallo, M.D. On the motion of Dr. Bourgeois, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Phyllis Bryan Wallo, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Phyllis Bryan Wallo, M.D., appeared before the Board in connection with the acceptance of her Consent Order. No further action was required or taken on this matter.

[15.] Investigative Report; Personal Appearance; Glen David Steeb, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Glen David Steeb, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Steeb appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[16.] General Disciplinary Matters; Personal Appearance; Christine Smith, M.D. On the motion of Dr. Amusa, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Christine Smith, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Christine Smith, M.D., appeared before the Board in connection with the request for reinstatement of her license, off probation. Following her dismissal, the Board resumed in open session, and on the motion of Dr. Robert Dawson, duly seconded and passed by unanimous voice vote, approved reinstatement of the license of Christine Smith, M.D., to a full, unrestricted status, off probation.

[17.] Investigative Report; Personal Appearance; John Eastman Clark, M.D. On the motion of Dr. Bourgeois, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of John Eastman Clark, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Dr. Clark appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[18.] Investigative Report; Personal Appearance; Larry Sachihiko Sasaki, M.D. On the motion of Dr. Amusa, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Larry Sachihiko Sasaki, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Dr. Sasaki appeared before the Board in connection with the acceptance of his Consent Order approved at the July 2010 meeting. No further action was required or taken on this matter.

[19.] Investigative Report; Personal Appearance; Troy Channing Shows, OT. On the motion of Dr. LeBlanc, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Troy Channing Shows, OT, as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:6.1A(1) and (4). Mr. Shows appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[20.] Investigative Report; Personal Appearance; Lawrence Anthony Giambelluca, M.D. On the motion of Dr. Montgomery, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Lawrence Anthony Giambelluca, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Dr. Giambelluca appeared before the Board in connection with the acceptance of his Consent Order. No further action was required or taken on this matter.

[21.] General Disciplinary Matters; Personal Appearance; William Sidney Whyte, M.D. On the motion of Dr. Burdine, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of William Sidney Whyte, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat.§ 42:17A(1) and (4). Dr. Whyte, accompanied by his attorney, Don Kelly, Esq., appeared before the Board as required by the terms of the Consent Order executed with the Board dated September 17, 2007, and the request for reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session, and upon motion made and passed by unanimous voice vote, approved reinstatement of the license of Dr. Whyte to an unrestricted status, off probation, with the prohibition against the employment, retention, association or supervision of a physician assistant and registration as a supervising or collaborative physician remaining.

[22.] General Disciplinary Matters; Personal Appearance; Esam Alnajjar, CLP - Generalist. On the motion of Dr. Robert Dawson, duly seconded by Dr. Montgomery and passed by unanimous voice

vote, the Board convened in executive session, for the personal appearance of Esam Alnajjar, CLP – Generalist, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Mr. Alnajjar appeared before the Board as required by the terms of the Opinion and Ruling rendered May 28, 2007, and the request for reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session, and upon motion made and passed by unanimous voice vote, approved reinstatement of the license of Esam Alnajjar, CLP- Generalist to a full, unrestricted status, off probation.

[23.] Licensure and Certification; Other Licensure Matters; Short Term Residency Permit. On motion of Dr. Burdine, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session to consider the issuance of a short term residency permit to Tulane University for the purpose of an educational rotation of Navy Special Operation Forces Command (“Navy SOF”) physicians who are SEALs or SEALs support, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. LeBlanc, duly seconded by Dr. Robert Dawson, and passed by unanimous voice vote, the Board approved issuance of the short term residency permit for Tulane University for the training of Navy SOF physicians.

24. Rulings and Advisory Opinions; Performance of Laboratory Testing by Registered Nurses. The Board reviewed correspondence received from Michael Twardzik, Processing Laboratory Manager, The BloodCenter, requesting an advisory opinion as to whether registered nurses can perform general testing of moderate or high complexity in the clinical laboratory without direct supervision. Following review and discussion of follow-up information, it was the consensus of the Board to inform Mr. Twardzik that moderate and high complexity testing was not within the scope of practice of a registered nurse and licensure under the Clinical Laboratory Personnel Law would be required and inasmuch as the Board of Nursing had rendered an opinion contrary to the Board’s view further discussion would follow prior to any action by the Board.

25. Rulings and Advisory Opinions; Laser Business Venture. The Board reviewed the inquiry of Steven Ragusa, M.D., seeking an advisory opinion relative to his plans to form a business partnership with a non-physician to provide cosmetic services such as laser treatments, Botox, fillers, etc. wherein the physician would make medical determinations and the non-physician would handle administrative matters and asked whether this arrangement would violate any laws administered by the Board relative to the corporate practice of medicine. Following review and discussion, it was the consensus of the Board to advise Dr. Ragusa that provided the relationship between the physician and non-physician did not impair the physician’s independent medical judgment or undermine the essential elements of a physician-patient relationship, given the circumstances as presented, the arrangement did not run afoul of the Board’s Statement on the Corporate Practice of Medicine. The Board further advised that from the inquiry it appeared the laser technician would determine whether treatment should be administered which would be in violation of the Medical Practice Act for the unauthorized practice of medicine by a non-physician.

26. Rulings and Advisory Opinions; Laser for Hair Loss Prevention. The Board reviewed correspondence received from Stephen K. Conroy, Esq., Conroy Law Firm, seeking an advisory opinion as to whether the use of a Class IIIA laser to promote human hair growth/regeneration would

be considered the practice of medicine. Following review and discussion, it was the consensus of the Board to advise Mr. Conroy that the lasers for therapeutic or cosmetic purposes constitutes the practice of medicine and may only be performed or undertaken by a physician licensed to practice medicine or a non-physician acting under a physician's order and direct supervision.

27. Rulings and Advisory Opinions; Naturopathic Physician. The Board reviewed an inquiry received from David W. Lambert, Esq., Provosty, Sadler, DeLaunay, Fiorenza & Sobel, Attorneys and Counselors at Law, seeking clarification as to any restrictions of a naturopathic physician who is licensed in another state and planning to relocation to Louisiana. Following review and discussion, it was the consensus of the Board to advise Mr. Lambert that Louisiana law does not recognize or provide a mechanism for the licensure of naturopathic physicians in this state and as such a naturopathic physician who may be licensed in another state may not hold himself out as being capable of, or engage in the diagnoses, treatment or care of patients in this state.

28. Rulings and Advisory Opinions; Telemedicine Services by a Medical Psychologist. The Board reviewed the inquiry of Cary D. Rostow, Ph.D., M.P., as to whether it would be acceptable for a medical psychologist to utilize electronic transmission or telemedicine methods to examine patients entering a privately operated chemical dependency detoxification program so that medication and treatment orders could be prescribed. Following review and discussion, it was the consensus of the Board to advise Doctor Rostow that inasmuch as the law governing medical psychologists does not specifically authorize or prohibit the use of telemedicine as it does for physicians, it was the opinion of the Board that it would be inappropriate for a medical psychologist to evaluate patients, prescribe treatment or medication (particularly controlled substances) by virtue of telemedicine generally or under the circumstances described.

29. Communication and Information; Louisiana Midwives Advisory Council. The Board reviewed the communication of Sherri Daigle, Louisiana Midwives Advisory Council advising the Board that even though the Louisiana Midwives Advisory Committee to the Board had been abolished they wished to continue functioning as the Louisiana Midwives Advisory Council and asked for amendment to the midwifery rules. Following review and discussion, it was the consensus of the Board to defer action on their request and invite members of the Council to attend the next meeting of the Board to discuss their request.

30. General Administrative Matters; Financial Reports.

Financial Statement - The Board reviewed a statement on the revenue and expenses for the period ending July 31, 2010 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of July 31, 2010. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending July 31, 2010 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of July 31, 2010.

31. General Administrative Matters; Executive Director's Report. The Board received the report of the Executive Director on his activities since the last meeting of the Board. Dr. Marier shared follow-up information on the New Orleans Care Free Health Clinic Event held August 31 – September

1, 2010 at the New Orleans Convention Center along with the guidelines developed for issuance of Special Events Permits in connection with such events.

32. General Administrative Matters; Occupational Therapy Advisory Committee; Appointment. The Board reviewed the nomination made by the Kelly L. Alig, MA, LOTR, of Shantelle Suane, to the Occupational Therapy Advisory Committee, along with her Curriculum Vitae. Following discussion, on the motion of Dr. Bourgeois, duly seconded by Dr. LeBlanc, the Board approved the appointment of Ms. Suane to the Committee inasmuch as she filled the mental health proficiency for the North Shore area of the state.

[33.] Licensure and Certification; Clinical Laboratory Personnel. On the motion of Dr. Bourgeois, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competency, or physical or mental health of an applicant pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded approved the following for licensure provided all requirements had been met:

Technicians

Benson, Reginald Renee

Russak, Anna Marie

Laboratory Assistants

Chenevert, Gwendolyn Dupuy

Jackson, Ericka Marie

Phlebotomist

Campbell, Melissa Ann

[34.] Licensure and Certification; Physician Assistants. On the motion of Dr. Bourgeois, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded, and carried by majority voice vote, made the following decisions:

a. Prescriptive Authority. To approve the applicants for prescriptive authority in accordance with promulgated of the rules effective January 20, 2005 provided all requirements had been met:

1) Benoit, Michael Eric, PA – Supervising physicians: Drs. Freddy Abi-Samra, Jose Bernal-Ramirez, Robert Bober, Patrick Breaux, Tyrone Collins, Homey Dinshaw, David Elizardi, Yvonne Gilliland, Mark Grise, James Jenkins, Carl Levie, Jr., Michael Lecce, Paul Lessig, Paul McMullan, Jr., Richard Milani, Hamang Patel, Stephen Ramee, John Reilly, Gary Rich, Sangeeta Shah, Hector Ventura, Christopher White, Sammy Khatib, Onajefe Nelson-Twakor, Daniel Morin, Patrick Delaney, Jr., Rajan

MINUTES OF MEETING

SEPTEMBER 20, 21, 2010

Patel, Ramy Badawi, James Schipper, Jonathan Rapp, Sapna Desai, Stacy Mandras and Patrick Fisher, Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans.

2) Castaneda, Daisy Tahere, PA - Supervising physician: Dr. Brian Despinasse II, 8894 Airline Highway, Suite Q, Baton Rouge.

3) Chappell, Rachel Naomi, PA - Supervising physician: Dr. Tessa Hue, Ochsner Clinic Foundation, Emergency Department, 1514 Jefferson Highway, New Orleans.

4) Coleman, Thomas William, PA - Supervising physicians: Drs. Larry Parker, Kelvin Spears, Howard Rigg III, Stuart Yoas, Marcus Stokes, Anthony Pruet, Sara Kelly, Seth Womack, Marcus Brown, Angela Moreau, James Hebert and Nickles Bergeron, Natchitoches Regional Medical Center, 501 Keyser Avenue, Natchitoches.

5) Daigle, Shelly Marie, PA - Supervising physicians: Dr. Robin Dale, 16777 Medical Center Drive, Baton Rouge.

6) Deggans, Natalie Jenkins, PA – Supervising physician: Dr. Michael Crapanzano, Pediatric Cardiology Associates, 7777 Hennessy Boulevard, Baton Rouge.

7) Galante, Gaeton Robert, PA – Supervising physicians: Drs. Joanna Holton and Lori Gallaher, 3351 Masonic Drive, Alexandria.

8) Glover, Dale Beard, PA – Supervising physicians: Drs. Christopher Lege, Theodore Borgman, Joseph Brenner, Evita Currie, Daniel Bouchette, Jennifer Bertsch, Erica Brown-Jackson and Sherri Godbey, LSU Health Science Center, JPP Business Office, Bridge City Center for Youth, 3225 River Road, Bridge City.

9) Grant, Emilye Jessica, PA – Supervising physician: Dr. Abdul Moiz, Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans.

10) Hartung, Justin Lee, PA – Supervising physician: Dr. James Bellone, 13406 Airline Highway, Baton Rouge.

11) Howland, Angela Dale, PA – Supervising physician: Dr. Cary Sharp.

12) Laubscher, Whitney Buell, PA – Supervising physician: Dr. Allen Joseph, 10101 Park Rowe Avenue, Baton Rouge.

13) Ledet, Stephanie Michelle, PA – Supervising physicians: Drs. Ramy Badawi, James Schippe and Jonathan Rapp, Cardiology Center, LLC, 1111 Medical Center Boulevard, S-350, Marrero.

14) LeGrande, Catherine Crutchfield, PA – Supervising physician: Dr. William Shingleton, 9001 Summa Avenue, Baton Rouge.

15) Oberle, Jefferson Kenneth, PA – Supervising physicians: Dr. Nickles Bergeron and Thuytien Do, PEPA, 5000 Hennessey, Baton Rouge.

16) Rodriguez, Cassie Lynn, PA – Supervising physicians: Drs. Paul Rachal, Brian LeBlanc, Louis Montelaro and Carl McLemore, Jr., 230 Roberts Drive, New Roads.

17) Smith, Amy Tycer, PA – Supervising physicians: Drs. Effie Anders, Patrick Bonneval, Ronald Coe, Jennifer Crist, James Crowell III, Christiane Eisele, William Elliott III, Marci Fabre, Beverly Gladney, Robert Gruner, Richard Heflin, John Jones, Robert Limbaugh III, James Linforn, Michael Loewe, Jason Madatic, David Melton, Donna Nunnally, Pamela Payment, Eric Rowley, Keith Schwager, Todd Taylor, Monte Thames, Jr., Joseph Thomas, Jr., Kathleen Varnes and Lauren Yorek, Baton Rouge General, 3600 Florida Boulevard, Baton Rouge.

18) Sparks, Brian Wayne, PA – Supervising physicians: Drs. Charles Baxter, Deardre Chao, Mark Cimino, Andrea Lewis-Echols, Menoni Ize-Iyami, Kenneth Jones, Jr., David Nelson, Carter Quayle, Harold Paden, Jr., Gerald Stell, Daniel Umoh, Iram Zando, David Abdehou, Dirk Rainwater, Harold Tyler, Linh Huynh, Ishrat, Mirza, Sevetri Moore and Shannon Spigener, Red River Cardiovascular Surgeons, 2751 Albert Bicknell Drive, Shreveport.

19) Stephens, Leslie Catherine, PA – Supervising physicians: Drs. Freddy Abi-Samra, Jose Bernal-Ramirez, Robert Bober, Patrick Breaux, Tyrone Collins, Homey Dinshaw, David Elizardi, Yvonne Gilliland, Mark Grise, James Jenkins, Carl Levie, Jr., Michael Lecce, Paul Lessig, Paul McMullan, Jr., Richard Milani, Hamang Patel, Stephen Ramee, John Reilly, Gary Rich, Sangeeta Shah, Hector Ventura, Christopher White, Sammy Khatib, Onajefe Nelson-Twakor, Daniel Morin, Patrick Delaney, Jr., Rajan Patel, Ramy Badawi, James Schipper, Jonathan Rapp, Sapna Desai, Stacy Mandras and Patrick Fisher, Ochsner Clinic Foundation, 1514 Jefferson Highway, New Orleans.

[35.] Licensure and Certification; Occupational Therapist. On motion of Dr. Bourgeois, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Occupational Therapist

Galloway, Monica Hisano

[36.] Licensure and Certification; Polysomnography. On motion of Dr. Bourgeois, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to

consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Polysomnography Technologist

Douglas, Sylvia A.

[37.] Licensure and Certification; Podiatry. On motion of Dr. Bourgeois, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Advanced Practice – Conservative Treatment of the Ankle

Davis, Tyrone Teako

Racz, Roger Steven

[38.] Licensure and Certification; Medical Psychologist/Advanced Practice. On motion of Dr. Robert Dawson, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Medical Psychologist

Skaff- Vandenweghe Erin L.

[39.] Licensure and Certification; Physicians & Surgeons; Foreign Medical Graduates. On motion of Dr. LeBlanc, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, made the following decisions:

- a. Gadeni, Sameer Devchandbhai, M.D. – To inform waiver of the licensure requirements for Sameer Devchandbhai Gadeni, M.D., in accordance with §315 of the Board's rules inasmuch as he had been offered the position of assistant professor of clinical radiology at Louisiana State University Health Sciences Center on the tenured track.

b. Non-Routine applicants - To approve the following for licensure provided all requirements had been met:

Saharan, Raman

Voelker, Donald Joseph

[40.] Licensure and Certification; Physicians & Surgeons; U.S./Canadian Medical Graduates.

On motion of Dr. Bourgeois, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session to consider the applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote made the following decisions:

a. Mighty, Hugh Edward, M.D. – To approve waiver of the licensure requirements for Hugh Edward Mighty, M.D., in accordance with §315 of the Board’s rule inasmuch as he had been offered position of Vice Chancellor of Clinical Affairs and Professor of Obstetrics and Gynecology on the tenured track at Louisiana State University Health Science Center, Shreveport.

b. Sterling, Kerry Eric, M.D. – To approve waiver of an examination attempt for Kerry Eric Sterling, M.D., thus making him eligible for licensure provided all other requirements are met.

c. Non-Routine – To approve the non-routine applications of the following provided all requirements had been met:

Carrillo, Carol Olivia

Keenan, Brian W.

Lunn, William Wilburn II

Mitchell-Silver, Kim A.

Smelley, Christopher Lloyd

Wheeler, Keeley Wyn

[41.] Licensure and Certification; Other Licensure Matters; Fingerprint Discrepancies Report.

On motion of Dr. Amusa, duly seconded by Dr. LeBlanc and passed by unanimous voice vote, the Board convened in executive session to review the report of Cecilia Ann Mouton, M.D., Investigating Officer, on the applicants for licensure with fingerprint discrepancies as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote made the following decisions:

a. Approved – To approve the following for licensure provided all requirements had been met:

Respiratory Therapist

Sohn, Kenneth

Polysonmographer

Comeaux, Bradley S.

[42.] Licensure and Certification; Acupuncture Detoxification Specialist. On motion of Dr. Bourgeois, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application of the following as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met

Lewis, Janick Scott

[43.] Licensure and Certification; Other Licensure Matters; Dispensation Registration. On motion of Dr. Bourgeois, duly seconded by Dr. Robert Dawson and passed by unanimous voice vote, the Board convened in executive session to appeal of the Board's prior decision as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved dispensation registration for the following provided all requirements had been met:

Roy, Alphonse Kenison III, M.D.

[44.] Licensure and Certification; Other Licensure Matters; Relicensure/Reinstatement. On motion of Dr. LeBlanc, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session to consider the application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following for reinstatement/relicensure provided all requirements had been met:

Physicians and Surgeons

Mire, Danielle B.
Rittger, Kevin D.

Weed, William C.

Occupational Therapist

Johnson, Danielle

[45.] Licensure and Certification; Athletic Trainer. On motion of Dr. Bourgeois, duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board convened in executive session to consider the request of the following for a waiver of an examination attempt as a matter of the

character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, denied the request for a waiver of an examination attempt thereby making him ineligible for licensure:

Rodrigue, Matthew Charles, ATH

46. Licensure and Certification; Other Licensure Matters; Licensees for Suspension. The Board reviewed the list of licensees, who had failed to renew their licenses by August 31, 2010. No further action was required or taken on this matter.

[47.] Personal Appearances/Docket Calendar; Formal Hearing; Kevin Elihu Gorin, M.D. On the motion of Dr. LeBlanc, duly seconded by Dr. Amusa, the Board convened in executive session for review and discussion of the formal hearing in the matter of Kevin Elihu Gorin, M.D., as a matter relating to allegations of misconduct in an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act, La. Rev. Stat. § 42:171 A(4) and (10) and La.Rev. Stat. 49:951, *et. Seq.* Following the discussion, the Board resumed in open session and upon the motion of Dr. Amusa, duly seconded by Dr. LeBlanc, and passed by unanimous voice vote, rendered a decision in the matter of Kevin Elihu Gorin, M.D., and instructed Judge Ellis to prepare a written opinion and order to reflect the ruling.

[48.] Personal Appearances/Docket Calendar; Formal Hearing; Lawrence Alan Mishlove, M.D. On the motion of Dr. Burdine, duly seconded by Dr. Bourgeois, the Board convened in executive session for review and discussion of the formal hearing in the matter of Lawrence Alan Mishlove, M.D., as a matter relating to allegations of misconduct in an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act, La. Rev. Stat. § 42:17A(4) and (10) and La.Rev. Stat. 49:951, *et. Seq.* Following the discussion, the Board resumed in open session and upon the motion of Dr. Robert Dawson, duly seconded by Dr. Amusa, and passed by unanimous voice vote, rendered a decision in the matter of Lawrence Alan Mishlove, M.D., and instructed Judge Ellis to prepare a written opinion and order to reflect the ruling.

[49.] Personal Appearances/Docket Calendar; Show Cause Hearing; Charles C. Mary III, M.D. On the motion of Dr. Bourgeois, duly seconded by Dr. Amusa, the Board convened in executive session for review and discussion of the show cause hearing in the matter of Charles Callan Mary III, M.D., as a matter relating to allegations of misconduct in an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act, La. Rev. Stat. § 42:17 A(4) and (10) and La.Rev. Stat. 49:951, *et. Seq.* Following the discussion, the Board resumed in open session and upon the motion of Dr. LeBlanc, duly seconded by Dr. Amusa, and passed by unanimous voice vote, ordered that Dr. Mary comply with certain terms and conditions and instructed Judge Ellis to prepare a written order to reflect the ruling.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

SEPTEMBER 20, 21, 2010

adjourned at 4:30 p.m., to reconvene at the Board at 8:30 a.m., Tuesday, September 21, 2010.

Second Session
Tuesday, September 21, 2010

The meeting of the Louisiana State Board of Medical Examiners was reconvened at 8:30 a.m., Tuesday, September 21, 2010 at the offices of the Board with everyone in attendance except for Drs. Robert Earl Dawson, Kim Edward LeBlanc and Cynthia Gail Montgomery.

[50.] Personal Appearances/Docket Calendar; Formal Hearing; Eileen Lynch Ballard, M.D. On the motion of Dr. Amusa, duly seconded by Dr. Bourgeois and passed by unanimous voice vote, the Board convened in executive session for the purpose of a formal hearing to show cause in the matter of Eileen Lynch Ballard, M.D., as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat. § 42:17A(4) and (10) and conduct an administrative hearing as provided by the legislature in the Louisiana Administrative Procedure Act., La.Rev.Stat.49:951, et.Seq. Inasmuch as Dr. Ballard was late in arriving and requested a continuance, the panel granted her request.

51. Next Meeting of Board. The President reminded members that the next meeting of the Board was scheduled for October 18, 19, 2010 at the temporary offices of the Board, 1515 Poydras Street, Suite 2700.

I HEREBY CERTIFY that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on September 20, 21, 2010 as approved by the Board on the 18th day of October 2010.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 18th day of October 2010.

Melvin G. Bourgeois, M.D.
Secretary-Treasurer

Attest:

Mark Henry Dawson, M.D.
President