

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**APRIL 27, 2020
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, April 27, 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
Terri R. Thomas, M.D., Secretary-Treasurer
Rita Y. Horton, M.D.
Lester Wayne Johnson, 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.

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
Mary K. Peyton, Esq., General Counsel
Thadra C. White, Esq., Compliance Counsel
Leslie Rye, Compliance Investigator
Carol Chauvin, Compliance Investigator
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Executive Staff Officer

Legal counsel to the Board was present as follows:

Philip O. Bergeron
Don K. McKinney

1. **Welcome.** Dr. Clark welcomed everyone to the meeting and expressed gratitude for all healthcare providers, first responders and everyone handling the COVID-19 pandemic.
2. **Mission Statement.** Mr. Matthew Cook, Licensing Analyst, read the mission statement of the Board.
3. **General Administrative Matters; Concern About Board Member Comments; Addition of Agenda Item.** The Board noted that a technical correction was necessary regarding this matter. On the motion of Ms. Sport, duly seconded by Dr. Taylor and passed by unanimous roll call vote, the Board moved to ratify the addition of the personnel matter involving Board Member Comments to the agenda of the February 17, 2020 meeting.
4. **General Administrative Matters; Concern About Board Member Comments; Discussion in Executive Session.** The Board noted that a technical correction was necessary regarding this matter. On the motion of Ms. Sport, duly seconded by Dr. Weather and passed by unanimous roll call vote, the Board moved to ratify the addition of the personnel matter concerning Board Member comments in Executive Session of the February 17, 2020 meeting agenda.
5. **General Administrative Matters; Concern About Board Member Comments; Board's Decision.** The Board noted that a technical correction was necessary regarding this matter. On the motion of Dr. Taylor, duly seconded by Dr. O'Neill and passed by unanimous roll call vote, the Board moved to ratify the Board's decision to have counsel make recommendations to the Executive Director to identify and retain a third party to investigate the concerns expressed by Dr. Cresswell.
6. **Minutes of February 17, March 30, April 2, April 6, 9am, April 6, 6 pm, and April 8, 2020 Meetings.** The Board reviewed the minutes of its meetings held February 17, March 30, April 2, April 6, 9am, April 6, 6pm, and April 8, 2020. On the motion of Dr. Weather, duly seconded by Ms. Sport and passed by unanimous roll call vote, the Board approved the minutes of the meetings with any necessary corrections.
7. **Rulings and Advisory Opinions; Physician Assistant; Scope of Practice; Employment of Supervising Physician as an Independent Contractor; Second-Request.** The Board reviewed the draft response to the second request received from Jonathan D. Stokes, Esq., Gold Weems, seeking an exception to La. Rev. 1508(A)(3) the employment of a supervising physician by a physician assistant. Mr. Stokes presented a modified operating and independent contractor agreement for consideration. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Horton and passed by unanimous roll call vote, the Board approved the draft correspondence for dissemination to Mr. Stokes stating the second request did not adequately address the concerns raised in the first response and, furthermore, would require

more involvement by the Board in the operation of business affairs of his client not contemplated or acceptable to the Board and did not include input from the supervising physician.

8. Rulings and Advisory Opinions; Delegation to Unlicensed Allied Health Professionals. The Board reviewed the draft communication prepared in reply to the electronic correspondence received from Anne Todd, LPN asking for an advisory opinion on whether it is appropriate for physicians, nurse practitioners, or physician assistants to delegate IVs and IV related tasks, including IV pushes to unlicensed allied health personnel, such as medical assistants. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Valentine and passed by unanimous roll call vote, the Board approved the response that the law does not extend the authority to PAs to delegate the performance of medical services to unlicensed individuals and that unlicensed professionals may function only under the direct and immediate supervision of a Louisiana licensed physician, or a Louisiana licensed allied health care provider whose scope of licensure may include starting (or pushing) an IV, or an unlicensed individual who functions solely under a Louisiana licensed physician's direction and immediate personal supervision—*i.e.*, where the physician is physically present in the office or suite *at all times*.

9. Rulings and Advisory Opinions; Telemedicine Buprenorphine Clinic. The Board reviewed the draft response to the inquiry received from Christopher Rodgman, M.D., asking whether Louisiana law and/or the rules of the Board allow for a DATA waived physician working in conjunction with a nurse practitioner to operate a telemedicine buprenorphine clinic. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Valentine and passed by unanimous roll call vote, the Board approved the draft response stating that as long as the cited laws and rules are observed, a physician providing medicated assisted treatment with buprenorphine for opioid use disorder, in a clinic established in accordance with the HHS Example, would not be inconsistent with the law or rules administered by the Board. It was noted that the advice was subject to the Board's COVID-19 Guidance posted on the website regarding in-person visits.

10. Rulings and Advisory Opinions; Departure of Physician from a Medical Practice. The Board reviewed electronic correspondence received from Stewart Cayton, M.D., asking for an advisory opinion regarding compliance with the Board's Statement of Position: Medical Records of Physician Upon Departure From a Group/Practice and the obligation to notify the patients that a physician is leaving. Following review and discussion, it was the consensus of the Board to draft correspondence for the next meeting of the Board informing Dr. Cayton that it is the responsibility of the departing physician to provide notification to his patients of his departure along with the Statement of Position as contained on the Board's website.

11. General Administrative Matters; President's Report. The Board received the report of its President on his activities since the last meeting of the Board. Dr. Clark thanks the Governor, Jon Bel Edwards, Steve Russo, Esq., Executive Counsel, Louisiana Department of Health, Jimmy Guidry, M.D., State Health Officer, Jeff Landry, Attorney General, Board members and staff for their hard work during the COVID-19 pandemic.

12. General Administrative Matters; Executive Director's Report. The Board reviewed the report of its Executive Director on his activities since the last meeting of the Board. No further action was required or taken on this matter.

13. General Administrative Matters; Clinical Laboratory Personnel Advisory Committee; Removal of Appointee. The Board noted that one of the appointees to the Clinical Laboratory Advisory Committee had not been an active participant in the past two years. It was the recommendation of the CLPAC to remove this appointee from the Committee. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Taylor, the Board approved the removal of the appointee in the CLS-Technician position.

14. General Administrative Matters; Occupational Therapy Advisory Committee; Appointments. The Board reviewed the list of nominees for appointment to the Occupational Therapy Advisory Committee. Following review and discussion, on the motion of Dr. Thomas, duly seconded by Ms. Sport and approved by unanimous voice vote, the Board approved the following appointments: Amy S. Yarbrough, Michelle Allison, Carolyn Murphy, Brenda Martin, and Leslie Clement.

15. General Administrative Matters; Financial Reports. The Board reviewed the Income Statement and Cash Balance Summary for the 1st quarter ending March 31, 2020 along with that of the Clinical Laboratory Personnel Account. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Valentine, and passed by unanimous voice vote, the Board approved the Financial Reports submitted for the 1st quarter ending March 31, 2020.

16. Rules and Regulations.

a. **Final Rules/Amendments: Physicians; Complaints and Investigations:** – Pursuant to the Board's request, a rulemaking effort 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 a report that there had been no negative feedback from the various stakeholders, at its December 2018 meeting, the Board voted to provide *Notice of Intent*. At the request of the President, the rule effort was delayed until the March 2019 meeting to provide the Board the opportunity to consider a new rule on the assessment of fees in administrative disciplinary proceedings. During the June 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the originally proposed amendments in the *Louisiana Register* and give further consideration to the rule on assessment of costs. The proposed changes were transmitted to and approved by the Louisiana Occupational Review Commission. *Notice of Intent* appeared in the December 20, 2019 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, a public hearing was not requested and no written comments were received during the comment period. Notice was subsequently submitted to the LORC and a final report was transmitted for legislative oversight. The rule amendments were promulgated by and became effective upon publication in the March 20, 2020 edition of the *Louisiana Register*.

Physician Practice; Therapeutic Marijuana: Act 284 (2019 Regular Session), amended state law governing medical marijuana in a manner that impacts the Board's existing rules in several respects e.g., removes the: (i) requirement for annual reporting by the Board to the legislature as to any additional diseases or conditions that should be added or removed from the list of debilitating conditions; (ii) requirement that a physician utilize *step therapy or fail first* protocols; and (iii) physician domiciliary requirement for a physician to recommend marijuana. At its August 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. The proposed changes were transmitted to and approved by the Louisiana Occupational Review Commission at its meeting of October 30, 2019. The *Notice of Intent* appeared in the December 20, 2019 edition of the *Louisiana Register*. Technical errors by the *Louisiana Register* resulted in a republication of the *Notice of Intent* with an Editor's Note of explanation in the January 2020 edition of the *Register*. Following publication of the *Notice of Intent*, a public hearing was not requested and no written comments were received during the comment period. Notice was subsequently submitted to the LORC and a final report was transmitted for legislative oversight. The rule amendments were promulgated by and became effective upon publication in the March 20, 2020 edition of the *Louisiana Register*.

b. Rules/Amendments; Noticed for Intent to Adopt: Physician Licensure; Waiver of Qualifications: The Board was asked to extend the waiver of licensure qualifications (currently limited by §§315 and 327) to applicants appointed by a medical school to a full-time position at a rank of assistant professor or above) to applicants who will be full-time employees of a *major teaching hospital* as defined by the rules. Among proposed amendments to various other sections of the rules (e.g., §§311, 323, 361 and 363), the request also includes a suggested definition for *major teaching hospital* as one which is a sponsor of at least four approved residency programs two of which are in certain specialties. A working draft of the proposed amendments was presented for initial review and discussion. At its February 17, 2020 meeting, the Board voted to provide *Notice of Intent* to amend its rules to extend a waiver of licensure qualifications. The *Notice of Intent* did not appear in the April edition of the *Louisiana Register*, but is anticipated to appear in the May edition.

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. It was noted at its February 17, 2020 meeting, that an advisory opinion on *Physician Compounding* is on the website. Following discussion, it was the consensus of the Board to leave the advisory opinion on its website in lieu of proceeding with a rule-making effort on this topic. **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 the 2018 Legislative session that would remove the Board's 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. Note: This rule amendment to §417B was incorporated into the rule-making effort on Waiver of Qualifications. (See Rules Noticed for Intent to Adopt. **Physicians; Complaints and Investigations; Assessment of Costs:** During its June 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the originally proposed amendments in the *Louisiana Register* and to give consideration to a rule on assessment of costs. The draft remains under consideration by the Board. **Petitions for Rulemaking:** A rule for the form for petitions for adoption, amendment or repeal of a rule, and the procedure for their submission, consideration and disposition remains under consideration. Following further consideration and discussion during the February 17, 2020 meeting, the Board determined to provide *Notice of Intent* to adopt the proposed rules in the *Louisiana Register*. The proposed rules were transmitted to the Louisiana Occupational Review Commission and are anticipated to be considered at the Commission's next meeting. **Physician Licensure; International Medical Graduates (IMGs):** The Board was asked to conform the requirements for post-graduate training (PGY) for international medical graduates (IMGs) with those applicable to US graduates, provided the applicant graduated from an approved medical school. Currently, IMGs are required to complete three years of PGY training in an accredited medical residency training program prior to licensure eligibility. U.S. medical graduates are required to complete 2 years of PGY accredited training or one (1) year with a commitment from the program for PGY-2 training with demonstration of completion of PGY-2 training as a condition to licensure renewal. Among other items, the request includes revising the criteria for approving foreign medical schools (e.g., treating them on

par with U.S. Schools), which are accredited by some combination of the World Health Organization, the Accreditation Commission on Colleges of Medicine (ACCM), the National Committee on Foreign Medical Education and Accreditation (NCFMEA) and the Education Commission on Foreign Medical Graduates (ECFMG). A working draft of the proposed amendments was presented for the Board's initial review and consideration. Following review and discussion, it was the consensus of the Board to solicit input from the medical schools and other interested stakeholders prior to proceeding any further. **Physician Licensure; Continuing Medical Education:** On the motion of Dr. Howell, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board voted to defer action on the request to amend its continuing medical education ("CME") rules for all categories of licensees (starting first with physicians) to utilize an electronic reporting service for tracking and reporting CME hours. Notices will be sent at periodic intervals of the number of CME hours completed/required. A physician who does not satisfy the annual CME requirement will be ineligible for licensure renewal. A draft of the amendments was presented for review and discussion following which on the motion of Ms. Sport, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board voted to provide *Notice of Intent* to adopt the rule amendment in the next edition of the *Louisiana Register*. **Podiatry; Performance of History and Physicals:** Noting that a uniform podiatry 3 year postgraduate training program was implemented throughout all podiatry schools in 2013, the Board's Podiatry Advisory Committee has suggested a change in the current rules (1307G) to provide that licensed advanced practice podiatrists with 2 or more years of postgraduate training, may independently perform a complete history and physical ("H&P") on patients for the purpose of preoperative evaluation before podiatric procedure. The Committee also suggested that all licensed advanced practice podiatrists may independently perform a complete H&P for IRB approved podiatry research. The Committee appends its suggestions with the notes that (i) the H&P is done for evaluation and diagnosis only and (ii) there is no financial gain by the performance of H&Ps. At its February 17, 2020 meeting, the Board voted to provide a *Notice of Intent* to adopt the proposed rule amendments in the *Louisiana Register*. **Complaints and Investigations ("C&I"):** In conformity with recommendations of the LLA, the Board directed the development of: (i) criteria for determining whether to issue public or non-public actions; and (ii) guidance to provide a framework to guide future disciplinary dispositions. Draft rules were compiled to address such criteria and guidance and were attached for consideration. Following review and discussion, it was the consensus of the Board to study the matter further before proceeding.

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

[18] Minutes of Executive Sessions. On the motion of Dr. Weather, duly seconded by Dr. 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 February 17, 2020, March 30, 2020, April 2, 2020, and both sessions of April 6, 2020. Following review and discussion, the Board resumed in open session. On the motion of Dr. O'Neill, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meetings of February 17, 2020, March 30, 2020, April 2, 2020 and both the morning and evening sessions of April 6, 2020.

[19.] Report on Pending Litigation. On the motion of Dr. Valentine, duly seconded by Dr. Weather 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.

[20.] Personal Appearances/Docket Calendar. On the motion of Dr. Horton, duly seconded by Dr. O'Neill, 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.

[21.] Investigative Reports. On the motion of Dr. Thomas, duly seconded by Dr. Horton, 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 discussion the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Valentine 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., 19-I-738

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

Docket No., 19-I-712
Docket No., 20-I-026

Docket No., 20-I-107
Docket No., 19-I-738

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

Investigation No., 19-1146
Investigation No., 20-197
Investigation No., 19-I-360

Investigation No., 19-I-955
Investigation No., 20-248

- d. Preliminary Review: The Board approved the request to commence preliminary review in the following matter:

Investigation No., 20-358

- e. Preliminary Review Extension: The Board noted that all preliminary reviews have been extended until the end of the COVID-19 crisis.

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

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Anil Prasad, M.D., Docket No., 19-I-302
 Emile Willard Legendre, M.D., Docket No.: 19-I-776
 Michael B. Beason, PA, Docket No., 19-I-423)¹
 Padmini Nagaraj, M.D., (Docket No., 19-I-510
 Nancy Wendy Hendrix, M.D., Docket No., 18-I-661

g. Closed/Dismissed: The following matters were approved for closure/dismissal:

Investigation No., 19-897	Investigation No., 19-036
Investigation No., 19-618	Investigation No., 20-272
Investigation No., 19-539	Investigation No., 20-I-167
Investigation No., 18-1011 ²	Investigation No., 20-166
Investigation No., 19-701	Investigation No., 20-297
Investigation No., 19-131	Investigation No., 18-178
Investigation No., 19-1051	Investigation No., 20-180
Investigation No., 19-657	Investigation No., 20-194
Investigation No., 19-511	Investigation No., 19-1102
Investigation No., 19-789 ³	Investigation No., 20-251
Investigation No., 19-073	Investigation No., 20-214
Investigation No., 19-1066	Investigation No., 19-196
Investigation No., 20-080	Investigation No., 19-227 ⁴
Investigation No., 20-161	Investigation No., 19-999
Investigation No., 20-116	Investigation No., 20-I-212
Investigation No., 18-I-135	

h. Closed/Dismissed: The following matters recommended for closure/dismissal were rejected:

Investigation No., 18-513	Investigation No., 19-909
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i. Closed/Dismissed: The following matters recommended for closure/dismissal with a Letter of Concern were accepted:

Investigation No., 19-I-278	Investigation No., 19-I-912
Investigation No., 20-I-034	Investigation No., 19-I-837
Investigation No., 20-006	Investigation No., 20-198

j. Closed/Dismissed: The following matters recommended for closure/dismissal with a Letter of Concern were rejected:

Investigation No., 18-I-916	Investigation No., 19-886
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- 1 Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter.
 2 Dr. Thomas recused herself from any and all participation in discussion and/or consideration of this matter.
 3 Dr. O'Neill recused himself from any and all participation in discussion and/or consideration of this matter.
 4 Dr. Thomas recused herself from any and all participation in discussion and/or consideration of this matter.

- k. Closed Complaints Cases: The Board reviewed the Closed Complaint Case Report for the month of March 2020.

[22.] Professional Liability Report. On the motion of Dr. Weather, duly seconded by Dr. Horton 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 this matter.

[23.] General Disciplinary Matters. On the motion of Ms. Sport, duly seconded by Dr. Johnson, 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. Valentine, duly seconded by Ms. Sport and passed by unanimous voice vote, made the following decisions:

- a. Patel, Mitul Natu, M.D. – To approve the request of Mitul Natu Patel, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- b. Runnels, Kyle Kristin, M.D.⁵ – To approve the request of Kyle Kristin Runnels, M.D., for reinstatement of his license to a full, unrestricted status, off probation.
- c. McCain, John David, M.D.⁶ – To deny the request of John David McCain, M.D., for reinstatement of his license off probation.
- d. Morris, Gerald Charles, M.D. – To approve the practice site location as requested by Gerald Charles Morris, M.D.

[24.] Licensure and Certification; Midwifery; Vaginal Birth after Cesarean Section (“VBAC”). On the motion of Dr. Thomas, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board convened in executive session to consider the request for an exception to the midwifery rules regarding VBAC as a matter of the character, professional competence, or physical or mental health of a patient, pursuant to La.Rev.Stat. 42:17A(1),(4) and (5). Following review and discussion, on the motion of Dr. Valentine, duly seconded by Dr. Weather, and passed by unanimous voice vote, the Board voted to deny the request and place a statement on the website stating that the Board’s rules regarding VBAC had not changed.

[25.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduate. On the motion of Dr. Thomas, duly seconded by Dr. Taylor and passed by unanimous

⁵ Dr. Horton recused herself from any and all participation in discussion and/or consideration of this matter.

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

voice vote, the Board convened in executive session to consider the non-routine request for an alternate option to demonstrate competency other than passage of the SPEX examination, 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. Horton, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board voted to deny the request of the following and advise that he should seek further treatment before he re-takes the SPEX examination:

Levet, Barry

[26.] General Administrative Matters; Investigative Matter; Recusal of Director of Investigation. On the motion of Dr. Valentine, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session to consider the report of investigation, 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 Ms. Sport, duly seconded by Dr. Valentine and passed by unanimous roll call vote, the Board approved seeking a past Board member or Executive Director to handle the following investigative matter:

18-778

[27.] Licensure and Certification; Respiratory Therapist. On the motion of Ms. Sport, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session, to consider a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Following the discussion, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved the request of the following for a waiver of an examination attempt in accordance with the recommendations of the Respiratory Therapy Advisory Committee:

Crosby, Bekah, RT

[28.] Licensure and Certification; Physicians and Surgeons; International/Foreign Medical Graduates. On the motion of Dr. Valentine, 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. Thomas, duly seconded by Dr. O'Neill and passed by unanimous voice vote, approved the following for licensure in accordance with §315 of the rules provided all other requirements had been met:

Galvani, Carlos Alberto, M.D.

[29.] Licensure and Certification; Other Licensure Matters; CME Audit. On the motion of Ms. Sport, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session, to consider a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). The Board

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reviewed the list of licensees who did not comply with their CM/E requirements according to the audit for 2019. Following review and discussion, it was the consensus of the Board to defer action on the matter for three months.

[30.] Licensure and Certification; Clinical Laboratory Personnel. On the motion of Dr. Valentine, duly seconded by Dr. Weather, and passed by unanimous voice vote, the Board convened in executive session, to consider a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Following the discussion, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board denied the request of Bobby Slaydon, CLP for waiver of the certification examination inasmuch as he allowed his license lapse.

31. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for May 18, 19, 2020.

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 April 27, 2020 and approved by the Board on the 18th day of May 2020.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 18th day of May 2020.

Terri Roselyn Thomas, M.D.
Secretary-Treasurer

Attest:

Roderick Vince Clark, M.D., MBA
President