

THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

May 24, 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, May 24, 2021, 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:

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

Carol Chauvin, Compliance Officer
Cathy Storm, 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

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

- [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; Public comments; Meeting Order;** Dr. Clark advised the public that any comments can be emailed to publiccomment@lsbme.la.gov. Dr. Clark reminded the members and staff to please respect the order of the meeting by using the hand raised function to be recognized. Dr. Clark verified the identity of all tele- and videoconference participants and he ensured the meeting was clear and audible to the public and those on the tele- and videoconference. Furthermore, Dr. Clark 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. Clark informed the Board of the abbreviated agenda, with only the approval of public minutes, and the Board will then convene in Executive Session.
- [3.] **Minutes of April 26, 2021** The Board reviewed and discussed the minutes of its meeting held April 26, 2021. On the motion of Dr. Horton, duly seconded by Ms. Sport and passed by unanimous roll call voice vote, the Board approved the minutes of its April 26, 2021 meeting.
- [4.] **Minutes of Executive Sessions.** On the motion of Ms. Sport, duly seconded by Dr. O'Neill, and passed by unanimous voice vote, the Board convened in executive session pursuant to La. R.S. 42:17A to receive and review the minutes of the executive session of its April 26, 2021 meeting. On the motion of Ms. Sport, duly seconded by Dr. Taylor, and passed by a unanimous vote, the April 26, 2021 Executive Session minutes were approved.
- [5.] **Report on Pending Litigation.** On the motion of Ms. Sport, duly seconded by Dr. O'Neill 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 is a party, and the status of proceedings for judicial review of prior Board decisions, pursuant to La. Rev. Stat. § 42:17A(2, 4& 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On the motion of Dr. Weather, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board accepted 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

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")

[6.] Compliance Counsel; The Board convened in executive session to receive advice and 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 on this matter.

[7.] Personal Appearances/Docket Calendar; On the motion of Dr. O'Neill, duly seconded by Ms. Sport, 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. The Board heard testimony from personal appearances in Case No. 06-I-117, and Case No. 13-I-649.

[8] Investigative Reports. On the motion of Dr. O'Neill, duly seconded by Dr. Taylor, 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. Initiate Preliminary Review: On the motion of Ms. Sport, duly seconded by Dr. O'Neill and passed by unanimous voice vote, the Board approved commencing preliminary review in the following matters:

Agenda Item No. 07.04.01
Agenda Item No. 07.04.02
Agenda Item No. 07.04.03
Agenda Item No. 07.04.04
Agenda Item No. 07.04.05
Agenda Item No. 07.04.06
Agenda Item No. 07.04.07
Agenda Item No. 07.04.08
Agenda Item No. 07.04.09
Agenda Item No. 07.04.10

- b. Extend Time for Preliminary Review: On the motion of Dr. Thomas, duly seconded by Ms. Sport and passed by unanimous voice vote, a 90-day extension to continue preliminary review/investigation was approved in the following matters:

Investigation No.	2021-199
Investigation No.	2021-200
Investigation No.	2021-254
Investigation No.	2021-285

Investigation No.	2021-286
Investigation No.	2020-1061
Investigation No.	2021-320
Investigation No.	2020-786

Investigation No.	2020-824
Investigation No.	2020-758
Investigation No.	2020-760
Investigation No.	2020-962
Investigation No.	2020-1033
Investigation No.	2021-196
Investigation No.	2021-284
Investigation No.	2019-1030
Investigation No.	2019-955
Investigation No.	2020-692
Investigation No.	2020-263
Investigation No.	2020-336
Investigation No.	2021-443
Investigation No.	2021-186
Investigation No.	2021-225
Investigation No.	2020-1008
Investigation No.	2020-1082
Investigation No.	2021-264
Investigation No.	2021-265
Investigation No.	2021-266
Investigation No.	2021-268
Investigation No.	2020-1094
Investigation No.	2018-928
Investigation No.	2018-902
Investigation No.	2019-398
Investigation No.	2019-527
Investigation No.	2019-586
Investigation No.	2019-298
Investigation No.	2019-541
Investigation No.	2019-902
Investigation No.	2019-903

Investigation No.	2019-1033
Investigation No.	2019-1034
Investigation No.	2019-1060
Investigation No.	2019-1091
Investigation No.	2019-1113
Investigation No.	2020-41
Investigation No.	2020-657
Investigation No.	2020-673
Investigation No.	2020-705
Investigation No.	2020-740
Investigation No.	2020-753
Investigation No.	2020-781
Investigation No.	2020-890
Investigation No.	2020-997
Investigation No.	2020-899
Investigation No.	2020-1041
Investigation No.	2020-1079
Investigation No.	2021-349
Investigation No.	2021-292
Investigation No.	2021-313
Investigation No.	2021-325
Investigation No.	2021-326
Investigation No.	2021-156
Investigation No.	2020-904
Investigation No.	2021-150
Investigation No.	2020-697
Investigation No.	2020-503
Investigation No.	2020-558
Investigation No.	2020-1072
Investigation No.	2021-312
Investigation No.	2021-381

- c. Extend Time for Formal Review: On the motion of Dr. Thomas, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved continuing formal investigation with a 1-year extension on the following investigative matters:

2017-943, 2019-267, and 2019-033

- d. Consent Orders: On the motion of Dr. Thomas, and duly seconded by Ms. Sport, and passed by 8 YEAS and 1 NAY, the following Consent Orders were approved:

Docket No. 2018-I-918/19-A-020

Docket No. 2020-I-482

Docket No. 2021-I-271

e. Closed/Dismissed: On the motion of Dr. Horton, duly seconded by Dr. Weather, and passed by unanimous vote, the following matters were approved for closure/dismissal with a Letter of Concern:

File No. 2021-I-228

File No. 2020-I-675

On the motion of Dr. Horton, duly seconded by Dr. Weather and passed by 8 YEAS and 1 Nay, File No. 2020-832 was approved for closure/dismissal with a letter of concern.

On the motion of Dr. Horton, duly seconded by Dr. Weather and passed by 8 YEAS and 1 Nay, File No. 2020-I-638, and File No. 2020-I-362 was approved for closure/dismissal with a letter of concern.

On the motion of Dr. Horton, duly seconded by Dr. Weather and passed by 8 YEAS and 1 Nay, File No. 2020-I-904 was approved for closure/dismissal with a letter of concern.

On the motion of Dr. Thomas, duly seconded by Dr. Taylor, and passed by unanimous voice vote, the Board delayed action of File No. 2020-778 for further clarification of recommendation from the Clinical Laboratory Personnel Advisory Committee (CLPAC).

f. Closed/Dismissed: On the motion of Ms. Sport, duly seconded by Dr. O'Neill, and passed by unanimous voice vote, the Board approved to close the following matters with no action:

File No. 2020-697

File No. 2020-647

File No. 2020-712

File No. 2020-405¹

File No. 2020-850

File No. 2020-671

File No. 2020-311

File No. 2020-689

File 2021-255²

File No. 2021-287

File No. 2021-362

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

² Dr. Weather is recused from any and all participation in this matter.

File No. 2021-123
File No. 2020-906³
File No. 2020-902
File No. 2020-570
File No. 2020-894
File No. 2020-232
File No. 2020-825
File No. 2020-826
File No. 2019-973
File No. 2021-216
File No. 2019-824
File No. 2020-600
File No. 2021-33
File No. 2020-999
File No. 2021-386
File No. 2020-996
File No. 2021-422
File No 2021-446
File No. 2021-372⁴
File No. 2021-379⁵
File No. 2021-374⁶
File No. 2021-319⁷
File No. 2020-1012
File No. 2021-124
File No. 2020-1026
File No. 2020.1065
File No. 2020-909
File No. 2020-910
File No. 2020-911
File No. 2020-31
File No. 2021-66⁸

³ Dr. Yu is recused from any and all participation in this matter.

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

⁵ Drs. O'Neill and Yu are recused from any and all participation in this matter.

⁶ Dr. O'Neill is recused from any and all participation in this matter.

⁷ Dr. O'Neill is recused from any and all participation in this matter.

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

File No. 2021-65⁹
File No. 2020-755
File No. 2020-19
File No. 2021-194
File No. 2021-121
File No. 2020-789
File No. 2021-360
File No. 2021-384¹⁰
File No. 2021-382¹¹
File No. 2021-376¹²
File No. 2020-466
File No. 2019-722¹³
File No. 2019-586
File No. 2021-246¹⁴
File No. 2021-132
File No. 2021-155¹⁵
File No. 2021-159¹⁶
File No. 2021-142¹⁷
File No. 2020-873
File No. 2021-356

On the motion of Dr. Taylor, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved File No. 2020-823¹⁸

g. Professional Liability Report. On the motion of Dr. O'Neill, duly seconded by Ms. Sport 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). On motion by Dr. O'Neill and duly seconded by Dr. Taylor, the Board accepted the report by 8 YEAS and 1 ABSTENTION, voice vote.

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

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

¹¹ Drs. O'Neill and Yu are recused from any and all participation in this matter.

¹² Drs. O'Neill and Yu are recused from any and all participation in this matter.

¹³ Dr. O'Neill is recused from any and all participation in this matter.

¹⁴ Dr. O'Neill is recused from any and all participation in this matter.

¹⁵ Dr. Yu is recused from any and all participation in this matter.

¹⁶ Dr. Yu is recused from any and all participation in this matter.

¹⁷ Dr. Yu is recused from any and all participation in this matter.

¹⁸ Dr. Yu is recused from any and all participation in this matter.

- h. Closed Complaint Cases. On the motion of Dr. O'Neill, duly seconded by Dr. Taylor and passed by 8 YEAS and 1 ABSTENTION, the Board approved closing those investigations listed on the Closed Case Report presented for the month of April 2021.
- i. Guidance from the Board. On the motion of Dr. O'Neill, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved commencing Preliminary review on File No. 2021-448.

[9] Probationary Matters; Request from Probationers. The following matters are requests from licensees to end or modify the conditions of their probation:

With regard to Case No. 06-I-117, on the motion Dr. Horton, duly seconded by Dr. Weather, and by a voice vote of 7 YEAS, 1 NAY, 1 Abstention, the Board denied the request of the licensee to end HPFL-PHP monitoring.

With regard to Case No. 13-I-649, on the motion of Ms. Sport, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board denied the request of the licensee to remove the limited license status and end probation.

With regard to Case No. 15-I-251, on the motion of Ms. Sport, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board approve the request of the licensee to terminate remove the limited license status and end probation.

With regard to Case No. 17-I-128, on the motion of Ms. Sport, duly seconded by O'Neill, and passed by 8 YEAS 1 NAY unanimous voice vote, the Board denied the request of the licensee to terminate probation early.

Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for June 28, 29, 2021.

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 May 24, 2021 and approved by the Board on the 28th day of June, 2021.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 28th day of June 2021.

Terrie R. Thomas, M.D.
Secretary-Treasurer

Roderick V. Clark, M.D., MBA
President