

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**SEPTEMBER 16, 2019
NEW ORLEANS, LOUISIANA**

A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was convened and called to order at 9:00 a.m., Monday, September 16, 2019, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Roderick V. Clark, M.D., President
Terrie R. Thomas, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
Rita Y. Horton, M.D.
Lester Wayne Johnson, M.D.
Kim S. Sport, JD
Christy Lynn Valentine, M.D.
James A. Taylor, Jr., M.D.

Board Member absent as follows:

Joseph Kerry Howell, M.D., Vice-President, M.D.
Patrick K. O'Neill, M.D.

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

Vincent A. Culotta, Jr., M.D., Executive Director
Lawrence H. Cresswell, DO, JD, Director of Investigations
Mary K. Peyton, General Counsel
Aloma James, Director of Licensure
Carol Chauvin, Compliance Investigator
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Philip O. Bergeron
Don McKinney
Michael G. Bagneris (Ret)

Members of the public present as follows:

See list attached

1. **Pledge of Allegiance.** All recited the Pledge of Allegiance.
2. **Mission Statement.** Joseph Bonck, Jr., Compliance Investigator, read the mission statement of the Board.
3. **Minutes of August 12, 2019 Meeting.** The Board reviewed the minutes of its meeting held August 12, 2019. On the motion of Dr. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board approved the minutes of the meeting with all the necessary corrections.
4. **Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted the action items as assigned to staff and counsel from previous meetings.
5. **General Administrative Matters; BoardEffects; Rita Auritt, Senior Governance Advisor, Healthcare Team.** The Board received an online presentation by Rita Auritt, Senior Governance Advisor, Healthcare Team, BoardEffects. She presented for consideration an overview of a secure online system for delivery of the Board's monthly agenda. Following review and discussion, it was the consensus of the Board to gather information relating to the liability coverage and a report of other Boards utilizing this system.
6. **Rulings and Advisory Opinions; Skin Testing by Clinical Laboratory Personnel.** The Board reviewed the draft response relative to the request of the Clinical Laboratory Personnel Committee to adopt its views relative to skin testing by clinical laboratory personnel. Following review and discussion, on the motion of Dr. Taylor, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board approved the correspondence prepared in connection with the inquiry which asked the Committee to provide any available citations or references to the Clinical Laboratory Improvement Act ("CLIA") and/or associated CLIA regulations that confirm the Committee's recommendation is consistent with and not more restrictive than CLIA.
7. **Rulings and Advisory Opinions; Performance of IV Therapy.** The Board reviewed the response prepared in connection with the inquiry received from Lisa Black, M.D., requesting information on the performance of IV Therapy such who can start IV's, infuse the solutions, etc., Following review and discussion, on the motion of Dr. Horton, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved the correspondence for dissemination to Dr. Black advising her that certain allied health professionals may start IV therapy on the order of a physician and that more information would be needed to offer guidance as to the conditions she

wished to utilize IV therapy.

8. Rulings and Advisory Opinions; DeSoto Regional Hospital (“DRH”); Hospitalist Program; Follow-Up. As a follow-up matter, the Board further discussed the request of Todd Eppler, FACHE, CEO, DRH for an opinion regarding the ability of DRH to utilize nurse practitioners in their hospitalist program and as a part of their service to staff the emergency room, which may at times require the physician to “admit to” an APRN versus a physician. The Board reviewed the correspondence received from Terence J. Alost M.D., MBA, FAAEM, seeking guidance on this matter as well. The Board also noted receipt of various letters from other physicians relating to the “independent practice of nurse practitioners” at DRH. During the discussion, it was noted that the Board has no jurisdiction to regulate the hospital and that it’s role is limited to the collaborate practice between the physician and the APRN. Following discussion, it was the consensus of the Board to advise everyone that an opinion or guidance on this matter would be forthcoming in due course.

9. Rulings and Advisory Opinions; Telemedicine Services; Sarah C. Hamauei, M.D. The Board reviewed the request of Sarah C. Hamauei, M.D., for a ruling on whether the Northwest Louisiana Human Services District (“NLHSD”) behavioral health clinics satisfy the exception to the requirement that a physician conduct an in-person visit prior to prescribing controlled dangerous substances when practicing by telemedicine in this state. Following review and discussion, it was the consensus of the Board to defer action on this matter pending receipt of additional information on whether they satisfy the requirements to meet the exception to the telemedicine rules.

10. Ruling and Advisory Opinions; Act 426; Dispensing of Medications. The Board reviewed the correspondence received from Fred R. DeFrancesch, M.D., informing the Board that whereas Act 426 states that medical practitioners shall indicate on prescriptions that more than a seven-day supply of an opioid is medically necessary that a number of pharmacies are refusing to fill the prescription. Dr. DeFrancesch informed the Board that he had also sent the letter to the Board of Pharmacy. Following review and discussion, it was the consensus of the Board draft a letter for approval at the next meeting of the Board advising him that the law does in fact state that medically necessary is all that is required on a prescription for more than a seven-day supply of an opioid.

11. Rulings and Advisory Opinions; Physician Assistant; Scope of Practice; Employment of Supervising Physician and Independent Contractor. The Board reviewed the correspondence received from Jonathan D. Stokes, Esq., Gold Weems, seeking an exception to La. Rev. 1508(A)(3) relative the employment of a supervising physician by a physician assistant. Following review and discussion, it was the consensus of the Board to advise Mr. Stokes that the current employment arrangement raised several concerns, which causes the Board to deny the request for an exception to the Board’s rules.

12. Rulings and Advisory Opinions; Physician Operating on Family Members. The Board reviewed the electronic correspondence requesting an advisory opinion on whether there is any prohibition on a physician performing surgery on a family member. Following review and discussion, it was the consensus of the Board to advise that even though the AMA Code of Ethics and others entities may recommend against this practice, that there is no prohibition contained in

the Medical Practice Act or the rules of the Board that prohibits a physician from performing surgery on a family member.

13. Communications and Information; Kristy Crane; Public Relations; Zippia.com. The Board noted receipt of the communication provided by Kristy Crane, Public Relations, Zippia.com, entitled, "Mortality After Discontinuation of Primary Care-Based Chronic Opioid Therapy for Pain". No further action was required or taken on this matter.

14. Communications and Information; Kristy Crane; Public Relations; Zippia.com. The Board noted the request of Kristy Crane, Public Relations, Zippia.com, offering to provide a link on our website relating to clinical exercise physiologist. No further action was required or taken on this matter.

15. 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 reported on his meeting with Attorney General relative to liability coverage for Board members; his meeting with the Board's CPA and his work to find suitable lodging for Board members. He further advised that he would like to conduct a survey of our licensees to gain information for quality improvement as well as look for resources to develop management skills within the leadership of the Board and quality metrics within the departments.

16. 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. Dr. Culotta reported that Dr. Taylor had agreed to serve as the Board appointee to the SR 255 Study Resolution Panel; that Dr. O'Neill had been appointed by the Governor to replace Dr. Winstead and advised that Dr. O'Neill had prior obligations and could not attend this meeting.

17. General Administrative Matters; Palliative Care Interdisciplinary Advisory Council. The Board noted the passage of Act 351 in the 2019 Regular Session of the Louisiana Legislation, which created the Palliative Care Interdisciplinary Advisory Council. Dr. Culotta reported that an e-mail blast would be forwarded to all licensees soliciting the names of physicians interested in serving on the Council. The Board would be able to review the list at the next meeting of the Board.

18. General Administrative Matters; Battlefield Acupuncture. The Board reviewed the electronic correspondence received from Henry Hurd, Credentialing, Alexandria, Veterans Administration, seeking guidance concerning the VA's implementation of Battlefield Acupuncture within the VA system. He specifically wanted to know the laws, rules, and requirements that providers must meet in order to be able to perform this procedure within the VA only. Following review and discussion, it was the consensus of the Board to advise Mr. Hurd that under §5101.B, an exemption for the necessity of licensure shall not apply to any person, employed by, and acting under the supervision and direction of, any commissioned physician of any of the United States Armed Services, Public Health Service or Veteran's Administration practicing in the discharge of his or her official duties. As to those within the Board's jurisdiction, certainly physicians, acupuncturists and acupuncture detoxification specialists may perform battlefield acupuncture.

19. General Administrative Matters; Therapeutic Marijuana Recommendation Forms.

The Board reviewed the two forms, which had been updated to account for the current and proposed rules on qualifications, eligibility and prohibitions applicable to therapeutic marijuana registration. Following review and discussion, on the motion of Dr. Thomas, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the updated forms.

20. Rules and Regulations.

a. Final **Rules/Amendments: Telemedicine:** At its December 2018 meeting, the Board considered a request for clarification of the “in-state” requirement contained in .7505C of its telemedicine rules for consistency with the law and so that, as applied, it would not inadvertently impact physicians from prescribing medication or providing other health care services to their patients who may be vacationing or temporarily outside of Louisiana to the extent that such are permitted in other jurisdictions. Following review and discussion at its December 2018 meeting, the Board voted to amend .7505C., of the rules by deleting the words “in this state” and provide *Notice of Intent* to adopt the amendment in the *Louisiana Register*. The proposed rule amendments were submitted to the OLRC for approval. The OLRC advised that because the amendment merely brings the rule into compliance with the wording of the law, Commission approval was not required. The *Notice of Intent* was published in the April 2019 edition of the *Louisiana Register*. Neither a request for a public hearing or written comments were received during the comment period. Following review and discussion during the June 2019 meeting, the Board approved submission to the Legislative Oversight Committees and, provided no oversight changes are recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 3, 2019, a report was submitted to the legislative oversight committees for consideration. The time for an oversight hearing expired. The fine rule amendments were promulgated by and upon publication in the August 20, 2019 edition of the *Louisiana Register*, concluding this rulemaking effort. **Genetic Counselors:** Pursuant to the Board’s request, a rulemaking effort commenced to develop rules for Genetic Counselors, to accommodate the new law contained in Act 593 (HB 753, Rep. Stokes) of the 2018 Regular Session of the Legislature, which established this category of health care providers under the Board’s jurisdiction. Staff and counsel developed a draft of set rules and forwarded the draft to the Genetic Counselors Advisory Committee for review. The Committee approved the draft and requested additional changes relative to CME renewal. At its October 2018 meeting, the Board approved providing a *Notice of Intent* to adopt the new rules. The *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*. Following publication of the *Notice of Intent*, the Board did not receive a timely request for a public hearing but did receive written comments from one commenter. During its February 2019 meeting, the Board considered the written comments submitted by its Genetic Counselors Advisory Committee concerning the intent of the law was not to require a collaborating physician for every licensee; rather, only by those who engage in the functions identified in R.S. 37:1360.103B (e.g., ordering diagnostic testing or selecting other methods of diagnosis). Following review and discussion, the Board voted to make substantive changes to the proposed rules previously noticed (require a CP for those licensees who engage in R.S. 37:1360.103B functions) and, in the interim, conform its application attestation to capture the revisions. At its March 2019 meeting, the Board approved providing a Potpourri Notice in the *Louisiana Register*. The Potpourri Notice appeared in the April 2019 edition of the

Louisiana Register. A hearing to consider comments on the proposed substantive changes was held on May 30, 2019. No written comments were received and no one appeared at the hearing to present oral comments. Following review and discussion during the June 2019 meeting, the Board approved submission to the Legislative Oversight Committees and, provided no oversight changes were recommended, promulgation of the amendments upon publication in the *Louisiana Register*. The final rules were promulgated by and upon publication in the August 20, 2019 edition of the *Louisiana Register*, concluding this rulemaking effort.

b. Rules/Amendments; Noticed for Intent to Adopt: Therapeutic Marijuana:

Pursuant to the Board's request, a rulemaking effort commenced to accommodate several changes in the law resulting from Acts 496 (HB 627, Rep. Lyons) and 708 (HB 579, Rep. James) of the 2018 Regular Session of the Legislature. In conformity with the law, the proposed changes: (i) add various conditions to the definition of a *debilitating medical condition*, for which therapeutic marijuana may be recommended by a physician; and (ii) clarifies two provisions in conformity with the Board's prior advice (e.g., 7705A.5, 7714A.4). The draft also highlighted several provisions that were the subject of a request for rule making, which the Board denied/deferred pending the conclusion of the 2018 legislative session. During the September 2018 meeting, the Board reviewed the proposed amendments and considered items noted in a request for rulemaking. Following discussion and comment from numerous members of the public, the Board voted to adopt a number of proposed amendments including (i) to include post-traumatic stress disorder and chronic/intractable pain as debilitating medical conditions, given their addition to the law by Act 709 of the 2018 Regular Session of the Legislature (7705A) See: definition of *Debilitating Medical Condition*; (ii) eliminate the 100 patient limit (impose no limit) on the number of patients for whom a physician registered with the Board may recommend therapeutic marijuana (7707A.2, 7709B.); (iii) remove the requirement that the physician re-examine the patient at intervals not to exceed 90 days and instead leave the frequency of follow-up examinations to the judgment of the treating physician (7717A.6); adopt other changes made necessary for conformity with the law and consistency with prior Board advice. Given that requirement of the law that defines a recommendation for therapeutic marijuana to be an "order from a physician...authorized by the Board to recommend medical marijuana that is patient-specific and disease-specific", the Board did not modify the rule requirements relative to form, amount, dosage and instruction for use (7721A.4: 7729D). In addition, the Board suggested additional amendments to the rules for conditions associated with autism spectrum disorder (Act 496 of the 2018 Regular Session) for review. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to defer providing *Notice of Intent* to adopt the amendments until it had further opportunity to consider and explore the amendment to certain new definitions made necessary by Act 496. Upon further consideration and discussion at its December 2018 meeting, the Board voted to (i) revise the definitions for "consult or consultation" and "pediatric subspecialist"; (ii) in response to a request for clarification by the Louisiana Hospital Association, amend the definition of "Bona-Fide Physician-Patient Relationship" (7705A) to eliminate the unintended consequences of in-person examinations conducted at locations other than a physician's physical practice location, which are contained in the physician's registration with the Board; and (iii) provide *Notice of Intent* to adopt all of the proposed amendments following approval from the OLRC. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. A request for a public hearing was

submitted to the Board, *albeit* untimely, by a professional association concerning the proposed definition of “pediatric subspecialist”. The submission was considered and accepted by staff as a written comment and the commenter was advised that it would be considered at the June 2019 meeting. Following review and discussion during the June 2019 meeting, the Board approved submission of the required reports to the OLRC and Legislative Oversight Committees and, provided no changes were recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 2, 2019, a report was submitted to the OLRC for consideration at the Commission’s next meeting. The OLRC scheduled a meeting for August 22, 2019. The OLRC before the meeting was convened advised the Board that inasmuch as no changes were made since the original publication of the *Notice of Intent* a second review was not necessary. On August 28, 2019, the final report was submitted to the Legislature. Provided an oversight hearing is not called for, it is anticipated that the final rule amendments will be promulgated by and upon publication in the October 20, 2019 edition of the *Louisiana Register*.

Physician; Fellowship Training Permit: Pursuant to the Board’s request, a rulemaking effort has been undertaken to amend its rules to provide for a short-term training permit that would accommodate fellowship training that is not accredited by the ACGME, that is offered by a Louisiana medical school or major teaching hospital with an underlying ACGME accredited residency training program in the same specialty as the fellowship. The Board reviewed a draft of the rules presented for review and discussion. Following review and discussion at its October and December 2018 meetings, it was the consensus of the Board to provide a preview draft to various stakeholders. After the report from various stakeholders was received, the Board voted to provide a *Notice of Intent* to adopt the rules and to submit to the OLRC for approval. The OLRC approved the proposed amendments. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. Neither a request for a public hearing or written comments was received during the comment period. Following review and discussion during the June 2019 meeting, the Board approved submission of the required reports to the OLRC and Legislative Oversight Committees and, provided no changes were recommended, promulgation of the amendments upon publication in the *Louisiana Register*. On July 2, 2019, a report was submitted to the OLRC for consideration at the Commission’s next meeting. The OLRC scheduled a meeting for August 22, 2019, which was rescheduled for August 27, 2019. The OLRC, before the scheduled meeting, advised the Board that inasmuch as no changes were made since the original publication of the *Notice of Intent* a second review was not necessary. On August 28, 2019, the final report was submitted to the Legislature. Provided an oversight hearing is not called for, it is anticipated that the final rule amendments will be promulgated by and upon publication in the October 20, 2019 edition of the *Louisiana Register*.

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. A draft will be presented for initial review and consideration in due course. **Physician Advertising; Board Certification:** At its March 2015 meeting, the Board determined to undertake a rulemaking effort to establish a process for its approval of certifying boards, alternative to

the ABMS and AOA, for purposes of physician advertising of *Board Certification*. The Board directed that a draft be prepared and presented for review and approval. In conformity with the Board's direction, a draft was presented for initial review and discussion at the April 2015 meeting. At its May 2015 meeting, the Board approved publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*. An additional word change was discussed and pre-notice input was received from interested parties. Following review and discussion, the Board elected to defer this effort to allow further consideration and input by other stakeholders. Inasmuch as further input had not been received, it was the consensus of the Board to write to several interested parties to ask for their input by the May meeting of the Board. During the May 2016 meeting, the Board reviewed the additional information submitted by the various stakeholders and entertained brief presentations by interested parties. Following discussion, the Board voted to defer action on this rule-making effort pending further review and voted to designate a Special Committee consisting of individuals recommended by the deans of the state's medical schools and a former Board member, to provide information on the processes involved in the accreditation of physician post-graduate training. During its January 2017 meeting, the Board received the committee's input. Following discussion, the Board requested certain changes to the draft previously appearing on its agenda, along with additional information for its consideration. Following further discussion and consideration at its April 2017 meeting, the Board voted to provide *Notice of Intent* to adopt Draft 2(A). During the March 2018 meeting, the Board determined to defer moving forward to the next step of the rulemaking process until it had an opportunity to further explore and consider all other available options, as well as the outcome of a bill introduced in this session of the Louisiana Legislature that would remove its jurisdiction to act in this matter (See SB 186).

Physicians; Licensure: Amendments to the physician licensure rules as suggested by staff was presented for initial review and discussion to update generally for consistency with current standards and make other substantive and technical modifications made necessary by the passage of time and current practices. Following review and discussion at its January 2018 meeting, the Board suggested proceeding slowly with the proposed changes to consider how such changes may affect other Sections of the rules. In the interim, the Board approved moving forward with the suggested amendment to §417B to clarify that a renewal reminder would be mailed to licensees in lieu of an actual application.

Physicians; Complaints and Investigations: – Pursuant to the Board's request, a rulemaking effort is being commenced to conform its rules on complaints and investigations to various changes in the law resulting from Act 599 (HB 778, Rep. K. Jackson) of the 2018 Regular Session of the Legislature. A draft was presented for initial review and consideration. Following review and discussion at its October 2018 meeting, it was the consensus of the Board to provide a preview draft to various stakeholders prior to providing *Notice of Intent* to adopt the amendments. Following a report that there had been no negative feedback from the various stakeholders, at its December 2018 meeting, the Board voted to provide *Notice of Intent*. At the request of the President, the rule effort was delayed until the March 2019 meeting to provide the Board the opportunity to consider a new rule on the assessment of fees in administrative disciplinary proceedings. During the June 2019 meeting, the Board voted to provide *Notice of Intent* to adopt the originally proposed amendments in the *Louisiana Register* and give further consideration to the rule on assessment of costs.

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. **Physician Practice; Therapeutic Marijuana:** Act 284 (2019 Regular Session), amended state law governing medical marijuana in a manner that impacts the Board's existing rules in several respects e.g., removes the: (i) requirement for annual reporting by the Board to the legislature as to any additional diseases or conditions that should be added or removed from the list of debilitating conditions; (ii) requirement that a physician utilize *step therapy or fail first* protocols; and (iii) physician domiciliary requirement for a physician to recommend marijuana. On the motion of Ms. Sport, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board approved providing *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*.

d. **Potpourri Notice/Petitions for Rulemaking (Act 454 Notice:** Pursuant to Act. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as La. R.S. 49:953(C)(2), at least once prior to January 1, 2020, and at least once during every six-year period thereafter, each agency which engages in rulemaking is required to conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The agency is required to publish notice of the meeting in the *Louisiana Register*, give notice electronically to the appropriate legislative oversight committees, and provide notice to all persons who have made timely request of the agency for notice of rule changes, no later than thirty days prior to the meeting. As with all such efforts, the agency is required to consider the comments and issue a response to each submission describing the principal advantages and disadvantages of the suggest changes. It may also prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. All submission, which must be made in writing and responses, must be submitted to the legislative oversight committees. Consistent with the law, a *Potpourri* Notice was presented for consideration and approval obtained for a convenient date and time for a public hearing to be held. The public hearing has been scheduled for October 14, 2019 at 9:00 a.m.

21. Rules and Regulations. In connection with the various requests for exception to the Board's licensure rules, Dr. Johnson offered the following hypothesis: Exception to rules for licensure run the risk of being perceived as arbitrary or ill-conceived. In reference to this issue, which for two years has prompted much appropriate discussion by the Board, and on occasion resulted in exceptions to established rules, for the consideration of the Board and staff, I offer the following motion for the purposes of a current appraisal of rule or rules which govern the eligibility for licensure of certain applicants as to their completion of various requirements which in today's dynamic medical and surgical educational milieu may indeed be antiquated, out of step, and restrictive. As examples, I would submit certain ACGME requirements and certain attainments vis-à-vis specialty Board certifications as opposed to step exams. This motion recommends an in-depth comprehensive evaluation of current rules and would encompass testimony before the Board from medical academia, staff of the Board, representatives of the people, and citizens

**MINUTES OF MEETING
SEPTEMBER 16, 2019**

themselves. The discussion before the Board should include but not necessarily be confined to two primary avenues of inquiry:

- 1) Derivation of rules as they stand today. How and why they came to be.
- 2) Discussion of inherent changes in medical education and the proper evaluation of medical education by current standards, as to how this should effect appropriate, measured, and reasonable changes in the Board certification requirements for licensure, which would inherently decrease the need for exceptions to rules.

The motion was duly seconded by Dr. Horton and passed by unanimous voice vote of the Board.

22. Public Comments. The President asked if anyone from the public had questions and/or comments. Katy Meyers offered comments regarding adding more conditions to the list of debilitating conditions for the treatment of therapeutic marijuana. Ms. Katelyn Castleberry offered comments on the treatment of therapeutic marijuana for chronic pain patients. The Board advised them to submit their comments in writing.

23. General Administrative Matters; Kweli J. Amusa, M.D. The Board noted that Kweli J. Amusa's term of office expired January 1, 2019, but was willing to serve until replaced. The Board expressed their appreciation along with staff for her 19 years of service and ordered that a plaque struck in her name and a resolution made a part of the minutes stating the following:

AWARDED BY

THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

WHEREAS, DR. KWELI JOHARI AMUSA HAS FAITHFULLY AND CONSCIENTIOUSLY SERVED THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS AS MEMBER FROM MARCH 23, 2000 THRU JUNE 30, 2019; AND

WHEREAS, DOCTOR AMUSA HAS DILIGENTLY DISCHARGED HER DUTIES TO THE GREAT BENEFIT OF THE BOARD AND THE CITIZENS OF THE STATE OF LOUISIANA SERVING AS SECRETARY-TREASURER FROM JANUARY 2002 UNTIL DECEMBER 2003; VICE-PRESIDENT FROM JANUARY 2004 UNTIL DECEMBER 2006; AND PRESIDENT FROM JANUARY 2007 UNTIL DECEMBER 2008.

WHEREAS, DURING HER YEARS OF SERVICE DOCTOR AMUSA HAS CONTINUALLY AND GRACIOUSLY GIVEN HER EFFORTS, TIME AND ABILITIES TOWARD MAINTAINING THE HIGH STANDARD OF THE MEDICAL PROFESSION FOR WHICH THE STATE OF LOUISIANA IS NOTED, THEREFORE, BE IT

RESOLVED, THAT THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS ON BEHALF OF THE BOARD AND THE PEOPLE OF THE STATE OF LOUISIANA BY MEANS OF THIS RESOLUTION EXPRESS TO DR. KWELI JOHARI AMUSA ITS GRATITUDE AND APPRECIATION FOR HER NINETEEN YEARS OF SERVICE; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE PUBLISHED IN THE MINUTES OF THE BOARD AND THAT A PLAQUE BE SERVED CONTAINING THIS RESOLUTION AND GIVEN TO DOCTOR AMUSA EXPRESSING TO HER THE HIGHEST ESTEEM OF THE BOARD.

JULY 15, 2019

*Christy Lynn Valentine, MD, President
Roderick V. Clark, MD, Vice President
Joseph K. Howell, MD, Secretary-Treasurer*

*Kim S. Sport, JD
James A. Taylor, Jr., MD
Terrie R. Thomas, MD*

**MINUTES OF MEETING
SEPTEMBER 16, 2019**

*Rita Y. Horton, MD
Lester Wayne Johnson, MD*

Daniel K. Winstead, MD

[24.] Minutes of August 12, 2019 Executive Sessions. On the motion of Dr. Taylor, duly seconded by Dr. Horton 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 August 12, 2019. Following review and discussion, the Board resumed in open session. On the motion of Dr. Valentine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of August 12, 2019 with any necessary corrections.

[25.] Report on Pending Litigation. On the motion of Dr. Thomas, duly seconded by Dr. Horton, 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). In the matter of 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"), the Board reviewed the Ex Parte Motion to Revive Judgment rendered October 2, 2009 which had not been satisfied. Following review and discussion, on the motion of Dr. Thomas, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board approved the motion to revive the judgement in this matter.

[26.] Personal Appearances/Docket Calendar. On the motion of Dr. Horton, duly seconded by Dr. Johnson, and passed by unanimous voice vote, the Board convened in executive session, to review the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. 42:17 A(1), (4). No further action was required or taken on this matter.

[27.] Investigative Reports. On the motion of Dr. Thomas, duly seconded by Dr. Amusa, 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. Amusa, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board made the following decisions:

- a. Administrative Complaint: The following Administrative Complaint was accepted and approved for scheduling of a pre-trial conference and formal hearing:

Docket No., 19-I-201

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

Docket No., 19-I-201

Docket No., 19-I-423¹

Docket No., 19-I-231

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

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

Investigation No., 19-I-573
Investigation No., 19-I-510
Investigation No., 19-I-223
Investigation No., 18-I-664
Investigation No., 19-I-852

- d. Formal Investigations: The Board approved an extension of 180 days to commence a formal investigation in the following matters:

Investigation No., 19-672	Investigation No., 19-542
Investigation No., 19-700	Investigation No., 19-543
Investigation No., 19-643	Investigation No., 19-571
Investigation No., 19-631	Investigation No., 19-583
Investigation No., 19-609	Investigation No., 19-599
Investigation No., 19-510	Investigation No., 19-523
Investigation No., 19-652	Investigation No., 18-527
Investigation No., 19-656	Investigation No., 19-557
Investigation No., 19-660	Investigation No., 19-720
Investigation No., 18-661	Investigation No., 19-586
Investigation No., 18-654	Investigation No., 19-548
Investigation No., 18-576	Investigation No., 19-532
Investigation No., 18-578	Investigation No., 19-546
Investigation No., 19-657	Investigation No., 19-479
Investigation No., 19-659	Investigation No., 19-507
Investigation No., 19-658	Investigation No., 19-552
Investigation No., 19-508	Investigation No., 19-529
Investigation No., 19-587	Investigation No., 19-474

- e. Consent Order: The following Consent Order was accepted:

Carl Henry Hines, M.D., Docket No., 17-I-926

- f. Stipulation and Agreement for Voluntary Surrender of Athletic Trainer License. The Stipulation and Agreement for Voluntary Surrender of Athletic Trainer License was accepted:

Loralyn B. Huval, ATH, File No., 18-I-982

- g. Closed/Dismissed: To approve closing/dismissing the following matters:

File No., 19-I-052
File No., 19-I-600

**MINUTES OF MEETING
SEPTEMBER 16, 2019**

File No., 18-I-534
File No., 16-I-971
File No., 18-I-678
File No., 15-I-691

h. Closed/Dismissed: The following matters were closed/dismissed with a Letter of Concern:

File No., 19-I-109²
File No., 18-I-968
File No., 19-I-188
File No., 19-I-428
File No., 18-I-275
File No., 18-I-254
File No., 19-I-084
File No., 19-I-468
File No., 19-I-266
File No., 18-I-685³

i. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of August 2019.

[28.] Professional Liability Report. On the motion of Dr. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session to consider the report on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on this matter.

[29.] General Disciplinary Matters. On the motion of Dr. Johnson, duly seconded by Dr. Thomas, the Board convened in executive session to consider the request relating to the execution or modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and upon the motion of Dr. Thomas, duly seconded by Ms. Sport and passed by unanimous voice vote, made the following decisions:

a. Lippton Howard Len, M.D. – To deny the request of Howard Len Lippton, M.D., for approval of a non-approved treatment facility for outpatient treatment.

b. Sentell, Samuel, MP – To approve the request of Samuel Sentell, MP., for reinstatement of his license to a full, unrestricted status, off probation.

² Dr. Thomas recused herself from any and all participation in discussion and/or consideration of this matter.

³ Drs. Valentine and Thomas were opposed to this motion.

c. Investigation Report – To note receipt of the investigation averages as requested by the Board.

[30.] Licensure and Certification; Other Licensure Matters; Reinstatement. On the motion of Dr. Amusa, duly seconded by Dr. Horton and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for restatement of licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Thomas, duly seconded by Dr. Amusa and passed by unanimous voice vote, approved the following for reinstatement provided all requirements had been met:

Alexander, Lon Frederick, M.D.

[31.] Licensure and Certification; International/Foreign Medical Graduate. On the motion of Dr. Johnson, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board convened in executive session to consider a matter relating to the character, professional competence or mental health of an applicant, pursuant to La.Rev.Stat. § 42:17A(1). Following the discussion, the Board resumed in open session. On the motion of Dr. Taylor, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board voted to advise the following that he does not meet the licensure requirement, and thus was ineligible for licensure in this state:

Shanmugan, Jaya Prasad

[32.] Licensure and Certification; Other Licensure Matters; CME Audit. On the motion of Ms. Sport, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session, to consider a matter relating to the character and professional conduct of a licensee and allegations of misconduct, La.Rev.Stat. § 42:17A(1) and (4). Following the discussion, the Board resumed in open session. It was the consensus of the Board to defer action on the request of the following pending receipt of additional information:

El-Abassi, Rima Nabil

[33.] General Administrative Matters; Personnel and Other Administrative Matters. On the motion of Dr. Thomas, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board convened in executive session to consider matters relating to personnel and other administrative matters, pursuant to La.Rev.Stat. 42:17A(3). No further action was required or taken on this matter at this time.

[34.] General Administrative Matters; Unclassified Employee; Executive Director. On the motion of Dr. Taylor, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board convened in executive session to consider a matter relating to personnel, pursuant to La.Rev.Stat. 42:17A(3). The Board considered and discussed the request for an increase in compensation for the Executive Director. Following review and discussion, the motion of Dr. Johnson, duly seconded by Dr. Horton, for an increase in compensation failed.

MINUTES OF MEETING
SEPTEMBER 16, 2019

35. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for October 14, 15, 2019.

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 September 16, 2019 and approved by the Board on the 14th day of October, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 14th day of October 2019.

Terrie Roselyn Thomas, M.D.
Secretary-Treasurer

Attest:

Roderick Vance Clark, M.D., MBA
President