

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**JUNE 11, 2018
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, June 11, 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
Mark Henry Dawson, M.D.
Lester Wayne Johnson, M.D.
Daniel K. Winstead, M.D.

Board Member absent as follows:

Kweli J. Amusa, M.D.

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

Vincent A. Culotta, Jr., M.D., Executive Director
Trenton L. James II, M.D., Interim Director of Investigations
Jennifer Stolie, Attorney, General Counsel
Lesley Rye, RN, Compliance Investigator
Cathy Storm, RN, Compliance Investigator
Lillie Rodgers, Investigations Manager
Aloma James, Licensing Analyst Supervisor
Kieshan Falls Williams, Administrative Program Specialist

Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

Philip O. Bergeron
Michael G. Bagneris (Ret)

Member of the public present as follows:

Lauren Bailey, Louisiana State Medical Society
Richard Thompson

- 1. Minutes of May 14, 2018 Meeting.** The Board reviewed the minutes of its meeting held May 14, 2018. On the motion of Dr. Winstead, duly seconded by Dr. Howell 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. Rulings and Advisory Opinions; Physician Compounding.** The Board reviewed the request from Stephanie Sabillon seeking clarification with respect to physician compounding of sterile products without the presence of a pharmacist. Following review and discussion, it was the consensus of the Board to defer action pending research relative to prior opinions.
- 4. Communications and Information; Federation of State Medical Boards (“FSMB”) Report; Physician Wellness and Burnout.** The Board reviewed the FSMB’s Report and Recommendations of the Workgroup on Physician Wellness and Burnout adopted as policy April 2018. Following review and discussion, on the motion of Dr. Clark, duly seconded by Dr. Dawson, and passed by unanimous voice vote, the Board asked that this matter be forwarded to all licensees and asked staff for subsequent reflections on this matter.
- 5. 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 introduced Trenton L. James II, M.D., former Board member, as Interim Director of Investigations and reported on her attendance at the statewide conference of the Louisiana Medical Association.
- 6. 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 the conclusion of the legislative session as well as personnel matters.
- 7. General Administrative Matters; CME Course for CDS Requirement.** The Board reviewed the request received from Charles W. Hilton, M.D., Associate Dean for Academic Affairs,

LSU School of Medicine – New Orleans for approval of CME CDS training activities that will satisfy the requirements of Act 76 of the Louisiana Legislature as well as the Board's rules. Following review and discussion, on the motion of Dr. Dawson, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board approved the LSU CME CDS training activities for LSU physicians.

8. General Administrative Matters; Financial Reports. The Board reviewed the Income Statement, for the first four months of 2018. No further action was required or taken on this matter.

9. General Administrative Matters; Draft *Newsletter*. The Board reviewed the draft Newsletter. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Dawson, the Board approved the *Newsletter* for dissemination by electronic correspondence.

10. Rules and Regulations.

- a. **Final Rules/Amendments:** None since the last meeting of the Board.
- b. **Rules/Amendments:** Nonce since the last meeting of the Board.
- 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 at the next meeting of the Board. **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** - 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 in order to fully 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.

[11.] General Administrative Matters; Personnel Matters; Interview. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board convened in executive session for a personnel matter pursuant to La.Rev.Stat. 42:17A(3). No further action was taken or required on this matter at this time.

12. Rulings and Advisory Opinions; Private Radiologic Technologist Training. The Board reviewed the request from Lyn S. Savoie, Attorney seeking an advisory opinion as to whether a private radiologic technologist ("PRT") can participate in the training of a private radiologic technologist trainee without conflicting with the licensing regulations issued by the Louisiana State Radiologic Technology Board of Examiners. Following review and discussion, noting the view expressed by the LSRTBE, it was the consensus of the Board to inform Ms. Savoie that even though it was acceptable according to the Board's rules, it could not change the opinion expressed by the LSRTBE. The Board in the interim would inform the LSRTBE that it would be willing to issue a permit to those PRT performing such training if this was acceptable to them.

13. Legislative Matters; 2018 Proposed Legislation. The Board reviewed the list of legislation that passed during the 2018 Legislative Session affecting the Board. Following review and discussion, the Board thanked staff for their hard work during this legislative session.

14. Public Comments. The President asked if anyone from the public had questions and/or comments. Hearing none, the public session of the meeting ended.

[15.] Minutes of May 14, 2018 Executive Sessions. On the motion of Dr. Howell, duly seconded by Dr. Dawson 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 May 14, 2018. Following review and discussion, the Board resumed in open session and on the motion of Dr. Howell, duly seconded by Dr. Dawson and passed by unanimous voice vote, approved the minutes of the executive sessions conducted during its meeting of May 14, 2018 with any necessary corrections.

[16.] Healthcare Professionals' Foundation of Louisiana; Personal Appearance; James David Hammond, M.D., Medical Director. On the motion of Dr. Johnson, duly seconded by Dr.

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Dawson and passed by unanimous voice vote, the Board convened in executive session to receive the report of James David Hammond, M.D., Medical Director, relating to physician health and well-being 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). No further action was required or taken on this matter.

[17.] Report on Pending Litigation. On the motion of Dr. Winstead, duly seconded by Dr. Johnson, 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).

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

[19.] Investigative Reports. On the motion of Dr. Howell, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative report 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. Dawson, duly seconded by Dr. Howell and passed by majority voice vote¹, the Board made the following decisions:

- a. Consent Order: The following Consent Order was rejected:

Victor Tabi Enoh, M.D., Docket No., 18-I-080²

- b. Consent Order: The following Consent Order was accepted:

William Paul Hudson, M.D., Docket No., 18-I-111

[20.] Investigative Report; Personal Appearance; Victor Tabi Enoh, M.D. On the motion of Dr. Johnson, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Victor Tabi Enoh, 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. Enoh appeared before the Board in connection with the proposed Consent Order.

[21.] Investigative Report; Personal Appearance; William Paul Hudson, M.D. On the motion of Dr. Howell, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of William Paul Hudson, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a

¹ Dr. Valentine was opposed to the motion.

² Dr. Clark recused himself from any and all participation in discussion and/or consideration of this matter.

licensee, La .Rev. Stat.§ 42:17A(1) and (4). Dr. Hudson appeared before the Board in connection with the acceptance of his Consent Order.

[22.] General Disciplinary Matters; Personal Appearance; Norman Neal, M.D. On the motion of Dr. Clark, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Norman Neal, 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. Neal appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session. On the motion of Dr. Dawson, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved reinstatement of the license of Dr. Neal to a full, unrestricted status, off probation.

[23.] General Disciplinary Matters; Personal Appearance; Richard Edward Sabatier, M.D. On the motion of Dr. Johnson, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Richard Edward Sabatier, 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. Sabatier appeared before the Board in connection with his request for early reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session. On the motion of Dr. Dawson, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved reinstatement of the license of Dr. Sabatier to a full, unrestricted status, off probation.

[24.] General Disciplinary Matters; Personal Appearance; Richard Colon-Ortiz, M.D. On the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Richard Colon-Ortiz, 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. Colon-Ortiz appeared before the Board in connection with his request for modification of the terms of his Consent Order. Dr. Colon-Ortiz requested reinstatement of his prescribing privileges and ability to collaborate with mid-level providers. Following his dismissal, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board approved the modifications of the terms of his Consent Order in accordance with his request.

[25.] General Disciplinary Matters; Personal Appearance; Glen David Steeb, M.D. On the motion of Dr. Clark, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Glen David Steeb, 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. Steeb appeared before the Board in connection with his request for reinstatement of his suspended license. Following his dismissal, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board deferred action on his request pending receipt of additional information.

[26.] General Disciplinary Matters; Personal Appearance; Kevin Wayne Young, M.D. On the motion of Dr. Clark, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Kevin Wayne Young, 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. Young appeared before the Board in connection with his request for reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session. On the motion of Dr. Dawson, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved reinstatement of the license of Dr. Young to a full, unrestricted status, off probation.

[27.] Investigative Reports. On the motion of Dr. Dawson, duly seconded by Dr. Winstead, and passed by unanimous voice vote, the Board 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. On the motion of Dr. Winstead, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board approved the following:

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

Docket No., 17-I-204
Docket No., 18-I-249

- b. Interim Actions: The Board approved the following Interim Actions that had been handled by the President:

Docket No., 17-I-241
Docket No., 18-I-183

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

Investigation No., 18-I-177
Investigation No., 18-I-248
Investigation No., 18-I-307
Investigation No., 18-I-089³

- d. Formal Investigations: The Board approved an extension of three months to commence a formal investigation in the following matters:

Investigation No., 18-I-042
Investigation No., 18-I-001
Investigation No., 17-I-943

³ Dr. Valentine recused herself from any and all participation in discussion and/or consideration of this matter.

Investigation No., 18-I-029⁴
Investigation No., 17-I-885
Investigation No., 17-I-989
Investigation No., 17-I-838
Investigation No., 17-I-978

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

Docket No., 16-I-927
Docket No., 16-I-926

f. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of May 2018.

[28.] Professional Liability Report. On the motion of Dr. Howell, duly seconded by Dr. Clark 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.

[29.] General Disciplinary Matters. On the motion of Dr. Johnson, duly seconded by Dr. Howell, 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. Howell, duly seconded by Dr. Winstead and passed by unanimous voice vote, made the following decision:

Office-Based Surgery Report – To approve the site visits for the proposed physicians selected by a random number generator.

[30.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates. 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 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. Johnson, duly seconded by Dr. Howell and passed by unanimous voice vote, approved the following for licensure provided all requirements had been met:

Heller, Adam Lee

Stone, Christopher Durant

[31.] Licensure and Certification; Foreign/International Medical Graduates. On the motion of Dr. Dawson, duly seconded Dr. Clark and passed by unanimous voice vote, the Board

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

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 the review, the Board resumed in open session. On the motion of Dr. Dawson, 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:

Duhon, Gregory
Galitsky, Anthony

Garib Gurrea, George

b. Approved – To approve the waiver of the licensure requirements for the following in accordance with §315 of the Board's rules:

Asarkar, Ameya Ajit

[32.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates; Training Permits. On the motion of Dr. Winstead, duly seconded by Dr. Dawson and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for issuance of a training permit 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 Dr. Howell and passed by unanimous voice vote made the following decisions:

a. Approved – To approve the following for issuance of a training permit provided all requirements had been met:

Dhaliwal, Amardeep Singh, M.D.

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

LeGare, Timothy Baynard, M.D.

[33.] Licensure and Certification; Physicians and Surgeons; Foreign/International Medical Graduates; Training Permits. On the motion of Dr. Howell, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for issuance of a training permit 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 Dr. Howell and passed by unanimous voice vote made the following decisions approved the following for issuance of a training permit provided all requirements had been met:

Domangue, Beau Fabacher
Jennings, Marcus Darrell

Singer, Rachel Judith

34. Licensure and Certification; Other Licensure Matters; Short-Term Residency Training Program; Ochsner Health System. The Board reviewed the request for approval of a short-term residency training program from Jorge C. Garces, M.D., Program Director, Transplant Nephrologist, Kidney & Kidney/Pancreas Transportation Program, Ochsner Health System. The purpose of the course is to train transplant nephrology fellowship candidates in the care of kidney, kidney pancreas and other solid organ recipients with chronic kidney disease. Following review and discussion, upon motion of Dr. Clark, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board approved the short-term residency training program.

35. General Administrative Matters; CME Course for CDS Requirement. On the motion of Dr. Dawson, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board elected to take up an item of new business, a request received from Kristin H. Tschirn, MS, CHCP, Director, Continuing Medical Education, Ochsner Health System for approval of a CME CDS training course that will satisfy the requirements of Act 76 of the Louisiana Legislature as well as the Board's rules. Following review and discussion, on the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the CME CDS training course for Ochsner Health System.

[36.] General Administrative Matters; Personnel Matters. On the motion of Dr. Dawson, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board convened in executive session to discuss issues relating to personnel matters pursuant to La.Rev.Stat. 42:17A(3). Following review and discussion, the Board resumed in open session and on the motion of Dr. Johnson, duly seconded by Dr. Howell, the Board voted to create a Subcommittee to develop a policy and/or procedure regarding this personnel matter.

37. Next Meeting of Board. The President reminded the members that the next meeting of the Board was scheduled for July 16, 17, 2018.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 5:30 p.m., on Monday, June 11, 2018.

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 June 11, 2018 and approved by the Board on the 16th day of July, 2018.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 16th day of July 2018.

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Joseph Kerry Howell, M.D.
Secretary-Treasurer

Attest:

Christy Lynn Valentine, M.D.
President