

# **THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

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## **MINUTES OF MEETING**

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**AUGUST 5, 2020  
NEW ORLEANS, LOUISIANA**

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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., Wednesday August 5, 2020, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana. The Board members participated via live streaming video and teleconferencing.

Board Members present as follows:

Roderick V. Clark, M.D., President  
Lester Wayne Johnson, M.D., Vice President  
Terrie R. Thomas, M.D., Secretary-Treasurer  
Rita Y. Horton, M.D.  
Patrick K. O'Neill, M.D.  
Kim S. Sport, JD  
James A. Taylor, Jr., M.D.  
Christy Lynn Valentine, M.D.  
Leonard Weather, Jr., M.D.  
Lolie C. Yu, M.D.

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

Vincent A. Culotta, Jr., M.D., Executive Director  
Denise Businelle, Deputy Executive Director  
Lawrence H. Cresswell, DO, JD, Director of Investigations  
Princess Dennar  
Alan W. Phillips, IT Director  
Mary K. Peyton, Esq., General Counsel  
Thadra C. White, Esq., Compliance Counsel  
Jacintha Duthu, Executive Staff Officer

Legal counsel to the Board was present as follows:

Judge Michael G. Bagneris (Ret)

Legal Counsel – Attorney General's Office

Patricia Wilton – detailed as General Counsel to the Agency  
Lauryn Sudduth – detailed as General Counsel to the Agency

**1. Welcome.** Dr. Clark welcomed everyone to the meeting and asked for a moment of silence for the COVID-19 victims and all healthcare workers. Further, Dr. Clark verified the identity of all tele and video conference participants and he ensured the meeting was clear and audible to the public and those on the tele and videoconference. He did a special introduction and recognition to our guests, Attorney General Jeff Landry, and Senator Katrina Jackson.

**2. Mission Statement.** Vincent A. Culotta, Jr., M.D., Executive Director, read the mission statement of the Board.

**3. Administrative Matters; Discussion Panel; Executive Director Job Description;** Dr. Clark advised the Board that they would be discussing the previously extracted items from the Executive Director's proposed Job Description, section B, numbers 6, 7, 8, 9, 10, 14, 15, and 25, and asked for a two minute limit per item number. On the motion of Dr. Taylor, duly seconded by Dr. Horton and passed by unanimous voice vote, the motion passed to limit the debate of each number to two minutes.

**a. #6 Have such powers and duties as specified by law under La. R.S. 36:803(4), to employ, appoint, assign, supervise and promote all employees in accordance with applicable civil service laws, rules and regulations, except with respect to the Director of Investigations (DOI), who shall serve at the pleasure of the Board.** On the motion of Ms. Sport, duly seconded by Dr. Horton, to accept number 6, a discussion ensued, and an amendment to combine numbers 6 and 7 for clarity, was motioned by Dr. Taylor and duly seconded by Dr. Yu, and passed by unanimous voice vote. On the motion of Ms. Sport and duly seconded by Dr. Horton and passed by unanimous voice vote, numbers 6 and 7 are combined to become number 6, and accepted is as is, to wit:

#6 Have such powers and duties as specified by law under La. R.S. 36:803(4), to employ, appoint, assign, supervise and promote all employees in accordance with applicable civil service laws, rules and regulations, except with respect to the Director of Investigations (DOI), who shall serve at the pleasure of the Board. The Executive Director shall coordinate with the DOI regarding the employment, appointment, assignment, supervision and promotion of all investigative staff employees delegated to the Executive Director in accordance with La. R.S. 36:803(A)), applicable civil service laws, rules and regulations, with differences to be resolved by the Board;

**b. #7 Coordinate with the DOI regarding the employment, appointment, assignment, supervision and promotion of all investigative staff employees delegated to the Executive Director in accordance with La. R.S. 36:803(A)), applicable civil service laws, rules and regulations, with differences to be resolved by the Board.** On the motion of Ms.

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Sport and duly seconded by Dr. Horton and passed by unanimous voice vote, numbers 6 and 7 are combined to become number 6, and is accepted as is, see above.

**c. #8 Consult with the DOI regarding the general status/progress of investigations and matters to be included on the Board's agenda or scheduled for administrative hearings; however, the Executive Director shall not serve as an investigator on any complaint received or initiated by the Board with respect to a physician, in accordance with LAC 46:XLV §8315 & §9707, nor seek in any way to influence the conduct or outcome of any such investigation;** On the motion of Dr. Thomas, and duly seconded by Dr. Weather, and passed by unanimous voice vote, The Board will remove the language prior to the semicolon in number 8 and begin the sentence with "The Executive." The Board also agreed to create another number under section B of the job description to satisfy the language being removed from number 8. A Secondary motion by Dr. Valentine and duly seconded by Dr. O'Neil, and passed by a voice vote of 9 yeas and 1 abstention from, the motion passes to change the word "physician" in number 8 to "licensee." On the motion of Dr. O'Neill, and duly seconded by Dr. Weather, and passed by a voice vote of 9 yeas and 1 abstention from Dr. Yu, the amended language of what was originally listed as number 8 of the Executive Director's job description is accepted, to wit:

#7 The Executive Director shall not serve as an investigator on any complaint received or initiated by the Board with respect to a licensee, in accordance with LAC 46:XLV §8315 & §9707, nor seek in any way to influence the conduct or outcome of any such investigation;

**d. #9 Develop and implement policies to receive and process license applications/renewals and to transfer license applications/renewals to the investigations department as may be necessary or required by law.** On the motion of Dr. Valentine and duly seconded by Dr. Horton, and passed by a unanimous voice vote, the Board accepts number 9 as is, to wit:

#9 Develop and implement policies to receive and process license applications/renewals and to transfer license applications/renewals to the investigations department as may be necessary or required by law;

**e. #10 Draft and submit a staffing plan/organizational chart, which complies with Louisiana law and rules and Board resolutions, to the Board for its approval as staff are added and at the Board's discretion, displaying each employee in relation to each other and the following departments: executive, legal, licensing, operations/accounting, and investigations.** On the motion of Ms. Sport and duly seconded by Dr. Weather and passed by a unanimous voice vote, the Board accepts number 10 as is, to wit:

#10 Draft and submit a staffing plan/organizational chart, which complies with Louisiana law and rules and Board resolutions, to the Board for its approval as staff are added and at the Board's discretion, displaying each employee in relation to each other and the following departments: executive, legal, licensing, operations/accounting, and investigations.

**f. #14 Supervise all accounting and fiscal operations of the LSBME;** On the motion of Dr. Valentine, and duly seconded by Dr. Thomas, and passed by a voice vote of 6 yeas, and 4 nays, a discussion ensued to defer numbers 14 and 15 until Civil Service can determine that by keeping both 14 and 15 in the Executive Director's job description does not adversely affect any other employee. On another motion by Dr. Taylor, and duly seconded by Dr. Weather, and passed by a voice vote of 8 yeas 2 nays from Dr. Thomas, and Dr. Valentine, a discussion ensued to change number 14 to "Exercise fiduciary responsibility of all financial and fiscal operations of the LSBME." On the original motion of Dr. Valentine and duly seconded by Dr. Thomas, and a voice vote of 6 yeas to 4 nays from Dr. You, Dr. Clark, Ms. Sport, and Dr. Taylor, The Board has deferred approving numbers 14 and 15 until reviewed by Civil Service, with the current proposed language stating:

#14. Exercise fiduciary responsibility for fiscal and financial matters of the LSBME;

#15. Supervise the preparation of the LSBME's budget for Board review and approval;.

**g. #15 Supervise the preparation of the LSBME's budget for Board review and approval;** On the motion of Dr. Valentine, and duly seconded by Dr. Thomas, and passed by a voice vote of 6 yeas, and 4 nays from Dr. You, Dr. Clark, Ms. Sport, and Dr. Taylor, The Board deferred number 15 until review by Civil Service, with the current draft stated above.

**h. # 25 Employ contract employees subject to approval by the Board and delegate to subordinate staff the performance of any duties included herein unless otherwise directed by law, rules or the Board;** On the motion of Dr. Valentine and duly seconded by Dr. Weather, to change 25 to "Employ contract employees subject to approval by the Board and delegate to subordinate staff in collaboration with their managers, when possible, the performance of any duties included herein unless otherwise directed by law, rules or the Board," and a voice vote of 6 nays, 3 yeas, and 1 abstention, the motion fails. On a Secondary motion by Dr. Thomas and duly seconded by Dr. Taylor, and passed by a unanimous voice vote, The Board agreed to change "subordinate" to "agency." On the Motion of Dr. Thomas, and duly seconded by Dr. Horton, and a voice vote of 9 yeas and 1 nay from Dr. Valentine, Number 25 is approved, as is, only changing the word "subordinate" to "agency," to wit:

#25 Employ contract employees subject to approval by the Board and delegate to agency staff the performance of any duties included herein unless otherwise directed by law, rules or the Board;

**i. New number addition replacing previous number 8, (after combination of numbers 6 and 7));** On the motion of Dr. Taylor and duly seconded by Dr. O'Neill, and passed by unanimous voice vote, the Board agreed to the following language to be inserted where number 8 had been:

# 8 Communicate with the DOI regarding any investigative matters to be included on the Board's agenda or scheduled for administrative hearings.

**4. Administrative Matters; Assistant Director of Investigations Contract;** On the motion of Dr. Valentine, and duly seconded by Dr. Johnson, and passed by unanimous voice vote, The

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Board accepted the Assistant Director of Investigations contract with terms unchanged, other than from a three year contract to a one year contract, authorizing a resolution with regard to same.

**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 August 5, 2020 and approved by the Board on the 24<sup>th</sup> day of August 2020.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 24<sup>th</sup> day of August 2020.

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Terrie Roselyn Thomas, M.D.  
Secretary-Treasurer

Attest:

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Roderick Vince Clark, M.D., MBA  
President