

THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

October 25, 2021

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, October 25, 2021, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present:

Lester W. Johnson, M.D., President
Terrie R. Thomas, M.D., Vice President
Kim S. Sport, JD, Secretary-Treasurer
Rita Y. Horton, M.D.
Patrick K. O'Neill, M.D.
James A. Taylor, Jr., M.D.
Christy Lynn Valentine, MBA, M.D.
Leonard Weather, Jr., M.D.
Robert Batson, M.D.

Board Member(s) not present at roll call but present for all voting:

Roderick V. Clark, MBA, M.D.

Board Staff present:

Vincent A. Culotta, Jr., M.D., Executive Director
Lawrence H. Cresswell, DO, JD, Director of Investigations
Patricia Wilton, Esq., Executive Counsel
Mary Peyton, Esq., General Counsel
Thadra C. White, Esq., Compliance Counsel
Aloma James, Director of Licensure
Alan W. Phillips, IT Director
Tracy Mauro, IT Specialist
Susie Allen, DrPH, MBA, Director of Education and Research
Leslie Rye, Compliance Investigator
Cathy Storm, Compliance Officer
Carol Chauvin, Compliance Officer
Lawrence Robinson, Compliance Investigator
Paula Pigford, Compliance Officer
Ronald Cayette, Compliance Investigator
Theresa Lockhart, Compliance Investigator
Joseph Bonck, Compliance Investigator
Esparonzia Spooner, Compliance Investigator

Lillie Rodgers, Investigations Program Director
Jacintha F. Duthu, Executive Staff Officer
Olivia PeLong, Executive Program Specialist

Independent counsel to the Board was present as follows: Judge Michael G. Bagneris (Ret)

[1.] General Administrative Matters; Public comments; Meeting Order; Dr. Johnson advised the public that any comments can be emailed to publiccomment@lsbme.la.gov. Dr. Johnson reminded the members and staff to please respect the order of the meeting by using the hand raised function to be recognized. Dr. Johnson verified the identity of all videoconference participants, and he ensured the meeting was clear and audible to the public and those on the tele- and videoconference. Furthermore, Dr. Johnson emphasized that any additions that need to be made to the executive or public agenda, be made before the completion of the public session, as we will no longer be able to make additions to the agenda after the close of the public session. Dr. Johnson asked for a moment of silence for victims of Covid 19 and healthcare workers, who have treated our fellow citizens during this crisis.

Dr. Johnson asked for a motion to add a Reinstatement Matter to the Executive Session agenda for the Board to receive advice from Counsel. Moved by Dr. Horton, duly seconded by Dr. Weather, and passed by unanimous roll call vote, the agenda item was added to Executive Session.

[2.] Minutes of September 20, 2021. The Board reviewed and discussed the minutes of its meeting held September 20, 2021. On the motion of Ms. Sport, duly seconded by Dr. Weather and passed by unanimous voice vote, the Board approved the minutes of its September 20, 2021, with minor technical changes.

[3.] General Administrative Matters; President's Report. The President presented Maria Bowen, Vice President of Governmental Affairs, Louisiana State Medical Society as a guest to discuss physician peer support programs.

[4.] General Administrative Matters; Executive Director's Report. The Executive Director informed the Board:

- The agency has conducted interviews of 8 excellent candidates for the assistant DOI position. More interviews are planned.
- The agency has met with the 4 medical school deans to address the problem of unmatched medical students. Additional meetings are planned.
- The agency is also meeting with the LDH and the Louisiana Cancer and Lung Trust Board to consider revisions of the breast cancer information pamphlet, which is mandated by law.
- The agency is also meeting with the LDH to assist with the elective abortion complication reporting law. We are providing information as to sources of diagnosis codes, procedure codes, electronic collection, and analysis.

- The agency continues to work with the medical schools to find a forensic pathologist for the Domestic Fatality Victims' Commission.
- The agency continues to send out notices to the licensees advising them of the need to sign up for and report CME through CE BROKER. The overall numbers are slowly increasing. See attached report.
- Ms. Collins is working very hard to utilize a real budget planning system to make our proposed budget for 2022 more reflective of the agency's work.
- The agency is upgrading its security services to accommodate employees' flex time schedules. We are planning employee security awareness education.

[5.] General Administrative Matters; Occupational Therapy Advisory Committee (OTAC) Nominees. The Board reviewed the nominee recommendations by OTAC to join the committee. Upon motion of Dr. Horton, duly seconded by Dr. Valentine, the Board voted unanimously to appoint Raelena Cooks and Amy Larriviere to the OTAC.

[6.] General Administrative Matters; Medical Psychology Advisory Committee (MPAC) Nominees. The Board reviewed the nominee recommendations by MPAC to join the committee. Upon motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to appoint Darla, M.R. Burnett, PhD. M.P., to the MPAC.

[7.] General Administrative Matters; Draft Newsletter October 2021. The Board reviewed the draft of the October 2021 Newsletter. Upon motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to accept the October 2021 Newsletter.

[8.] General Administrative Matters; Financial Reports. The Board reviewed the Income Statement and Cash Balance Summary for the period ending August 2021. Upon the motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to accept the Financial Report.

The Board also discussed transferring the credit card fees from being absorbed by the agency to the licensee. On the motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to begin charging the licensee for credit card fees as soon the fee recoupment program can be implemented and all fees that by law, we can collect.

[9.] Future Board Meeting Dates. The Board reviewed the calendar for 2022. On the motion of Dr. Horton, duly seconded by Dr. O'Neill, the Board voted unanimously to accept the 2022 meeting dates and publish the dates on the website.

[10.] Rules and Regulations. Rules/Amendments. The Board reviewed the proposed rule changes.

On the motion of Dr. Horton, duly seconded by Dr. Thomas, the Board voted unanimously to approve the proposed rule revisions in Agenda Item 02.02.01 regarding the Rules of Procedure, Complaints and Investigation, Rules §§9703, 9707 and 9709.

Upon motion of Dr. Horton, duly seconded by, Dr. Weather, the Board voted unanimously to approve the proposed rule revisions in Agenda Item 02.02.02 regarding

the Rules of Procedure, Adjudications, Recusal, Rule §9920.

Upon motion of Dr. Clark, duly seconded by Dr. Valentine, the Board voted unanimously to table the proposed revisions in Agenda Item 02.02.04 regarding the Rules on Licensure and Certification; Physicians; Reinstatement, Rule §419 until the December 2021 meeting.

Upon motion of Dr. Clark, duly seconded by Dr. Horton, the Board voted unanimously to approve the proposed revisions in Agenda Item No. 02.02.03 regarding the Rules on Licensure and Certification, Physicians, Passing Scores, Rule §385 and on Restriction, Limitation on Examinations, Rule §387.

Upon motion of Dr. Horton, duly seconded by Dr. Weather, the Board voted 9 YEAS 1 NAY to approve the proposed revisions in Agenda Item No. 02.02.05 regarding the Rules on Licensure and Certification; Continuing Education; Exceptions to the Continuing Medical Education Requirements, Rule §447, to remove the strikethrough of Rule §447, No. 1 previously amended in the September 2021 meeting, to accept the renumbering of the rule provisions and to include the word “active”, making the sentence read *1. Engaged in active military service longer than one year’s duration outside Louisiana;*

02.00.00 REGULATORY REPORT – October 2021

02.01.00 RULES UNDER DEVELOPMENT

02.01.01 Physicians' Licensure (IMLC) — The Board approved an amended draft of proposed new rules to accommodate the passage of the Interstate Medical Licensure Compact Law, La. R.S. 37:1310.1. The IMLC law, to the extent it conflicts with other Louisiana laws and/or rules, supercedes those laws and rules. The IMLC law does not provide for our license application "Oath questions", determination of citizenship and/or an annual CME requirement. In order to conform the requirements of those holding IMLC licenses, with usual licensees, a working draft of proposed rules was submitted to the Board and approved in April 2021.

The working draft provides for severability; provides that upon first failure to produce the information/documentation within 90 days of notice, the IMLCC licensee will receive a non-disciplinary communication from the Director of Investigations outlining that he/she must comply with the required CME, and must report completion to us prior to renewal, in addition to their next year's CME. If the IMLCC licensee repeats the failure, then this is grounds for the Board to proceed with investigation of the violation or potential violation, and possible discipline under La. R.S. 37:1285. Likewise, the failure to produce official proof of citizenship and/or authorization to live and work in the United States, along with responses to the Oath questions, may also provide grounds for the Board to proceed with investigation of the violation or potential violation, and possible discipline under La. R.S. 37:1285. The Oath topics reflect the Board may ask about lawsuits, and/or settlements of medical malpractice, fraud and/or intentional torts. **OLRC took place July 15, 2021. The OLRC approved the proposed draft rule and we will be publishing it in the Louisiana Register next and submitting it to the appropriate Legislative committees.**

02.01.02 Physicians' Practice (Marijuana) – In its April 2021 meeting, the Board approved the draft of the proposed repeal of LAC 46:XLV.Chapter 77, in its entirety. The Chapter currently contains rules governing physicians who recommend therapeutic marijuana, legal warnings with regard to recommending marijuana, definitions and prohibitions with regard to the conditions for which it may be recommended, registration of physicians, form for recommendation, requirements for treatment and keeping of records, and discipline pertaining to such rules. The repeal is being done to conform to Act 286 of the 2020 Regular Session of the Louisiana Legislature. **OLRC took place July 15, 2021. The OLRC approved the proposed draft rule and we will be publishing it in the Louisiana Register next and submitting it to the appropriate Legislative committees.**

Coding: Words which are struck through are deletions from existing law;

words in **boldface type and underscoring** are additions.

02.02.00 PROPOSED RULE DRAFTS FOR BOARD APPROVAL

02.02.01 Rules of Procedure; Complaints and Investigations – Ms. Sport will summarize, see attached summary and proposed rule draft as Attachment 02.02.01.

02.02.02 Physicians; Examinations – The board approved drafting a proposed rule to change the rules that limit the number of USMLE testing attempts from three to four, matching the current USMLE rule. Further, the board asked that we ensure the number of steps referred to in our rules still matches the number of steps/levels present in the USMLE and the COMLEX-USA exams. It does match, so no change was needed. In researching these changes, USMLE also plans to change one of their steps to a pass/fail in January 2022 and COMLEX also plans to change one of their levels to a pass/fail in May 2022. Finally, in the September 2021 meeting, the Board asked that the proposed changes to rule 387 reflect prospective application only, and this revision was made. The revised proposed draft is attached as Attachment 02.02.02.

02.02.03 Rules of Procedure; Adjudication – The board approved drafting a proposed rule to add the qualifications for pro tem DOI and to provide for recusal of the Director of Investigations and/or Independent Counsel, as needed. The proposed revised draft is attached as Attachment 02.02.03 along with information including: the current Board rule, the current statute in the Administrative Procedure Act, and the current Code of Civil Procedure articles applicable to civil courts.

02.02.04 Physicians; Licensure and Certification – The Director of Licensure, Director of Investigations and the Executive Director request a rule change with regard to Reinstatement of an expired license so as to provide for the following: that those applicants whose license lapsed and expired more than four years ago must re-apply for licensure anew, meeting all the requirements necessary for original licensure without waivers; that the applicant who qualifies for reinstatement apply using the reinstatement application; to provide that every reinstatement applicant must either provide proof of current “maintenance of certification” from either the ABMS or the AOA, or take and successfully pass the USMLE, COMLEX-USA, SPEX or COMVEX-USA examination; and to eliminate the need for the reinstatement applicant to provide two character letters. The proposed draft is attached as Attachment 02.02.04

02.02.05 Physicians; Licensure and Certification – The President asked board attorney Wilton to draft a rule change to accommodate a retired physician license where the retired physician does fewer CME, only treats people for free (no remuneration) and/or only treats his/her immediate family. Additionally, since it involved the same rule, there is a proposed change to the exemptions to add that only *active* military in service out of state for more than a year are exempted from CME as opposed to any and all military; and to clarify that while everyone gets a pass on CME while in their initial licensure year, full compliance is required beginning with the first renewal. The proposed draft is attached as Attachment 02.02.05.

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PROPOSED RULE CHANGES

Chapter 97. Complaints and Investigations

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§9703. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

Executive Director – a physician possessing qualifications specified by the Board who serves as the Chief Executive Officer of the Agency.

Sufficient Cause – information received by the Board pursuant to La. R.S. 37:1285(A)(2) and Rule 9705 which indicates that a violation of the law or of a rule administered by the Board may have occurred.

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§9707. Complaint Processing

A. The board's staff processes all complaints and conducts all investigations on behalf of the board.

B. **Upon delegation by the DOI**, Any staff member of the board, except the executive director, may act as the lead investigator on any complaint, ~~received by the board regarding a physician or any investigation regarding a physician initiated by the board on its own motion.~~

§9709. Preliminary Review

A. A preliminary review ~~shall may~~ be initiated to determine **if information received by the Board pursuant to La. R.S. 37:1285.2 and Rule 9705** ~~if the complaint~~ is jurisdictional and whether sufficient cause exists to warrant formal investigation only upon one or more of the following:

1. a complaint, received from a person, other than an individual employed by the board;
2. a report, received from a law enforcement agency, federal or state regulatory agency, a reporting authority verified by the board through electronic or other means, or a professional health or other monitoring or treatment program, that may implicate a potential violation of the laws or rules administered by the board; and
3. **notice that past complaints and investigations may be utilized in all phases of the disciplinary process**

d. a motion duly adopted by a vote of two-thirds of the members, that sufficient cause exists to indicate a violation of the laws or rules administered by the board may have occurred.

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D. Preliminary review of a complaint shall be completed as promptly as possible within ninety days of initiation unless extended by the board for satisfactory cause. However, this period shall not apply to information received from local, state or federal agencies or officials relative to on-going criminal,

Coding for the Proposed Rule: Words which are struck through [such as this] are deletions from existing law; words in **boldface type and underscoring** are additions.

02.03.00 PROPOSED RULE TOPICS IN PROGRESS ALREADY APPROVED BY THE BOARD

- Rules for CLP's – CLP committee has made several suggested changes, which will be put on the agenda once reviewed and revised, if needed, for due process and equal protection.
- Rules for OT's – OT Committee members have suggested changes to the rules regarding qualifying CME courses for renewal of licensure, which will be put on the agenda once reviewed and revised, if needed, for due process and equal protection.
- Amending Rules for anesthesia, including regulation of nitrous oxide, and office-based surgery.
- Rules for Acupuncture requiring a certain number of CME and a "jurisprudence" course
- Rules for RT's – RT Committee has made requested some changes, which will be put on the agenda once reviewed and revised, if needed, for due process and equal protection.
- NTSB – As to those practitioners who prescribe controlled substances, draft rules to comply with the NTSB's federal safety study recommendation that "all state guidelines regarding prescribing controlled substances for pain [include] a recommendation that health care providers discuss with patients the effect their medical condition and medication use may have on their ability to safely operate a vehicle in any mode of transportation."

Coding for the Proposed Rule: Words which are struck through ~~[such as this]~~ are deletions from existing law; words in **boldface type** and underscoring are additions.

[11.] Minutes of Executive Sessions. Upon the motion of Dr. Horton, duly seconded by Dr. Valentine, the Board voted unanimously and convened in executive session pursuant to La. R.S. 42:17A to receive and review the minutes of the executive session of its September 2021, meeting. Upon the motion of Dr. Horton, duly seconded by Dr. Valentine, the Board voted unanimously to approve the minutes of the September 20, 2021 meeting.

[12.] Report on Pending Litigation. Upon the motion of Dr. Horton, duly seconded by Dr. Valentine, The Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board is a party pursuant to La. Rev. Stat. § 42:17A(2 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. Upon the motion of Dr. Horton, duly seconded by Dr. Valentine, the Board voted unanimously to accept the litigation report regarding the following matters:

Vincent Joseph Bruno v. Cecilia Mouton and the LSBME, No. 12-5503 (Civ.Dist.Ct.Orl.Par.Div."L").
Guardian Medical Group, LLC and Cellution Wellness Center, Inc., v. Cecilia Mouton, M.D., and the LSBME, No. 12-7202 (Civ.Dist.Ct.Orl.Par.Div."L").
Richard Arjun Kaul, M.D., and Arnold Erwin Feldman, M.D. v. Louisiana State Board of Medical Examiners, et.al., No.19-3050(U.S.Dist.Ct.Dist. of Columbia)
Gregory Duhon, M.D. v. Board of Supervisors For Louisiana State University And Agricultural And Mechanical College; Thomas C. Galligan Jr.; Neeraj Jain, M. D.; Healthcare Professionals Foundation Of Louisiana; Professional Renewal Center; Louisiana State Board Of Medical Examiners, No. 2:20cv2022 (U.S.Dist.Ct.E.D.La.)
Ford v. LSBME and Dr. Valentine, in her official capacity only, Eastern District of Louisiana, Case No. 18-4149

[13.] General Administrative Matters; PARC Memorial Hermann re: Records Release

Request. The Board convened in executive session to receive advice of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On executive agenda item 04.00.01, upon motion of Dr. Horton, duly seconded by Dr. O'Neill, the Board voted unanimously¹ to deny the request.

Request. The Board convened in executive session to receive advice of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On executive agenda item 04.00.01, upon motion of Dr. Horton, duly seconded by Dr. O'Neill, the Board voted unanimously¹ to deny the request.

[14] General Administrative Matters; Memorandum of Board Policy. The Board convened in executive session to receive advice of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. No further action was needed or taken with regard to this item.

[15.] General Administrative Matters; LLA Update. The Board convened in executive session to receive advice of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On executive agenda item 04.00.03, upon motion of Dr. Horton, duly seconded by Dr. Thomas, the Board voted 9 YEAS and 1 ABSTENTION² to approve the LLA Response Report.

[16.] General Administrative Matters; Lifetime Restrictions Compliance Audits. The Board convened in executive session to receive advice of and report of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. No further action was needed or taken with regard to this item.

[17.] General Administrative Matters; License Applicant Waivers Request. The Board convened in executive session pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C and received advice of counsel on the topic. On executive agenda item 05.00.01, upon motion of Dr. Valentine, duly seconded by Dr. Horton, the Board voted unanimously to defer acting on the Applicant's Request for Waivers until additional information from the Applicant regarding ECFMG, SPEX and/or ABMS certification is received.

[18.] General Administrative Matters; Licensee request. The Board convened in executive session pursuant to La. R.S. 42:17A (4). The Board reviewed and discussed Agenda No. 05.00.02 requesting the Board act on the licensee's behalf and request that ECFMG consider reinstating the licensee's Standard ECFMG Certificate. Upon motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted 9 YEAS 1 NAY to deny the licensee's request.

[19.] General Administrative Matters; Licensee request. The Board convened in executive session pursuant to La. R.S. 42:17A (4). The Board reviewed and discussed Agenda No. 05.00.03 requesting the Board waive its rule requiring the applicant to apply for reinstatement in favor of allowing the applicant to apply for renewal instead. Upon motion of Dr. Horton, duly seconded by Dr. O'Neill, the Board voted 8 YEAS and 2 NAYS to deny the licensee's request:

[20.] General Administrative Matters; Licensee request. The Board convened in executive session pursuant to La. R.S. 42:17A (4). The Board reviewed and discussed Agenda

¹ Dr. Clark is recused from any and all participation in this matter.

² Ms. Sport abstained due to technical issues with the video conferencing during the discussion.

No. 05.00.04 requesting the Board waive CME requirements for 2021. Upon the motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to deny the licensee's request.

[21.] General Administrative Matters; Licensee request. The Board convened in executive session pursuant to La. R.S. 42:17A (4). The Board reviewed and discussed Agenda No. 05.00.05 requesting the Board approve the polysomnography technologist licensure application, accepting the candidate's educational background with the provision that all other licensing criteria under the law and rules are met. Upon motion of Dr. Horton, duly seconded by Dr. Thomas, the Board voted unanimously to approve the licensee's request.

[22.] Compliance Counsel: The Board convened in executive session to receive advice of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. Upon motion of Dr. Horton, duly seconded by Dr. O'Neill, the Board voted unanimously to accept the Compliance Counsel's report.

[23.] Personal Appearances/Docket Calendar; On the motion of Ms. Sport, 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 investigations, the character and professional conduct of a licensee and allegations of misconduct, pursuant to La. R.S. 42:17(A)(1), (4) & (10). La. C.E. art. 508, and/or La. R.S. 44:4.1C. No further action was required or taken on this matter.

[24.] Investigative Reports. 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 the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session as follows:

- a. Administrative Complaint: Upon motion of Dr. Horton, duly seconded by Dr. Weather, the Board unanimously voted to accept the filing of and to docket the Administrative complaints for the following matters:

File No.	2021-I-436
File No.	2020-I-847
File No.	2020-I-869

- b. Commence Formal Investigation: Upon motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted 9 YEAS and 1 NAY accepted to commence formal investigation on the following matters:

Agenda Item No.	07.04.01
Agenda Item No.	07.04.02 ³

³ Dr. O'Neill is recused from any and all participation in this matter.

Agenda Item No.	07.04.03 ⁴
File No.	2019-589
File No.	2019-749
File No.	2020-259
File No.	2021-984 ⁵
Agenda Item No.	07.04.06 ⁶
Agenda Item No.	07.04.07
File No.	2020-847
File No.	2020-1079
File No.	2021-349
File No.	2021-494
File No.	2021-1174
File No.	2021-595

- c. Preliminary Review: the Board convened in executive session, to consider commencing preliminary review on the following matters:

Upon motion of Dr. Weather, duly seconded by Ms. Sport, the Board unanimously voted to commence preliminary review of:

Agenda Item No.	07.04.10
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Upon motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to commence preliminary review of:

Agenda Item No.	07.04.11
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Upon motion of Dr. Horton, duly seconded by Dr. Weather, the Board voted 5 YEAS and 5 NAYS. At this time Dr. Valentine moved for reconsideration, duly seconded by Dr. O'Neill, and passed by 9 YEAS voice vote with one member absent. Upon reconsideration, on the motion of Dr. Horton, duly seconded by Dr. Weather, the Board voted 5 YEAS and 6 NAYS to deny commencing preliminary review of:

File No.	2021-1162
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Upon motion of Dr. Weather, duly seconded by Ms. Sport, the Board voted 9 YEAS, and 1 NAY to commence preliminary review in the following matter:

File No.	2021-1126
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Upon motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to commence preliminary review in the following matter:

⁴ Dr. O'Neill is recused from any and all participation in this matter.

⁵ Dr. Taylor is recused from any and all participation in this matter.

⁶ Dr. Johnson is recused from any and all participation in this matter.

Agenda Item No.	07.04.14
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Upon motion of Dr. Horton, duly seconded by Dr. Valentine, the Board voted unanimously to commence preliminary review in the following matter:

Agenda Item No.	07.04.15
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- d. Extend Time Preliminary Review: Upon motion of motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to grant a 90-day extension to continue preliminary review in the following matters:

Investigation No.	2021-401
Investigation No.	2010-168
Investigation No.	2021-452
Investigation No.	2021-514
Investigation No.	2021-542
Investigation No.	2021-551
Investigation No.	2021-994
Investigation No.	2021-1014
Investigation No.	2021-1091
Investigation No.	2021-996
Investigation No.	2021-1015
Investigation No.	2021-1121
Investigation No.	2020-125
Investigation No.	2020-141
Investigation No.	2020-381
Investigation No.	2020-387
Investigation No.	2020-890
Investigation No.	2021-426
Investigation No.	2021-453
Investigation No.	2021-454
Investigation No.	2021-494
Investigation No.	2021-508
Investigation No.	2021-509
Investigation No.	2021-510
Investigation No.	2021-511
Investigation No.	2021-512
Investigation No.	2021-518
Investigation No.	2021-526

Investigation No.	2021-531
Investigation No.	2021-544
Investigation No.	2021-546
Investigation No.	2021-553
Investigation No.	2021-1058
Investigation No.	2021-1059
Investigation No.	2021-1060
Investigation No.	2021-1099
Investigation No.	2021-1079
Investigation No.	2021-1081
Investigation No.	2021-1088
Investigation No.	2021-1090
Investigation No.	2021-803

Investigation No.	2020-503
Investigation No.	2020-577
Investigation No.	2020-1072
Investigation No.	2021-381
Investigation No.	2021-563
Investigation No.	2021-570
Investigation No.	2021-640
Investigation No.	2021-669
Investigation No.	2021-744
Investigation No.	2021-806
Investigation No.	2021-870)
Investigation No.	2021-871
Investigation No.	2020-864
Investigation No.	2021-1023
Investigation No.	2021-1025
Investigation No.	2021-1073
Investigation No.	2021-1093
Investigation No.	2021-1123
Investigation No.	2021-151
Investigation No.	2020-892
Investigation No.	2021-283
Investigation No.	2021-295
Investigation No.	2021-309
Investigation No.	2021-525
Investigation No.	2021-408

Investigation No.	2020-824
Investigation No.	2021-758
Investigation No.	2021-760
Investigation No.	2021-1033
Investigation No.	2021-444
Investigation No.	2021-517
Investigation No.	2021-549
Investigation No.	2021-540
Investigation No.	2021-543
Investigation No.	2021-647
Investigation No.	2021-664
Investigation No.	2021-668
Investigation No.	2021-931
Investigation No.	2021-1012
Investigation No.	2021-1062
Investigation No.	2021-1109
Investigation No.	2021-975
Investigation No.	2020-786
Investigation No.	2021-184
Investigation No.	2021-646
Investigation No.	2021-538
Investigation No.	2021-1057
Investigation No.	2021-1251
Investigation No.	2021-1249
Investigation No.	2021-1256
Investigation No.	2021-1239
Investigation No.	2021-1234
Investigation No.	2021-1255
Investigation No.	2021-1254
Investigation No.	2021-1240
Investigation No.	2021-1253
Investigation No.	2021-1245
Investigation No.	2021-1252
Investigation No.	2021-1241
Investigation No.	2021-1250
Investigation No.	2021-1262
Investigation No.	2021-1248
Investigation No.	2021-1041

Investigation No.	2021-1046
Investigation No.	2021-1045
Investigation No.	2021-1044
Investigation No.	2021-1042
Investigation No.	2021-1032
Investigation No.	2021-1033
Investigation No.	2021-1031
Investigation No.	2021-1038
Investigation No.	2021-1238
Investigation No.	2021-1258
Investigation No.	2021-1236
Investigation No.	2021-1247
Investigation No.	2021-1259
Investigation No.	2021-1246
Investigation No.	2021-1235
Investigation No.	2021-1233
Investigation No.	2021-1243
Investigation No.	2021-1261
Investigation No.	2021-1244
Investigation No.	2021-1257
Investigation No.	2021-1260
Investigation No.	2021-1237
Investigation No.	2021-1034
Investigation No.	2021-1035
Investigation No.	2021-1036
Investigation No.	2021-1039
Investigation No.	2021-1037

- e. Consent Orders: The Board convened in executive session to consider the following Consent Orders as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4):

Upon the motion of Ms. Sport, duly seconded by Dr. Valentine, the Board voted to deny the following consent order:

File No.	2021-346
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Upon motion of Dr. Horton, duly seconded by Dr. Clark, the Board voted unanimously to approve the following consent orders:

File No.	2018-158
File No.	2020-104
File No.	2020-336
File No.	2020-086
File No.	2018-287
File No.	2019-574
File No.	2021-1105

Upon motion of Dr. Horton, duly seconded by Dr. O'Neill, the Board voted unanimously to approve the following Voluntary Surrender:

File No.	2021-617
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- f. Upon motion of Ms. Sport, duly seconded by Dr. Taylor, the Board voted unanimously to deny the closing the following matters with a Letter of Concern:

File No.	2020-681
File No.	2020-683

Upon motion of Dr. Weather, duly seconded by Ms. Sport, the Board voted 8 YEAS 2 NAYS to approved closing the following matters with a Letter of Concern:

File No.	2021-414
File No.	2020-874 ⁷
File No.	2021-803
File No.	2018-788
File No.	2021-550

- g. Upon motion of Dr. Valentine, duly seconded by Dr. Clark, the Board voted unanimously to approve closing the following matters with no action:

File No.	2020-864	File No.	2021-849
File No.	2021-892	File No.	2021-958

⁷ Dr. Valentine is recused from any and all participation in this matter.

File No.	2021-1096
File No.	2021-1009
File No.	2021-1144
File No.	2021-1020
File No.	2021-452
File No.	2021-1018
File No.	2021-451
File No.	2021-1067
File No.	2021-864
File No.	2021-980
File No.	2021-579
File No.	2021-1082
File No.	2021-1016
File No.	2021-578
File No.	2021-1092
File No.	2021-1090

File No.	2021-758
File No.	2021-358
File No.	2020-827
File No.	2021-1049
File No.	2021-1048
File No.	2021-1133
File No.	2021-757
File No.	2021-1116
File No.	2021-974
File No.	2021-1088 ⁸
File No.	2021-443
File No.	2021-1148
File No.	2021-973
File No.	2021-1051
File No.	2021-874

- h. Professional liability Report. 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). Upon motion of Dr. Horton, duly seconded by Dr. Clark, the Board voted unanimously to accept the report.
- i. Intent to Deny Licensee Application(s). The Board convened in executive session to consider the following license applications as matters relating to the character and professional conduct as well as investigation of the application of the licensee, pursuant to La. R.S. 42:17A(1) and (4). Upon the motion of Dr. Horton, duly seconded by Ms. Sport, the Board voted unanimously to approve the intent to deny of the following licensee applications:

File No.	2020-479
File No.	2020-827

- j. Upon motion of Dr. Clark, duly seconded by Ms. Sport, the Board voted unanimously to approve the closed case summaries of August 2021, and September 2021.

[25.] Probationary Matter; Request from Probationers. The Board convened in executive session to consider the following license applications as matters relating to the character and professional conduct as well as investigation/probation compliance of the licensee, pursuant to La. R.S. 42:17A(1) and (4). The following matters are requests from licensees to end or modify the conditions of probation:

⁸ Dr. O'Neill is recused from any and all participation in this matter.

With regard to File No. 2021-I-114⁹, upon motion by Dr. Horton, duly seconded by Dr. Valentine, the Board voted 8 YEAS and 1 NAY to deny licensee's requested provider.

With regard to, File No., 2019-I-427 upon motion of Dr. Horton, duly seconded by Dr. Valentine, the Board voted unanimously to deny the licensee's request for an unrestricted license.

With regard to File No., 2019-I-510, upon motion by Ms. Sport, duly seconded by Dr. Horton, the Board voted unanimously to reinstate the requesters license, on probation, with requirement that the licensee comply with all licensure rules beginning with a reinstatement application, that the licensee undergo a challenge exam if she has not had one within ten years of the reinstatement application, and that all other provisions of the Consent Order remain in place.

With regard to File No. 2017-I-109, upon motion of Ms. Sport, duly seconded by Dr. O'Neill, the Board voted unanimously to approve the licensee's request of practice site.

[26.] Motion for Reconsideration. The Board convened in executive session with regard to the licensee's request for reconsideration in the matter of 20-A-001¹⁰, a matter relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev.Stat. § 42:17A(4) and (10). Upon the motion Ms. Sport, duly seconded by Dr. Horton, the Board voted unanimously to approve the Ruling on Motion for Reconsideration, as written.

Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for December 13, 14, 2021.

⁹ Dr. O'Neill is recused from any and all participation in this matter.

¹⁰ Dr. Clark and Dr. O'Neill are recused from any and all participation in this matter.

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 October 25, 2021, and approved by the Board on the 13th day of December 2021.

Witness my hand and seal of the Louisiana State Board of Medical Examiners
this 13th day of December 2021.

Kim Sport, Esq.
Secretary-Treasurer

Lester W. Johnson, M.D.
President