

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

# NEWSLETTER



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## FROM THE DESK OF THE EXECUTIVE DIRECTOR



As always, the LSBME has been working on new initiatives and innovations. On July 1st we launched our new licensing software program, LaMED. Licensees renewing their licenses are strongly encouraged to renew a bit early to

avoid any difficulties involved in using a new system for the first time. If you begin your renewal too late, you could risk an expiration of license and be unable to practice your profession until the issue is resolved.

As you know from our legislative update in July, the legal environment around therapeutic marijuana continues to shift rapidly even as the product became available to patients in early August. In general, anyone looking for information on the most recent rulemaking efforts pertaining to any and all licensees should go to <http://www.lsbme.la.gov/licensure/rules>.

Since our last newsletter there have been quite a few changes to the board in terms of membership and roles. We welcomed two new board members, Drs. Patrick T. O'Neill and Leonard Weather, Jr. and we have honored and bid a fond farewell to Dr. Kweli J. Amusa, who served this board with dedication for over 19 years. Dr. Roderick V. Clark now occupies the president's chair; past president Dr. Christy Valentine continues to serve on the board. Dr. J. Kerry Howell is now the Vice-President, and Dr. Terrie Thomas is Secretary-Treasurer.

For the 2020 renewal cycle, CE broker will be online for the first time. Licensees should check the website for more information on this as it becomes available. Once CE broker is in place, all CE and CME will be automatically recorded, eliminating any tracking problems in terms of numbers of hours and the approval process of educational programs. ■

Best regards,

Vincent A. Culotta Jr., MD  
Executive Director

**CDSCME Reminder:** For those prescribers who have not yet fulfilled the requirement of 3 hours CME on Controlled Dangerous Substances required by Act 76-2017, please make sure to check the Board's list of approved courses to meet this requirement as it is updated periodically. **Make sure the course you want to take is on the list!** If you are in the process of renewing and are submitting a course that was on the previous list, all of those courses will be honored if taken before September 16, 2019.

Remember that the education hours must include the following topics: Best practices for Prescribing CDS, Anti-diversion Training, Treatment of Chronic Pain, and Appropriate Treatment for Addiction. For the most recent list of **pre-approved** courses, go to: <http://www.lsbme.la.gov/content/board-approved-cme-courses-cds-requirements>

The board has recently undergone a new curricular process, developing a more formal set of requirements that any course must meet to receive approval. All approved courses have been updated and now meet these requirements. We will continue to review select online courses when **submitted for approval by the CME provider**, as well as live courses offered on a one-time basis through professional associations or similar organizations.

## ***Did you know...?***

### **About the LSBME's Continuing Education Audit program?**

The LSBME licensing department is required by law to perform a continuing education compliance audit each year on a random 3% of the licensees in each practitioner category. We use a random number generator to decide on which licensees to audit. We will begin the audit of the 2018 licensing year in the next few months. Any licensee who is audited and found to be non-compliant, meaning that s/he has not completed the required number of hours of CME or CE, will be notified of our findings, and given 30 days to provide proof of compliance. If after 90 days we have not received proof of compliance, the license will be administratively revoked. (For physicians this revocation will be reported to the National Practitioner Data Bank.) We have provided text on CME audits for physicians from the rules below.

According to Subchapter K. Continuing Medical Education §§433-449 of the Rules for Physicians, "every physician seeking the renewal or reinstatement of licensure... shall annually evidence and document, upon forms supplied by the board, the successful completion of not less than 20 hours of board approved CME." From §439, "Physicians will not be required to transmit documentation of compliance with continuing medical education requirements for renewal or reinstatement of licensure, unless requested by the board pursuant to §439.E... A physician shall maintain a record or certificate of attendance for at least four years from the date of completion of the continuing medical education activity."

In addition, "The board shall select for an audit of continuing medical education activities no fewer than 2 percent of the applicants for renewal or reinstatement each year. In addition, the board has the right to audit any questionable documentation of activities... Verification of continuing medical education satisfying the requirements of this Subchapter shall be submitted by a physician to the board within 30 days of the date of mailing of notification of audit or such longer period as the board may designate in such notification. A physician's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement."

An applicant for renewal of licensure who fails to evidence satisfaction of the continuing medical education requirements prescribed by these rules shall be given written notice of such failure by the board. Such notice shall be mailed to the most recent address of the licensee as reflected in the official records of the board. The license of the applicant shall remain in full force and effect for a period of 90 days following the mailing of such notice, following which such license shall be deemed expired, unrenewed and subject to revocation without further notice, unless the applicant shall have, within such 90 days, furnished the board satisfactory evidence by affidavit that: 1. the applicant has satisfied the applicable continuing medical education requirements; 2. the applicant's failure to satisfy the continuing medical education requirements was occasioned by disability, illness or other good cause as may be determined by the board pursuant to §445; or 3. the applicant is exempt from such requirements pursuant to §447.

The license of a physician which has expired for nonrenewal or been revoked for failure to satisfy the CME requirements of §435 of these rules, may be reinstated pursuant to §419 upon written application to the board, accompanied by payment of the reinstatement fee required by §419, in addition to all other applicable fees and costs, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license was last issued or renewed, completed an aggregate of 20 hours of board approved CME... The license of a physician which has expired, has not been renewed or been revoked for failure to meet the requirements of §449, or one which has expired, has not been renewed or revoked on more than one occasion for failure to satisfy the CME requirements of §435 of these rules shall be deemed in violation of R.S. 37:1285.A(30), providing cause for the board to suspend or revoke, refuse to issue, or impose probationary or other restrictions on any license held or applied for by a physician to practice medicine in the state of Louisiana culpable of such violation

All other licensees have similar requirements for compliance although the number of hours may differ.

## From the Board of Pharmacy - Prescription Monitoring Program

The Louisiana Board of Pharmacy Prescription Monitoring Program (PMP) would like to remind prescribers and other stakeholders that it is implementing a statewide, comprehensive platform for healthcare professionals to review patients' controlled-substance prescription history more quickly and efficiently. The goal is to minimize any workflow disruption by providing near-instant and seamless access to critical controlled-substance prescription history information to both prescribers and pharmacists. This platform utilizes current PMP prescription data and transfers it into electronic health records (EHR) and pharmacy management systems. Statewide integration is a key component of Louisiana's ongoing efforts to address the opioid crisis. Accessing and viewing the patient's PMP report obtained through integration complies with Louisiana's PMP Mandatory Use Law §978.

**It is important to note that not all EHR vendors are currently integrated. Your integration process and duration time is dependent upon your EHR vendor.**

The PMP received a grant from the CDC which covers the costs associated with the licensing fees for integration, this grant is set to expire in April 2021.

**If your organization is interested in integrating your health IT system with the PMP, please visit the Louisiana Board of Pharmacy at <http://pharmacy.la.gov/>. Select (PMP) Prescription Monitoring Program on the left-hand, vertical menu bar which will bring you to the PMP page. On the PMP web page look for "statewide integration of PMP into electronic health records system." Please read then follow the steps to complete the Integration Request Form, End User License Agreement, and Gateway Licensee Questionnaire at your earliest convenience. Completion of all three documents are required to participate. Only authorized decision makers should complete the required paperwork.**

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## Board hires new in-house counsel

Ms. Mary Peyton graduated cum laude and was awarded Phi Beta Kappa honors from Louisiana State University with a bachelor of arts in history and a minor in French. She received her juris doctorate from Tulane University Law School in 1996, graduating cum laude. With over 23 years of experience, Ms. Peyton has represented healthcare providers in professional liability situations at Adams and Reese, LLP and at Blue Williams, LLP. While performing administrative, trial and appellate work, she handled hospital credentialing issues, fair hearings, medical malpractice lawsuits, panel proceedings, and medical board complaints. Ms. Peyton is very interested in promoting diversity and inclusion in the legal world and has worked with many attorney-led organizations in those efforts. She is admitted to practice in all Louisiana state and federal courts, and is a member of the New Orleans and the Louisiana State Bar Associations.

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**DISCIPLINARY ACTIONS.** Information on disciplinary actions may be found on the board's website at <http://www.lsbme.la.gov>. A summary of Board Orders, Consent Decrees and Reprimands for the past 10 years and related documents may be found by selecting Verifications in the upper left hand corner of the home page, then Disciplinary Actions.

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## Changes at the board: New and departing board members; new board officers

The LSBME is happy to welcome and introduce our two newest board members, Dr. Patrick T. O'Neill, MD, and Dr. Leonard Weather, Jr., RPh, MD. Dr. O'Neill replaces Dr. Winstead as the member representing Tulane School of Medicine, and Dr. Weather replaces Dr. Amusa as a representative for the Louisiana Medical Association.



**Patrick T. O'Neill, MD** is a native of Lincoln, Nebraska and board certified (indefinitely) in Adult Psychiatry. He received his B.S. in Biology from Creighton University in Omaha in 1977, and his MD from the medical school there in 1982. Dr. O'Neill completed his residency in Psychiatry at Tulane University School of Medicine in 1986, serving as Chief Resident during his final year in the program. Dr. O'Neill was the Adult Psychiatry residency Training Director for 24 years. He is a Professor of Psychiatry, Vice Chair for Adult Psychiatry, Director of the Tulane Telepsychiatry Section and the Department of Psychiatry's Associate chair for Clinical Affairs. He is the co-author of many articles in scholarly journals and is a Distinguished Life Fellow of the American Psychiatric Association. Earlier in his career he worked as a staff psychiatrist at the Medical Center of Louisiana at New Orleans, the Veterans Administration Medical Center of New Orleans, Southeast Louisiana Hospital in Mandeville, the New Orleans Adolescent hospital, and the Tulane University Hospital and Student Health Clinic, and later served as medical director of inpatient psychiatry or section chief for some of these institutions. He has served in various leadership positions for the Association of Academic Psychiatry, the American Association of Directors of Psychiatry Residency Training, the American Psychiatric Association, the Louisiana Legislative Task Force on Telehealth Access, the Louisiana Mental Health Advocacy Service, and the Louisiana Psychiatric Medical Association. He has received numerous teaching and service awards.



**Leonard Weather, Jr., RPh, MD** is an obstetrician-gynecologist. Prior to Hurricane Katrina his practice was in New Orleans; it is now in Shreveport. He received his bachelor of science in Pharmacy from Howard University in 1967, and his MD from Rush Medical College in Chicago, Illinois, in 1974. He completed his internship, residency and fellowship in Gynecology and Obstetrics at Johns Hopkins University Hospital in Baltimore, Maryland and finished the program in 1978. Dr. Weather is a health educator and professor, ordained minister, artist, author and photographer. He has authored three inspirational poetry books and an infertility handbook. He is an active gynecological clinical trials researcher, has presented over 190 peer reviewed presentations and papers on pelviscopic surgical treatment of infertility, endometriosis, pelvic pain and fibroids. He invented the surgical procedure *Optical Dissection Pelviscopy*, to assist in the prevention of organ injury during laparoscopy. Dr. Weather is a past president (2010-2011) of the National Medical Association, the New Orleans Medical Association and the Louisiana Medical Association, and currently serves as the president of the Northern Louisiana Medical Association. He is a member of the Board of Scientific Advisors to the Endometriosis Association, World Endometriosis Society, a fellow of the Academy of Physicians in Clinical Research, and Grand President of the Chi Delta Mu Medical Fraternity.



Former board president Dr. Christy Valentine (left) and new president Dr. Roderick V. Clark (right) honor long-serving board member Dr. Kweli Amusa



New officers Roderick V. Clark (president, center) with J. Kerry Howell (vice president, left) and Terrie Thomas (Secretary-Treasurer, right)

## RULEMAKING SINCE LAST NEWSLETTER

***The following rules were adopted or noticed since the publication of the April Newsletter.***

**Physicians, Licensure and Certification; Fellowship Training Permit - (Adopted October 2019)** Provides for a short-term training permit that would accommodate fellowship training that is not accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, the American Osteopathic Association (AOA) or the Commission on Dental Accreditation (CODA) of the American Dental Association.

**Telemedicine – (Adopted August 2019)** - Update to rule amends §7505.C for consistency with the law, removes the phrase “in this state” to avoid preventing physicians from prescribing medications or other health care services to their patients who may be temporarily outside of Louisiana, to the extent that such are permitted in other jurisdictions.

**Therapeutic Marijuana - (Adopted October 2019)** - Changes to the rule, among other matters: (i) add various conditions to the definition of a *debilitating medical condition(s)* for which therapeutic marijuana may be recommended; (ii) add definitions for “intractable pain,” “consult or consultant” and “pediatric subspecialists”; (iii) eliminate the 100 patient limit on the number of patients for whom a physician registered with the Board may recommend therapeutic marijuana; (iv) remove the requirement that the physician re-examine the patient at intervals not to exceed 90 days, leaving the frequency of follow up exams to the physician’s judgment; (v) clarify that the existing prohibition against ownership or investment interest in a therapeutic marijuana pharmacy or producer applies only to physicians registered with the board; (vi) clarify that physicians recommending therapeutic marijuana must also comply with the rules on treatment of non-cancer related chronic or intractable pain if therapeutic marijuana utilized for this condition; (vii) amend the definition of “Bona-Fide Physician-Patient Relationship,” to eliminate unintended consequences; and (viii) clarify the mode of transmission of a recommendation to a therapeutic marijuana pharmacy.

Please note that additional rulemaking activity on this subject is forthcoming.

**Genetic Counselors – (Adopted August 2019)** – Rules were developed for the regulation, certification, licensing qualifications and practice of genetic counselors, which were noticed in the December 2018 edition of the *Louisiana Register*. Changes were made that pertained to rules regarding collaborative practice agreements between genetic counselors and physicians.

**Potpourri Notice July 2019/Petitions for Rulemaking (Act 454):** Pursuant to Act No. 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 efforts, the agency is required to consider the comments and issue a response to each submission, consideration, and disposition. During its June 2019, meeting, the Board approved the Potpourri Notice for publication in the Louisiana Register, July 20, 2019 edition. Legislative notice has been provided. The hearing is scheduled for October 14, 2019 at 9:00 a.m. Agencies are also required to prescribe by rule the form for petitions for adoption, amendment, or repeal of a rule and the procedure for their submission, consideration, and disposition. A draft rule to address such petitions was provided for initial Board member review and discussion during its June 2019 meeting, at which time the Board approved the Potpourri Notice for publication in the Louisiana Register’s July 20, 2019 edition. Legislative notice has also been provided. The hearing was held October 14, 2019 at 9:00 a.m.

For information on new and updated rules published in the 2019 *Louisiana Register*, see <https://www.doa.la.gov/Pages/osr/reg/regs2019.aspx> ■

Questions/Comments? Something you’d like to see in the Newsletter? Email [Education@lsbme.la.gov](mailto:Education@lsbme.la.gov)