

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**JUNE 29, 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, June 29, 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
Terrie 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.
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
Aloma James, Director of Licensure
Alan W. Phillips, IT Director
Mary K. Peyton, Esq., General Counsel
Thadra C. White, Esq., Compliance Counsel
Leslie Rye, Compliance Investigator
Carol Chauvin, Compliance Officer
Cathy Storm, Compliance Officer

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Lawrence Robinson, Compliance Investigator
Paula Pigford, Compliance Officer
Joseph Bonck, Compliance Investigator
Susan Allen, Director of Research & Education
Heath Fontenot, Paralegal 2
Esparonzia Spooner, Compliance Investigator
Kieshan Williams, Administrative Program specialist
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, 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
Angelique Freel

Contractor

Danny Allday, CPA

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.
2. **General Administrative Matters; New Member; Lolie C. Yu, M.D.** Dr. Clark welcomed Lolie C. Yu, M.D., appointed to the Board by Governor, John Bel Edwards on June 19, 2020. It was reported that Dr. Yu was administered the Oath of Office on Friday, June 26, 2020 by Mary Peyton, Esq., General Counsel, which will be forwarded to the Governor's Office for Senate confirmation.
3. **Mission Statement.** Jacintha Duthu, Administrative Program Specialist, read the mission statement of the Board.
4. **Minutes of May 18, 2020 Meeting.** The Board reviewed the minutes of its meetings held May 18, 2020. On the motion of Dr. O'Neill, duly seconded by Ms. Sport and passed by unanimous roll call vote, the Board approved the minutes of the meetings with any necessary corrections.
5. **Rulings and Advisory Opinions; Telemedicine; In-Person Assessment; Request for Clarification.** The Board reviewed electronic correspondence from Ashley Albarado, M.D., requesting clarification regarding the Board's telemedicine rules relative to the requirement of an annual in-person visit for assessment for treatment. Ms. Albarado explained she had left a practice and had seen the patients in person at the prior practice, but was now seeing those same

patients via telemedicine. Following review and discussion, on the motion of Dr. O'Neill, duly seconded by Dr. Weather and passed by unanimous roll call vote, the Board authorized formulating a draft response for approval at the next meeting of Board stating that during the COVID-19 declared state of emergency in-person visits for the prescription of controlled dangerous substances ("CDS") have been suspended, after which, Ms. Albarado would need to see the patients prescribed CDS, within one year of their last visit by telemedicine during COVID. The Board also opined there should not be a gap in the care of the patients now receiving telemedicine. Further, the Board opined Ms. Albarado should obtain a copy of her notes from the other chart and keep those in her new telemedicine records on the particular patient.

6. Rulings and Advisory Opinions; Retention of Medical Records. The Board reviewed electronic correspondence received from an attorney on behalf a physician who had suffered a stroke and is no longer practicing. The attorney requested guidance on how to handle the physician's medical records. It was noted that the Board's guidance on this matter placed the responsibility on the physician. Following review and discussion, it was moved by Dr. Thomas, duly seconded by Dr. Weather and passed by unanimous roll call vote to defer action on this matter pending research into the customary obligations of a physician for a patient's medical record upon the disability or death of that physician per HIPAA and AMA guidelines.

7. Rulings and Advisory Opinions; Medical Assistants; Scope of Practice. The Board reviewed the electronic correspondence received from Fallon Guidry, WHNP, asking whether medical assistants can legally forward prescriptions via e-scribe on behalf of a licensed healthcare provider in the state of Louisiana. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Thomas, the Board authorized forwarding a response to Ms. Guidry advising that the Board does not have authority over medical assistants licensed by another board and that unlicensed medical assistants functioning under the supervision of a licensed practitioner may e-scribe medications, excluding controlled substances, as authorized by the supervising practitioner.

8. Rulings and Advisory Opinions; Chronic Pain; Mid-Levels Involvement. The Board reviewed a request of staff asking the Board to authorize the use of a prepared advisory opinion regarding the utilization of mid-level providers for the treatment of patients for chronic pain as well as the issuance of multiple CDS prescriptions during the 90-day interval between visits. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. O'Neill, and passed by unanimous roll call vote, the Board approved the advisory opinion as prepared.

9. Rulings and Advisory Opinions; New Item; Collaborative Drug Therapy Management; IV Antibiotic Therapy.¹ On the motion of Dr. Valentine, duly seconded by Ms. Sport, and passed by unanimous roll call vote, the Board voted to add Collaborative Drug Therapy Management Therapy to the public agenda.² Following review and discussion on the motion of Ms. Sport, duly seconded by Dr. Horton, and passed by unanimous roll call vote, the Board voted to draft a letter conveying the board's opinion that collaborative drug management of IV therapy limited to antibiotics is permissible such that the forms on Collaborative Drug Therapy

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

2 Dr. Johnson did vote to add this as an item of new business to the public agenda.

Management may be amended to include outpatient IV Therapy Limited to Antibiotics.³

10. Communications and Information; Federation of State Medical Boards, ("FSMB"); Report on Physician Sexual Misconduct. The Board reviewed the recent Report and Recommendations of the FSMB Workgroup on Physician Sexual Misconduct. It was suggested that the FSMB recommendations/guidelines should be incorporated into the response prepared for the Louisiana Legislative Auditors Report with respect to consistency in disciplinary sanctions and guidelines for public or non-public actions. It was also suggested that sexual misconduct could be a stand-alone cause for disciplinary action under the Medical Practice Act. Dr. Cresswell reported that these guidelines/recommendations are utilized by the Investigations Department in the disposition of cases involving sexual misconduct and are being included in the proposed rules regarding disciplinary actions and public or non-public sanctions. Following discussion, it was the consensus of the Board to have staff assess the need for changes to the law and/or Board's rules and report this information to the Board at a subsequent meeting.

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 again welcomed Collette, M.D., to the Board and offered her time to make a few comments. He further reported on the oversight meeting held June 24, 2020 before the Joint House and Senate Governmental Affairs Committee. His report included his intention to have half of Board meet at the Board office for the July meeting. He concluded his report stating that if any member of the Board wished to represent the Board on any topic, they must first receive authorization by majority vote of a quorum of the Board.

12. General Administrative Matters; New Business; Authority of President. The President asked for an item of new business to be added to the public agenda. On the motion of Ms. Sport, duly seconded by Dr. Horton, a roll call vote to add an item of new business, authority of the President to act on behalf and in the stead of the Board when there is no quorum of the Board present, subject to review and ratification, was taken. The motion failed due to lack of a unanimous vote.

13. 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. The Board reviewed the list of law firms under consideration for a contract with the Board. The Board further noted receipt of a memorandum from the AG's office stating that based on the laws governing Boards and Commissions, the Board can delegate any sort of authority to the Executive Director and that the Executive Director is customarily delegated the hiring, termination and management of employees and that the meeting before the Legislative Oversight Committee did not change that authority.

14. General Administrative Matters; Election of Officers. The President called for the election of officers, to fill the vacant office of Vice-President. On the motion of Dr. O'Neill, duly seconded by Dr. Horton, Dr. Johnson was nominated for the office of Vice-President. On the motion of Dr. Valentine, duly seconded by Dr. Taylor, Dr. Thomas was nominated for the office of

³ Dr. Johnson recused himself from the voting on this matter.

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Vice-President. Following a roll call vote, Dr. Johnson was elected to the office of Vice-President by a majority vote⁴.

15. General Administrative Matters; Professional Legal Service Contract; Baker Donelson. The Board reviewed the proposed professional legal service contract with Baker Donelson. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. O'Neill, and passed by unanimous voice vote, the Board authorized the Executive Director to enter into a contract with Baker Donelson and struck the following resolution:

WHEREAS, the Board authorizes Dr. Culotta, as Executive Director of the Board to enter into a contract with Baker Donelson, to provide professional legal services to the Board, when and to the extent determined to be necessary, to conduct an investigation of the circumstances giving rise to, as well as all statements, events and matters pertaining to and/or individuals involved in a personnel matter in light of the laws, rules and/or regulations of the United States and/or Louisiana;

WHEREAS, this resolution shall take effect immediately.

THEREFORE BE IT RESOLVED that the Louisiana State Board of Medical Examiners, pursuant to La. R.S. 42:262, does hereby give Dr. Culotta authority to retain and employ, Baker Donelson, and

BE IT FURTHER RESOLVED, that upon Dr. Culotta's decision regarding signing of a contract with Baker Donelson, this Resolution and any such proposed contract be submitted to the Attorney General for the State of Louisiana for approval.

16. General Administrative Matters; Oversight Committee; Follow-Up. Dr. Johnson read into the record an email from Sen. Katrina Jackson outlining her discussion with Byron P. Decoteau, Jr., Director of State Civil Service, in regards to the LSBME's organizational chart. No further action was taken or required on this matter.

17. General Administrative Matters; Draft Newsletter. The Board reviewed a draft of the July 2020 edition of the *Newsletter*. On the motion of Ms. Sport, duly seconded by Dr. Horton, and passed by majority roll call vote⁵, the Board approved publication of the *Newsletter*.

18. General Administrative Matters; Financial Reports. The Board reviewed the Income Statement and Cash Balance Summary for the period ending April 30, 2020 for the Board and Clinical Laboratory Personnel accounts. On the motion of Ms. Sport, duly seconded by Dr. Taylor, and passed by majority roll call vote⁶, the Board approved accepting the report as submitted, with the exception of the Penalties and Fines. Discussion following regarding Penalties and Fines, which required no further action.

19. Rules and Regulations.

a. **Final Rules/Amendments:** None since the last meeting of the Board.

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

⁴ Dr. Johnson abstained from voting on this matter.

⁵ Dr. Weather abstained from voting on this matter.

⁶ Dr. Weather and Valentine abstained; Drs. Taylor and Thomas were opposed to the motion.

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 June 20, 2020 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 update the advisory opinion on its website in lieu of proceeding with a rule-making effort on this topic. The Board at its June 29, 2020 meeting, reviewed the advisory opinion and determined it only needed to be updated with regard to Federal laws and rules. The Board asked for the Advisory Opinion draft to be updated and returned to the agenda for next month. **Physician Advertising:** **Board Certification:** The Board noted that this rule-making effort began in March 2015 and because of various issues had not moved forward. Discussion ensued as to whether to start anew. After review and discussion at its May 2020, at the request of Dr. Johnson, it was the consensus of the Board to defer action pending research on the proposed rules relative to any anti-trust violations and any other opinions on this matter and after thorough research to present this information to the Board for consideration. The Board again discussed this rule-making effort at the June 29, 2020 meeting awaits further research into this matter. **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: The rule amendment to §417B was incorporated into the rule-making effort on Waiver of Qualifications. **Physicians; Complaints and Investigations:** **Assessment of Costs:** At the June 29, 2020 meeting, the Board reviewed the draft rules regarding assessment of costs and fees. On the motion Ms. Sport, duly seconded by Dr. Horton and passed by majority roll call vote⁷, the Board voted to proceed with filing the First Report to the OLRC for its approval, with the goal to thereafter provide *Notice of Intent* in the *Louisiana Register*. **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

⁷ Dr. Weather abstained due to technical difficulty.

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 were anticipated to be considered at the Commission's next meeting, but were inadvertently missing from the OLRC's February agenda. Are anticipated for review by the OLRC on July 23, 2020 or thereafter. **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. At the June 29, 2020 meeting, on the motion of Ms. Sport, duly seconded by Dr. O'Neill, and passed by majority roll call vote⁸, the Board voted to proceed with filing the First Report to the OLRC for its approval, with the goal to thereafter provide *Notice of Intent* in the Louisiana Register. **Physician Licensure; Continuing Medical Education**: The Board reviewed the draft rules on Physician Licensure; Continuing Medical Education ("CME") amending its CME 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 at is April 2020, meeting, following which on the motion of Ms. Sport, duly seconded by Dr. Weather and passed by unanimous roll call vote, the Board voted to provide *Notice of Intent* to adopt the rule amendment in the next edition of the *Louisiana Register*. During its June 29, 2020 meeting, on the motion of Ms. Sport, duly seconded by Dr. Weather, and passed by majority roll call vote⁹, the Board reaffirmed its approval to proceed with filing the First Report to the OLRC for its approval, with the goal to thereafter provide *Notice of Intent* in 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

⁸ Dr. Valentine abstained from voting on this matter.

⁹ Dr. Johnson abstained from voting on this matter.

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. During its June 29, 2020 meeting, the Board reaffirmed its approval to proceed with filing the First Report to the OLRC for its approval, with the goal to thereafter provide *Notice of Intent* 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 composed to address such criteria and guidance and were attached for consideration. Following review and discussion, there was a request to change “complainant” in the draft rules to “Board”. The Board at its June 29, 2020 meeting, reviewed the draft rules and on the motion of Ms. Sport, duly seconded by Dr. Valentine, and passed by unanimous roll call vote, the Board voted to proceed with filing the First Report to the OLRC for its approval, with the goal to thereafter provide *Notice of Intent* in the Louisiana Register.

d. **Emergency rules: Medical Professionals Restricted Temporary Permits; Emergency Temporary Permit**: Pursuant to Emergency Declaration, adopted at an emergency meeting held on March 30, 2020, the Board exercised the emergency provision of the APA and amended its existing rules (.402D and 412H) and adopted a new subsection (412L) to provide for emergency temporary permits for formerly licensed Louisiana physicians and allied health care practitioners during the declared public health emergency. Following review and discussion, on the motion of Dr. Weather, duly seconded by Dr. O’Neill and passed by unanimous roll call vote, the Board voted to proceed with filing the First Report to the OLRC, with the goal to provide *Notice of Intent* in the Louisiana Register so as to make these rules permanent.

20. General Administrative Matters; 2020 Legislative Session; Update. The Board reviewed a status report on the bills of concern to the Board in the 2020 Legislative Session. No further action was required or taken on this matter.

21. General Administrative Matters; SB 501; Licensure of Pharmacies Dispensing Therapeutic Marijuana. Dr. Culotta provided the Board with an annotated version of SB501 regarding therapeutic marijuana that eliminated the Board from participation in dispensing therapeutic marijuana.

22. General Administrative Matters; HCR 91, Health Care Services to Prisoners. The Board noted receipt of HCR 91 that called for a study of the adequacy of health services provided to inmates in facilities operated by the Department of Public Safety and Corrections. Dr. Weather volunteered to participate in the study along with Dr. Culotta.

23. General Administrative Matters; Louisiana Legislative Auditors Performance Audit Report; Plan of Action; Follow-Up. The Board reviewed the Louisiana Legislative Auditors Performance Audit Report and noted the follow-up actions with respect to the twelve recommendations noted in the report.

24. General Administrative Matters; Director of Investigations Report. The Board received the report from the Director of Investigations on activities occurring in the Investigations Department. There was discussion as to whether Recommendation #2 contained in the Louisiana Legislative Auditors Audit Report has been addressed. Following discussion, it was the consensus of the Board ask the LLA to elucidate more clearly their intent of the recommendation. Drs. Culotta and Cresswell and Ms. Sport to handle this matter and report their findings to the Board.

25. General Administrative Matters; Compliance Counsel's Report. The Board received the report from the Compliance Counsel on her activities since the last meeting of the Board. With regard to locating and retaining a pro tem DOI, Ms. White reported that she had 4 candidates, but would likely recommend Dr. Sherif Sakla to the Board. No contract was offered at the time, for approval.

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

[27.] Minutes of Executive Sessions. On the motion of Dr. Weather, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of May 18, 2020. Following review and discussion, the Board resumed in open session. On the motion of Ms. Sport, duly seconded by Dr. Weather and passed by unanimous roll call vote, the Board approved the minutes of the executive sessions conducted during its meetings of May 18, 2020 with any necessary corrections.

[28.] Report on Pending Litigation. On the motion of Dr. O'Neill, duly seconded by Dr. Valentine 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). The Board resumed in open session and accepted the reports on the following cases:

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)

David Dawes, M.D. v. Lawrence H. Cresswell, III, D.O., J.D. and the Louisiana State Board of Medical Examiners, No. 20-1253 (Civ.Dist.Ct.Orl.Par.)

Louisiana State Board of Medical Examiners and Cecilia A. Mouton, M.D. v. Monica A. Borg, No. 09-1844 (Civ.Dist.Ct.Orl.Par.Div."J-13").

Arnold E. Feldman, M.D. v. Cecilia Mouton, M.D. and the Louisiana State Board of Medical Examiners., No. 16-3627 (Civ.Dist.Ct.Orl.Par.Div."G")

Aggrieved Practitioner v. Breaches of Obligations Agency and PACE, (Civ.Dist.Ct.Orl.Par.,Div.).

[29.] Personal Appearances/Docket Calendar. On the motion of Dr. Thomas, duly seconded by Dr. Weather, and passed by unanimous voice vote, the Board convened in executive session,

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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, but the Board requested that Dr. Culotta, Dr. Cresswell, Judge Bagneris, Ms. White and Ms. Peyton review and discuss options for holding administrative hearings via hearing panels or otherwise, to be presented to the Board.

[30.] Investigative Reports. On the motion of Dr. Thomas, duly seconded by Dr. Valentine, 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 Dr. Weather, duly seconded by Dr. O'Neill and passed by unanimous roll call voice vote, the Board made the following decisions:

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

Investigation No., 19-166
Investigation No., 20-165
Investigation No., 19-943
Investigation No., 19-263
Investigation No., 18-956¹⁰
Investigation No., 19-164

- b. Initiate Preliminary Review: The Board approved commencing preliminary review in the following matter:

Investigation No., 20-352¹¹

- c. Preliminary Investigations: The following matters were presented for approval of a 90-day extension to continue preliminary investigation:

Investigation No., (2020-118)	Investigation No., (2020-304)
Investigation No., (2020-146)	Investigation No., (2020-305)
Investigation No., (2020-175)	Investigation No., (2020-310)
Investigation No., (2020-287)	Investigation No., (2020-326)
Investigation No., (2020-262)	Investigation No., (2020-352)
Investigation No., (2018-332)	Investigation No., (2020-373)
Investigation No., (2019-38)	Investigation No., (2020-383)
Investigation No., (2020-197)	Investigation No., (2020-384)
Investigation No., (2019-229)	Investigation No., (2020-393)
Investigation No., (2019-230)	Investigation No., (2020-399)
Investigation No., (2019-444)	Investigation No., (2019-886)

¹⁰ Dr. O'Neill recused himself from any and all participation in discussion and/or consideration of this matter.

¹¹ Dr. O'Neill recused himself from any and all participation in discussion and/or consideration of this matter.

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Investigation No., (2019-672)	Investigation No., (2020-134)
Investigation No., (2019-720)	Investigation No., (2020-408)
Investigation No., (2019-784)	Investigation No., (2020-400)
Investigation No., (2019-886)	Investigation No., (2020-168)
Investigation No., (2019-967)	Investigation No., (2020-302)
Investigation No., (2019-1106)	Investigation No., (2018-917)
Investigation No., (2019-1107)	Investigation No., (2019-176)
Investigation No., (2019-1108)	Investigation No., (2019-993)
Investigation No., (2020-164)	Investigation No., (2019-995)
Investigation No., (2020-190)	Investigation No., (2020-81)
Investigation No., (2020-191)	Investigation No., (2020-101)
Investigation No., (2020-192)	Investigation No., (2020-182)
Investigation No., (2020-193)	Investigation No., (2020-183)
Investigation No., (2020-248)	Investigation No., (2020-279)
Investigation No., (2020-289)	Investigation No., (2020-318)
Investigation No., (2020-292)	Investigation No., (2020-334)
Investigation No., (2020-335)	Investigation No., (2020-215)
Investigation No., (2020-337)	Investigation No., (2020-358)
Investigation No., (2020-369)	Investigation No., (2019-254)
Investigation No., (2019-389)	Investigation No., (2019-427)
Investigation No., (2019-648)	Investigation No., (2019-774)
Investigation No., (2019-842)	Investigation No., (2019-849)
Investigation No., (2019-857)	Investigation No., (2019-968)
Investigation No., (2019-814)	Investigation No., (2019-832)
Investigation No., (2019-868)	Investigation No., (2019-1035)
Investigation No., (2019-1042)	Investigation No., (2019-1056)
Investigation No., (2019-1083)	Investigation No., (2020-14)
Investigation No., (2020-54)	Investigation No., (2020-90)
Investigation No., (2020-99)	Investigation No., (2018-655)
Investigation No., (2018-768)	Investigation No., (2019-1088)
Investigation No., (2019-584)	Investigation No., (2020-128)
Investigation No., (2020-138)	Investigation No., (2020-259)
Investigation No., (2020-171)	Investigation No., (2020-163)
Investigation No., (2020-135)	Investigation No., (2018-723)
Investigation No., (2018-834)	Investigation No., (2018-809)
Investigation No., (2018-764)	Investigation No., (2018-902)
Investigation No., (2019-355)	Investigation No., (2020-356)
Investigation No., (2019-357)	Investigation No., (2019-398)
Investigation No., (2019-317)	Investigation No., (2019-295)
Investigation No., (2019-441)	Investigation No., (2019-390)
Investigation No., (2019-342)	Investigation No., (2019-451)
Investigation No., (2019-496)	Investigation No., (2019-527)
Investigation No., (2019-586)	Investigation No., (2019-298)
Investigation No., (2019-616)	Investigation No., (2019-548)
Investigation No., (2019-698)	Investigation No., (2019-703)
Investigation No., (2019-721)	Investigation No., (2019-722)
Investigation No., (2019-723)	Investigation No., (2019-735)

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Investigation No., (2019-782)	Investigation No., (2019-541)
Investigation No., (2019-824)	Investigation No., (2019-853)
Investigation No., (2019-902)	Investigation No., (2019-903)
Investigation No., (2019-973)	Investigation No., (2019-1033)
Investigation No., (2019-1034)	Investigation No., (2019-1059)
Investigation No., (2019-1060)	Investigation No., (2019-1052)
Investigation No., (2019-1082)	Investigation No., (2019-1090)
Investigation No., (2019-1091)	Investigation No., (2019-41)
Investigation No., (2019-1113)	Investigation No., (2020-19)
Investigation No., (2020-31)	Investigation No., (2020-112)
Investigation No., (2020-115)	Investigation No., (2020-125)
Investigation No., (2020-141)	Investigation No., (2019-631)
Investigation No., (2018-489)	Investigation No., (2020-213)
Investigation No., (2020-246)	Investigation No., (2020-146)
Investigation No., (2020-312)	Investigation No., (2020-381)
Investigation No., (2020-387)	

- d. Formal Investigation Extensions: The following matters were presented for approval of a 180-day extension to continue formal investigation:

Investigation No., (2017-940)
Investigation No., (2017-657)
Investigation No., (2017-910)
Investigation No., (2018-33)

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

Joffa Lyn Braymer, M.D., (Docket No., 19-I-010)
Harold David Tyler, M.D., (Docket No., 20-I-146)¹²
Eric Frank Jacobs, M.D., (Docket No., 19-I-038)
Corey Everett Jackson, CRT, (Docket No., 15-I-691)
Michael L. Ham, M.D., (Docket No., 20-I-109)
Marvin D. Clifton, M.D., (Docket No. 20-I-097)
Kelsey Jeannine Webb, M.D., (Docket No. 20-I-076)
Candis N. Walters, CLP, (Docket No., 18-I-388)

- f. Consent Order: The following Consent Orders were rejected:

Docket No., 19-I-038
Docket No., 18-I-033¹³
Docket No., 17-I-153

¹² Drs. Johnson and Taylor recused themselves from any and all participation in discussion and/or consideration of this matter.

¹³ Drs. Horton and Johnson recused themselves from any and all participation in discussion and/or consideration of this matter.

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

Investigation No., 20-199	Investigation No., 20-200
Investigation No., 18-937	Investigation No., 20-220
Investigation No., 18-935	Investigation No., 20-222 ¹⁴
Investigation No., 20-223	Investigation No., 20-224
Investigation No., 20-119	Investigation No., 20-I-261
Investigation No., 20-129	Investigation No., 20-123
Investigation No., 19-1084	Investigation No., 19-1121
Investigation No., 19-1138 ¹⁵	Investigation No., 20-16 ¹⁶
Investigation No., 20-11 ¹⁷	Investigation No., 19-944
Investigation No., 19-986	Investigation No., 20-326
Investigation No., 20-408	Investigation No., 20-310
Investigation No., 20-126	Investigation No., 20-300
Investigation No., 20-236	Investigation No., 20-347
Investigation No., 20-276	Investigation No., 20-409

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

Investigation No., 18-I-594	Investigation No., 19-I-1059
Investigation No., 19-357	Investigation No., 19-355
Investigation No., 19-246	Investigation No., 20-248
Investigation No., 20-333	

h. Closed Complaint Cases. The Board approved the Closed Case Reports presented for the month of April and May 2020.

[31.] General Disciplinary Matters. On the motion of Dr. Thomas, duly seconded by Dr. Valentine, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as a matter 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. Weather, duly seconded by Ms. Sport and passed by unanimous roll call voice vote made the following decisions:

a. 2015-I-1065 – To deny the request for reinstatement of expired respiratory therapy license.

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

15 Dr. O'Neill recused himself from any and all participation in discussion and/or consideration of this matter.

16 Dr. O'Neill recused himself from any and all participation in discussion and/or consideration of this matter.

17 Dr. O'Neill recused himself from any and all participation in discussion and/or consideration of this matter.

- b. LeJeune, Jeremy Joseph, CRT – To approve the request of Jeremy Joseph LeJeune, CRT, for reinstatement of his license to a full, unrestricted status, off probation in accordance with the terms of his Consent Order dated June 12, 2017.
- c. Scott, Little Joe, RT. – To approve the request of Little Joe Scott, RT for reinstatement of his license to a full, unrestricted status, off probation, including a waiver of his probation monitoring fee inasmuch as he did not practice in Louisiana during that time.
- d. 2017-I-109 – To deny the request for modification of the terms of Consent Order.
- e. Dominguez, Mark Jason, M.D. – To inform Mark Jason Dominquez, M.D., that his chaperone shall be a nurse or other healthcare professional licensed and in good standing with an occupational licensing board in this state.

[32.] Act 2018-655 Complaints Report. On the motion of Dr. Thomas, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board convened in executive session to receive the 655 Complaint Report as a matter relating to the Board's action and procedures in matters relating to the character and professional conduct of a licensee and the handling of those complaints and/or allegations of misconduct, pursuant to La.Rev.Stat. 42:17A(1). No further action was required or taken on this matter.

[33.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduate. On the motion of Dr. Johnson, duly seconded by Dr. Taylor 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 deferred action on the application of the following pending verification of his training:

J*****, A*****, M.D.

34. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for July 27, 28, 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 June 29, 2020 and approved by the Board on the 27th day of July 2020.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 27th day of July 2020.

Terrie Roselyn Thomas, M.D.
Secretary-Treasurer

**MINUTES OF MEETING
JUNE 29, 2020**

Attest:

Roderick Vince Clark, M.D., MBA
President