

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**DECEMBER 10, 2018
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was convened and called to order at 8:30 a.m., Monday, December 10, 2018, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Christy Lynn Valentine, M.D., President
Roderick V. Clark, M.D., Vice-President
Joseph Kerry Howell, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
Rita Y. Horton, M.D.
Lester Wayne Johnson, M.D.
Kim S. Sport, JD
James A. Taylor, Jr., M.D.
Terrie R. Thomas, M.D.

Board Member absent as follows:

Daniel K. Winstead, M.D.

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

Vincent A. Culotta, Jr., M.D., Executive Director
Lawrence H. Cresswell, DO, JD, Director of Investigations
Jennifer Stolier, Attorney, General Counsel
James H. Hritz, Compliance Counsel

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Cathy Storm, RN Compliance Officer
Leslie Rye, Compliance Investigator
Lillie Rodgers, Administrative Program Director (Investigations)
Aloma James, Director of Licensure
Kieshan Falls Williams, Administrative Program Specialist
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Philip O. Bergeron
Michael G. Bagneris (Ret)

Members of the public present as follows:

List attached

- 1. Minutes of October 15, 2018 Meeting.** The Board reviewed the minutes of its meeting held October 15, 2018. On the motion of Dr. Howell, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board approved the minutes of the meeting with all necessary corrections.
- 2. Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted the action items as assigned to staff and counsel from previous meetings.
- 3. General Administrative Matters; CE Broker, Inc., Continuing Education Tracking System.** The Board reviewed the power point presentation presented by CE Broker, Inc., on their tracking system for continuing medical education compliance. They presented information on their continuing medical education system utilized widely throughout the United States as well as in the state of Louisiana. Following review and discussion, on the motion of Dr. Howell, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved CE Broker, Inc., for all licensees continuing education tracking.
- 4. Rules and Regulations; Rules Under Development; Marijuana for Therapeutic Use by Patients Suffering from a Debilitating Condition; Personal Appearance; Charlotte Hollman, M.D., Pediatric Neurologist.** In connection with the development of rules on Marijuana for Therapeutic Use by Patients Suffering from a Debilitating Condition, Charlotte Hollman, M.D., Pediatric neurologist, was invited to appear before the Board to offer her opinion on the use of marijuana for the treatment of patients with autism spectrum disorder. Dr. Hollman informed the Board that she has practiced pediatric child neurology for 35 years and it was her opinion that there is no scientific evidence or data to support the use of CBD oil for the treatment of autism. Dr. Hollman further stated that with respect to the §1218 of the proposed rules, that

the consultation should refer to a pediatric neurologist, pediatric child psychiatrist or pediatric developmentalist for patients greater than 4 years of age.

5. Rulings and Advisory Opinions; Home Sleep Testing (“HST”). The Board reviewed follow-up information provided relative to the electronic correspondence received from Ronda Buhrmester, CRT, CFm, Director of Reimbursement, VGM Group, Inc., requesting information on the education and application of home sleep testing equipment in Louisiana. Specifically, whether the instructions with respect to HST must be in person and not via telephone or video conferencing. Following review and discussion, it was the consensus of the Board to provide Ms. Buhrmester with a copy of the Board’s previous opinion rendered earlier this year which stated that under the Polysomnography Practice Act the devices, equipment and patient instructions necessary to monitor and evaluate sleep disturbances must be performed under physician direction and supervision and given or applied in-person by appropriately trained and licensed health care providers.

6. Rulings and Advisory Opinions; Ketamine for Chronic Pain; Seth Christian, M.D. The Board reviewed the electronic correspondence received from Seth Christian, M.D., asking the Board to reconsider its advisory opinion on the “Off-Label Use of Ketamine for Chronic Pain Management”. Following review and discussion of the information provided by Dr. Christian, on the motion of Dr. Taylor, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board voted to advise Dr. Christian that inasmuch as the materials supplied with his correspondence indicated that the use of intravenous ketamine for the treatment of chronic pain remain inconclusive, the Board’ was not inclined to alter the views expressed in its October 16, 2016 opinion.

7. Communication and Information; Louisiana State Medical Society (“LSMS”); Susan M. Bankston, M.D. The Board reviewed the correspondence received from Susan M. Bankston, M.D., President, LSMS, asking the Board to develop an informational brochure or guidance to assist physicians and the public to better understand the role that physicians play with their patients, pharmacies, DEA and others when recommending therapeutic medical marijuana. The LSMS also asked the Board to provide clarification of the “in-state” limitation contained in the telemedicine rules as applied to physicians prescribing medication or other health care services to their patients who may be vacationing or temporarily outside the state. Following review and discussion, it was the consensus of the Board to advise Dr. Bankston that the Board has already developed an orientation program for physicians who wish to register with the Board to recommend therapeutic marijuana for their patients and would be willing to offer it to all physicians via the website and would welcome any specific recommendations or suggestions the LSMS had to offer. In addition, with respect to the “in-state” limitation contained in the telemedicine rules, the Board advised that it would be willing to delete the wording but cannot state with any degree of certainty the impact it would have on other states because a physician may not, as a matter of law, practice medicine outside the state in which the patient is located.

8. Communication and Information; Louisiana Board of Pharmacy. The Board noted receipt of information received from the Louisiana Board of Pharmacy advising that their Board had approved a “Guidance Information Regarding Cannabidiol (CBD) Oil document to be circulated to their licensees and asked the Board to also forward the document to its licensees. Following review and discussion, it was the consensus of the Board to forward the document in an e-mail blast to all physicians regarding this matter.

9. General Administrative Matters; President's Report. The Board received the report of its President on her activities since the last meeting of the Board. Dr. Valentine reported she had attended several meetings with legislators regarding Board matters.

10. General Administrative Matters; Executive Director's Report. The Board received the report of its Executive Director on his activities since the last meeting of the Board. Dr. Culotta reported on his various meetings, computer and digital record keeping projects, and development of the online orientation for midwives. He further advised that he had been invited to participate in the Louisiana State Medical Society's planning session on legislatively issues that may be presented in the upcoming session of the Legislature. It was the consensus of the Board to authorize Dr. Culotta's participation in the planning session for informational exchange.

11. General Administrative Matters; Guidance; Office-Based Surgery Rules. The Board reviewed the request of staff for guidance with respect to epidural steroid injections procedures performed in an office-based surgery setting. Following review and discussion, on the motion of Dr. Taylor, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board voted to amend its office-based surgery rules to address this matter.

12. General Administrative Matters; Robert Fortier-Benson, M.D.; Naturopathic Physicians. The Board reviewed the request of Robert Fortier-Benson, M.D., member of the Integrative and Complementary Medicine Advisory Committee, to make naturopaths/naturopathic physicians, a licensed separate and recognized component of the Board. Following review and discussion, it was the consensus of the Board to advise Dr. Fortier-Benson that as he is aware Louisiana law does not recognize naturopathy or provide a mechanism for licensure. A naturopathic practitioner is considered an unlicensed individual and would be in violation of the Louisiana Medical Practice Act if practicing in this state. As such, his request to recognize naturopathic physicians is beyond the authority of the Board, as it required legislative mandate and that current Louisiana law does provide a mechanism for naturopathic and other unlicensed individuals to provide certain complementary health care practices and services in this state.

13. General Administrative Matters; Lindsey Snodgrass, Practice Manager; Audubon Dermatology; Amendment to Chapter 75. The Board reviewed the request of Lindsey Snodgrass, Practice Medicine, Audubon Dermatology, asking the Board to amend Chapter 75 §7503, the Telemedicine Rules to include "Store and Forward Technology". Following review and discussion, it was the consensus of the Board to advise Ms. Snodgrass that without further clarification, it was disinclined to amend the telemedicine rules at this time inasmuch as they accommodate the transmission of relevant portions of the patient's medical records in connection with a telemedicine encounter.

14. General Administrative Matters; Development of Online Professional Courses – Allied Health Professionals. The Board reviewed the online professional courses developed for allied health professionals prepared by its Director of Education and Resources. No further action was required or taken on this matter.

15. General Administrative Matters; Controlled Dangerous Substance; Continuing Education Requirement. The Board reviewed the information prepared by staff regarding the CDS CME requirement for all prescribers in the 2019 renewal cycle. Staff informed the Board that the online renewal form included a section where the licensee must certify that he/she has

taken the three hours of Board approved CME that covers all topic areas. No further action was required or taken on this matter.

16 General Administrative Matters; Complaint Policy; Active and Prior Board Members. The Board reviewed the Policy for Complaints against Acting Board Members or Prior Board Members. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board adopted the policy as written.

17. General Administrative Matters; Professional Legal Contract; Adams and Reese, LLP. The Board noted that the professional legal contract with Adams and Reese, LLP, expired December 31, 2018. Following review and discussion, on the motion of Dr. Clark, duly seconded by Dr. Howell, and passed by unanimous voice vote of the members present, the Board authorized renewal of the contract and struck the following resolution:

WHEREAS, Adams and Reese, LLP, provides professional legal services to the Board, and serves as the Board's official legal counsel; and

WHEREAS, Adams and Reese, LLP, provides professional legal services to the Board relative to the Board's rules and regulations, legislation, Board actions, and disciplinary hearings and adjudications regarding alleged violations of rules and regulations promulgated by the Board; and

WHEREAS, Adams and Reese, LLP, appears and advises the Board at its regular and special meetings, represents the Board in formal and informal disciplinary matters, provide legal advice and assistance to the Board, provides other legal services that are required by the Board and agreed on by the parties to this agreement and represents the Board in litigation filed against or by the Board.

WHEREAS, Adams and Reese, LLP, may provide such other legal or other professional services and assistance as the Board may from time to time deem necessary or appropriate in the discharge of its responsibilities under the Act and Other Governing Laws. Such services, however, shall not include any professional legal services with respect to the defense or other representation of the Board, its members, officers, employees or agents in any suit, action or claim in tort or for worker's compensation benefits; and

WHEREAS, this resolution shall take effect immediately.

THEREFORE BE IT RESOLVED that the Louisiana State Board of Medical Examiners, pursuant to La. R.S. 42:262, does hereby retain and employ, Adams and Reese, LLP, as counsel of record; and

BE IT FURTHER RESOLVED, that this Resolution and proposed contract be submitted to the Attorney General for the State of Louisiana for approval.

18. General Administrative Matters; Financial Reports. The Board reviewed the Income Statement, for the period ending October 31, 2018. The Board also the reviewed the following:

a. 2019 Board Budget. The Board reviewed the proposed budget for 2019, which had been prepared in compliance with the Louisiana Licensing Agency Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Thomas, duly seconded by Dr. Amusa and passed by unanimous voice vote of the members present, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

b. 2019 Clinical Laboratory Personnel Budget. The Board reviewed the proposed budget for 2019, which had been prepared in compliance with the Louisiana Licensing Agency

Budget Act of 1989, for submission to the Office of the Legislative Auditor, the Legislative Fiscal Office, the Joint Legislative Committee on the Budget and the Senate and House Committees on Health and Welfare. Following review and discussion, upon the motion of Dr. Thomas, duly seconded by Dr. Amusa and passed by unanimous voice vote of the members present, the Board approved the budget as proposed. The Executive Director was instructed to send copies of the budget and notice of the approval to the aforementioned offices and committees as required by law.

19. Rules and Regulations.

- a. **Final Rules/Amendments:** None published since the last meeting of the Board.
- b. **Rules/Amendments; Noticed for Intent to Adopt: La. Uniform Prior Authorization Form:** Pursuant to Act 423 of the 2018 Regular Session of the Legislature, the Louisiana State Board of Pharmacy and the Louisiana State Board of Medical Examiners were required to jointly promulgate rules establishing a single prior drug authorization form to be used by all payors of prescription drug claims and any other entity requiring prior authorization of prescription drug claims. At a special call meeting of the Board held on July 23, 2018, a draft of the proposed rules was presented to the Board for consideration and review. Following due discussion, the Board approved a rule-making effort to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. The proposed rules appeared in the August 20, 2018 edition of the *Louisiana Register*. A public hearing for both boards to receive comments on the proposed rules was held on September 28, 2018. One commenter appeared and presented comments to supplement written comments provided to the Boards. Another commenter presented written comments prior to the close of the comment period. The Board reviewed the comments along with the hearing transcript. At its October 2018 meeting. Following review and discussion at that meeting, the Board voted to adopt the rules in the same form as previously noticed by and upon publication in the *Louisiana Register*. It is anticipated that the final rules will appear in the December 2018 edition of the *Louisiana Register*, thereby concluding this rule-making effort.
- c. **Rules/Amendments Under Development: Physician Compounding Medication:** At its December 2014 and January 2015 meetings, the Board reviewed Emergency Rules adopted by the Louisiana Board of Pharmacy to reflect certain changes in federal law concerning compounded medication. Following review and discussion, the Board elected to undertake a rulemaking effort as to physicians who compound medication in order to insure consistency with federal and state law and regulations. A draft will be presented for initial review and consideration in due course. **Physician Advertising; Board Certification:** At its March 2015 meeting, the Board determined to undertake a rulemaking effort to establish a process for its approval of certifying boards, alternative to the ABMS and AOA, for purposes of physician advertising of *Board Certification*. The Board directed that a draft be prepared and presented for review and approval. In conformity with the Board's direction, a draft was presented for initial review and discussion at the April 2015 meeting. At its May 2015 meeting, the Board approved publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. An additional word change was discussed and pre-notice input was received from interested parties. Following review and discussion, the Board elected to defer this effort to allow further consideration and input by other stakeholders. Inasmuch as further input had not been received, it was the consensus of the Board to write to several interested parties to ask for their input by the May meeting of the Board. During the May 2016 meeting, the Board reviewed the additional information

submitted by the various stakeholders and entertained brief presentations by interested parties. Following discussion, the Board voted to defer action on this rule-making effort pending further review and voted to designate a Special Committee consisting of individuals recommended by the deans of the state's medical schools and a former Board member, to provide information on the processes involved in the accreditation of physician post-graduate training. During its January 2017 meeting, the Board received the committee's input. Following discussion, the Board requested certain changes to the draft previously appearing on its agenda, along with additional information for its consideration. Following further discussion and consideration at its April 2017 meeting, the Board voted to provide *Notice of Intent* to adopt Draft 2(A). During the March 2018 meeting, the Board determined to defer moving forward to the next step of the rulemaking process until it had an opportunity to further explore and consider all other available options, as well as the outcome of a bill introduced in this session of the Louisiana Legislature that would remove its jurisdiction to act in this matter (See SB 186). **Physicians; Licensure:** Amendments to the physician licensure rules as suggested by staff was presented for initial review and discussion to update generally for consistency with current standards and make other substantive and technical modifications made necessary by the passage of time and current practices. Following review and discussion at its January 2018 meeting, the Board suggested proceeding slowly with the proposed changes to consider how such changes may affect other Sections of the rules. In the interim, the Board approved moving forward with the suggested amendment to §417B to clarify that a renewal reminder would be mailed to licensees in lieu of an actual application. **Acupuncture:** Pursuant to the Board's request, a rulemaking effort commenced to amend the acupuncture rules, to accommodate several changes in the law resulting from Act 93 (HB 421, Rep. Leger) of the 2018 Regular Session of the Legislature. In conformity with Act 93, the proposed changes: (i) update the licensure qualifications for acupuncturists; (ii) remove the requirement that acupuncturists have a relationship with a referral physician, who practices at a physical practice location in this state, for referrals and any follow-up care which may be necessary; and (iii) make associated or necessary changes to the rules. Staff and Counsel developed a draft that was reviewed by the Acupuncture Advisory Committee ("Committee"). The Committee offered additional changes with respect to CME for licensure renewal that was incorporated into a revised draft that was presented for review by the Board. Following review at its October 2018 meeting, the Board approved providing *Notice of Intent* to adopt the amendments. It is anticipated that said *Notice* will appear in the December 2018 edition of the *Louisiana Register*. **Genetic Counselors:** Pursuant to the Board's request, a rulemaking effort commenced to develop rules for Genetic Counselors, to accommodate the new law contained in Act 593 (HB 753, Rep. Stokes) of the 2018 Regular Session of the Legislature, which established this category of health care providers under the Board's jurisdiction. Staff and counsel developed a draft of set rules and forwarded the draft to the Genetic Counselors Advisory Committee for review. The Committee approved the draft and requested additional changes relative to CME renewal. At its October 2018 meeting, the Board approved providing a *Notice of Intent* to adopt the new rules. It is anticipated that said *Notice* will appear in the December 2018 edition of the *Louisiana Register*. **Physician Assistants:** Pursuant to the Board's request, a rulemaking effort was commenced to accommodate several changes in the law resulting from Act 475 (SB 528, Sen. LaFleur) of the 2018 Regular Session of the Legislature. The advisory committee reviewed a draft set of rules. In conformity with the law, the proposed changes: (i) increase from 4 to 8 the number of PAs for whom a physician may serve as the primary supervising physician; (ii) restate and clarify the physician assistant qualifications for PA prescriptive

authority previously contained in the law; (iii) remove any qualifications for PA prescriptive authority other than those set forth in Act 475; and (iv) make associated or necessary changes to the rules. In addition, because PAs are the only category of providers licensed by the Board whose rules do not contain a penalty for late renewal/reinstatement, the proposed changes include such a penalty. The Committee approved the draft rules. Following review and discussion, at its October 2018 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. It is anticipated that said *Notice* will appear in the December 2018 edition of the *Louisiana Register*. **Physicians; Complaints and Investigations:** – Pursuant to the Board’s request, a rulemaking effort is being commenced to conform its rules on complaints and investigations to various changes in the law resulting from Act 599 (HB 778, Rep. K. Jackson) of the 2018 Regular Session of the Legislature. A draft was presented for initial review and consideration. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to provide a preview draft to various stakeholders prior to providing *Notice of Intent* to adopt the amendments. Following review of the draft rules, a motion was made by Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote to move forward with the rules and provide *Notice of Intent* in the next issue of the *Louisiana Register*. **Therapeutic Marijuana:** Pursuant to the Board’s request, a rulemaking effort has been commenced to accommodate several changes in the law resulting from Acts 496 (HB 627, Rep. Lyons) and 708 (HB 579, Rep. James) of the 2018 Regular Session of the Legislature. In conformity with the law, the proposed changes: (i) add various conditions to the definition of a *debilitating medical condition*, for which therapeutic marijuana may be recommended by a physician; and (ii) clarifies two provisions in conformity with the Board’s prior advice (e.g., 7705A.5, 7714A.4). The draft also highlighted several provisions that were the subject of a request for rule making, which the Board denied/deferred pending the conclusion of the 2018 legislative session. During the September 2018 meeting, the Board reviewed the proposed amendments and gave consideration to the items noted in a request for rulemaking. Following discussion and comment from numerous members of the public, the Board voted to adopt a number of proposed amendments including (i) to include post-traumatic stress disorder and chronic/intractable pain as debilitating medical conditions, given their addition to the law by Act 709 of the 2018 Regular Session of the Legislature (7705A) See: definition of *Debilitating Medical Condition*; (ii) eliminate the 100 patient limit (impose no limit) on the number of patients for whom a physician registered with the Board may recommend therapeutic marijuana (7707A.2, 7709B.); (iii) remove the requirement that the physician re-examine the patient at intervals not to exceed 90 days and instead leave the frequency of follow-up examinations to the judgment of the treating physician (7717A.6); adopt other changes made necessary for conformity with the law and consistency with prior Board advice. Given that requirement of the law that defines a recommendation for therapeutic marijuana to be an “order from a physician...authorized by the Board to recommend medical marijuana that is patient-specific and disease-specific”, the Board did not modify the rule requirements relative to form, amount, dosage and instruction for use (7721A.4: 7729D). In addition, the Board suggested additional amendments to the rules for conditions associated with autism spectrum disorder (Act 496 of the 2018 Regular Session) for review. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to defer providing *Notice of Intent* to adopt the amendments until it had further opportunity to consider and explore the amendment to certain new definitions made necessary by Act 496. At the October 2018 meeting the Board reviewed a revised draft that included revised definitions for the terms “consult or consultation” and “pediatric subspecialist”. The Board reviewed the request for clarification

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with respect to “physical practice location” under the definition of “Bona-Fide Physician-Patient Relationship. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board authorized clarification to include another location identified by the physician in his/her registration. In furtherance of the development of the rules several stakeholders addressed the Board.¹

Physician; Fellowship Training Permit: Pursuant to the Board’s request, a rulemaking effort has been undertaken to amend its rules to provide for a short-term training permit that would accommodate fellowship training that is not accredited by the ACGME, that is offered by a Louisiana medical school or major teaching hospital with an underlying ACGME accredited residency training program in the same specialty as the fellowship. The Board reviewed a draft of the rules presented for review and discussion.

20. Public Comments. The President asked if anyone from the public had questions and/or any further comments. Hearing none the public session concluded.

[21.] Minutes of October 15, 2018 Executive Sessions. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of October 15, 2018. Following review and discussion, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of October 15, 2018 with any necessary corrections.

[22.] Personal Appearances/Docket Calendar. On the motion of Dr. Howell, duly seconded by Dr. Thomas, 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.

[23.] Report on Pending Litigation. On the motion of Dr. Johnson, duly seconded by Dr. Howell, 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.

[24.] Healthcare Professionals’ Foundation of Louisiana; Personal Appearance; James David Hammond, M.D., Medical Director. On the motion of Dr. Amusa, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session to receive the report of James David Hammond, M.D., Medical Director, on the participants 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 required or taken on this matter.

[25.] Investigative Reports. On the motion of Dr. Horton, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session, to consider the

¹ Ms. Kathy Kastleberry, Mr. Jacob Irving and Dr. Susan Bankston addressed the Board regarding the issue of a subspecialist for the treatment of autism.

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investigative reports as a matter 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. On the motion of Dr. Clark, duly seconded by Dr. Ms. Sport and passed by unanimous voice vote, the Board made the following decisions:

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

Barry Michael Levet, M.D., Docket No., 17-I-455
Robert David Lesser, M.D., Docket No., 16-I-342²
Norma J. Thomas, CLP, Docket No., 18-I-687

[26.] Investigative Matters; Personal Appearance; Barry Michael Levet, M.D. On the motion of Dr. Clark, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Barry Michael Levet, 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. Levet appeared before the Board in connection with the acceptance of his Consent Order.

[27.] Investigative Matters; Personal Appearance; Norma J. Thomas, CLP. On the motion of Dr. Johnson, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Norma J. Thomas, CLP, 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). Ms. Thomas appeared before the Board in connection with the acceptance of her Consent Order.

[28.] Investigative Matters; Personal Appearance; Robert David Lesser, M.D.³ On the motion of Dr. Amusa, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Robert David Lesser, 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. Lesser appeared before the Board in connection with the acceptance of his Consent Order.

[29.] General Disciplinary Matters; Personal Appearance; Walter Wright Ellis, M.D.⁴ On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Walter Wright Ellis, M.D., concerning 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). Dr. Ellis appeared before the Board in connection with his request for reinstatement of his license. Following his dismissal, the Board resumed in open session. On the motion of Dr. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board approved the request of Dr. Ellis for reinstatement of his license to a full, unrestricted status, off probation.

² Drs. Valentine and Howell recused themselves from any and all participation in discussion and/or consideration of this matter.

³ Drs. Valentine and Howell recused themselves from any and all participation in discussion and/or consideration of this matter.

⁴ Dr. Valentine recused herself from any and all participation in discussion and/or consideration of this matter.

[30.] General Disciplinary Matters; Personal Appearance; Calvin Edward Williams, M.D.⁵

On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Calvin Edward Williams, M.D., concerning 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). Dr. Williams appeared before the Board in connection with his request for modification of the terms of his Consent Order dated December 27, 2016. Following his dismissal, the Board resumed in open session. It was the consensus of the Board to defer action on his request pending receipt of additional information.

[31.] General Disciplinary Matters; Personal Appearance; Brian Allan Heise, M.D.

On the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session for the personal appearance of Brian Allan Heise, M.D., concerning 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). Dr. Heise appeared before the Board in connection with his request for reinstatement of his license. Following his dismissal, the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board approved the request of Dr. Heise for reinstatement of his license to a full, unrestricted status, off probation.

[32.] General Disciplinary Matters; Personal Appearance; Ronald Dane Sylvest, M.D.⁶

On the motion of Dr. Horton, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Ronald Dane Sylvest, M.D., concerning 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). Dr. Sylvest appeared before the Board in connection with his request for reinstatement of his license. Following his dismissal, the Board resumed in open session. On the motion of Dr. Amusa, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the request of Dr. Sylvest for reinstatement of his license to a full, unrestricted status, off probation.

[33.] General Disciplinary Matters; Personal Appearance; Ira Pincus Markowitz, M.D.

On the motion of Dr. Howell, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Ira Pincus Markowitz, M.D., concerning 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). Dr. Markowitz appeared before the Board in connection with his request for acceptance of his work in an MRT Therapy Program as satisfying continuing medical education ("CME") credits. Following his dismissal, the Board resumed in open session. On the motion of Dr. Amusa, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved the acceptance of his program for 10 hours of CME credit.

[34.] Investigative Reports. On the motion of Dr. Horton, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as a matter 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

⁵ Drs. Valentine and Howell recused themselves from any and all participation in discussion and/or consideration of this matter.

⁶ Dr. Thomas recused herself from any and all participation in discussion and/or consideration of this matter.

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discussion the Board resumed in open session. On the motion of Dr. Horton, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board made the following decisions:

- a. Administrative Complaint: The following Administrative Complaint was accepted and approved for scheduling of a formal hearing and pre-trial conference:

Docket No., 17-I-018

- b. Administrative Complaint Dismissed: The following Motions to Dismiss Administrative Complaints Without Prejudice were accepted:

Docket No., 17-A-004

Docket No., 16-A-011

- c. Interim Actions: The Board approved the Interim Actions handled by the President:

Docket No., 18-I-560

Docket No., 18-I-774

- d. Formal Investigations: The Board approved commencing formal investigations in the following matters:

Investigation No., 18-I-918

Investigation No., 17-I-096

Investigation No., 18-I-778

Investigation No., 18-I-492

- e. Formal Investigations: The Board approved an extension of 180 days to commence a formal investigation in the following matters:

Investigation No., 18-238

Investigation No., 18-338

Investigation No., 18-663

Investigation No., 18-655

Investigation No., 18-642

Investigation No., 18-681

Investigation No., 18-743

Investigation No., 18-505

Investigation No., 18-584

Investigation No., 18-158

Investigation No., 18-332

Investigation No., 18-809

Investigation No., 18-764

Investigation No., 18-750

Investigation No., 18-715

Investigation No., 18-768

Investigation No., 18-786

Investigation No., 18-787

Investigation No., 18-788

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Investigation No., 18-615
Investigation No., 18-638
Investigation No., 18-808
Investigation No., 18-834
Investigation No., 18-809
Investigation No., 18-869
Investigation No., 18-766
Investigation No., 18-658
Investigation No., 18-698
Investigation No., 18-521
Investigation No., 18-513
Investigation No., 18-868
Investigation No., 17-819
Investigation No., 18-846
Investigation No., 18-839
Investigation No., 18-849
Investigation No., 17-280
Investigation No., 18-940
Investigation No., 18-594

f. Closed/Dismissed: The following matters were closed/dismissed:

File No., 18-I-705
File No., 18-I-855
File No., 17-I-963
File No., 17-I-316
File No., 15-I-800
File No., 18-I-265
File No., 17-I-346
File No., 18-810
File No., 18-I-828

g. Closed/Dismissed: The following matters were closed/dismissed with a Letter of Concern:

File No., 18-I-371
File No., 18-I-238
File No., 17-I-697
File No., 17-I-981
File No., 17-I-714
File No., 17-I-697
File No., 18-I-807
File No., 17-I-595
File No., 18-I-523
File No., 17-I-690
File No., 18-I-402
File No., 18-I-757
File No., 16-I-444
File No., 18-I-427

h. Unauthorized Practice of Medicine: The following matter was approved to seek a legal injunction to cease the activity of the unlicensed practitioner:

File No., 18-I-137

i. Summary Suspension: The following Order Recalling Summary Suspension was accepted:

Docket No., 16-I-466

j. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of October and November 2018.

[35.] Personal Appearance/Docket Calendar; Formal Hearing; Victor Tabi Enoh, M.D. On the motion of Dr. Horton, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session for review of the Opinion and Order rendered in the matter of Victor Tabi Enoh, M.D., as a matter relating to the allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat§42:17A(4) and (10) following the conclusion of an administrative hearing as provided by the Legislature in the Louisiana Administrative Procedure Act, La.Rev.Stat.49:951, et.Seq. No further action was required or taken on this matter.

[36.] Professional Liability Report. On the motion of Dr. Amusa, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session to consider the report 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.

[37.] General Disciplinary Matters. On the motion of Dr. Johnson, duly seconded by Dr. Taylor, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and upon the motion of Dr. Clark, duly seconded by Dr. Johnson and passed by unanimous voice vote, made the following decisions:

a. Sampey, Carmen Hebert CLP. – To approve the request of Carmen Hebert Sampey, CLP, for reinstatement of her license to a full, unrestricted status, off probation in accordance with the terms of her Consent Order dated July 20, 2015.

b. Ganji, Pramela Rani, M.D. – To approve the request of Pramela Rani Ganji, M.D., for reinstatement of her license to a full, unrestricted status.

c. Leleux, Patrick Dale, M.D.⁷- To approve the request of Patrick Dale Leleux, M.D., for modification of the terms of his Consent Order dated September 17, 2018.

⁷ Dr. Howell recused himself from any and all participation in discussion and/or consideration of this matter.

d. Craig, Bruce Lane, M.D., M.D. – To approve the request of Bruce Lane Craig, M.D. for reinstatement of his license to an unrestricted status, off probation.

[38.] Licensure and Certification; Clinical Laboratory Personnel. On the motion of Dr. Clark, duly seconded by Dr. Howel, 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 on the motion of Ms. Sport, duly seconded by Dr. Howell and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Laboratory Assistant

Branch, Krishell

Technician

Gunby, Susan

[39.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. On the motion of Dr. Taylor, duly seconded by Dr. Johnson 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 on the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, made the following decisions:

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

Collette, Jeremy Charles
De La Riva, Juan Antonio
Facco, Raymond Joseph
Hahn, David Kiesub
Heaney, Jiselle Bock

Kalanithi, Suman
Mantle, Belinda Anne
Pruett, Wesley Carlyle
Samuels, Todd Louis
Spell, Andrew Grayson

b. Deferred – To defer action on the applications of the following pending receipt of additional information:

Rodriguez, Francisco, Bernando IV

Sanabria, Guillermo

[40.] Licensure and Certification; Physicians and Surgeons; Foreign/International Medical Graduates. On the motion of Dr. Clark, duly seconded by Dr. Thomas 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 on the motion of Dr. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

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Cho, Parina

Mata, Marie De Las Nieves

[41.] General Administrative Matters; Request for Exception; Medications Used in the Treatment of Obesity. On the motion of Dr. Clark duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session to consider the request for an exception to the Board's rules on Medications Used in the Treatment of Obesity, pursuant to La.Rev.Stat. 42:17A(10) as a matter of dealing with the privacy of the patient, pursuant to the HIPAA Privacy Rule. Following review and discussion, the Board resumed in open session and on the motion of Dr. Howell, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board voted to deny the request for an exception to the Board's rules on obesity.

42. General Administrative Matters; Potential Legislation 2019. The Board reviewed list of potential legislation for the 2019 legislative session. No further action was required or taken on this matter.

43. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for January 14, 15, 2019.

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 December 10, 2018 and approved by the Board on the 14th day of January, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 14th day of January 2019.

Joseph Kerry Howell, M.D.
Secretary-Treasurer

Attest:

Christy Lynn Valentine, M.D.
President