

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**APRIL 15, 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 8:30 a.m., Monday, April 15, 2019, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Christy Lynn Valentine, M.D., President
Roderick V. Clark, M.D., Vice-President
Joseph Kerry Howell, M.D., Secretary-Treasurer
Kweli J. Amusa, M.D.
Rita Y. Horton, M.D.
Lester Wayne Johnson, M.D.
Kim S. Sport, JD
James A. Taylor, Jr., M.D.
Terrie R. Thomas, M.D.
Daniel K. Winstead, 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
Jennifer Stoller, Attorney, General Counsel
James H. Hritz, Compliance Counsel
Aloma James, Director of Licensure
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

Legal counsel to the Board was present as follows:

Philip O. Bergeron

Michael G. Bagneris (Ret)

Members of the public present as follows:

Jeff Williams, Executive Vice-President & CEO, Louisiana State Medical Society

1. **Minutes of March 18, 2019 Meeting.** The Board reviewed the minutes of its meeting held March 18, 2019. On the motion of Dr. Horton, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the minutes of the meeting with all the necessary corrections.
2. **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.
3. **Rulings and Advisory Opinions; Use and Dispensation of CBD.** The Board reviewed electronic correspondence received from Keisha Harvey, M.D., regarding the recommendation, dispensation and compounding of CBD in the office setting. Following review and discussion, it was the consensus of the Board to refer Dr. Harvey to the Board's Advisory Opinion on Cannabidiol (CBD) Oil dated January 10, 2017 located on the website and to advise that CDB oil although legal in certain concentration under federal law, at this time it is not legal under state law.
4. **Rulings and Advisory Opinions; Podiatry; Scope of Practice; Nail Debridement.** The Board reviewed correspondence received from India Carroll, CEO, Green Clinic L.L.C., requesting an advisory opinion on whether podiatrists can train certain health care professionals to perform nail debridement in the office setting under their supervision. Ms. Carroll further inquired as to whether there are any restrictions on the use of an unlicensed staff member to function as a nail technician to perform nail care services under the podiatrist's supervision. Following review and discussion, it was the consensus of the Board that inasmuch as nail debridement and nail care are separate issues to defer action on this matter pending further research.
5. **Licensure and Certification; Personal Appearance, Richard DiCarlo, M.D., Associate Dean for Faculty and Institutional Affairs, LSUHSC.** Richard DiCarlo, M.D., appeared before the Board to discuss clinical appointments to LSUHSC faculty. He explained the appointment process for clinical assistant professors at LSUHSC as well as their role as a sponsoring institution. He explained that LSUHSC does not grant a sponsorship for three years.
6. **Rulings and Advisory Opinions; Personal Appearance; Michael Queen, M.D.; Off-Label Use of Ketamine.** Michael Queen, M.D., appeared before the Board asking the Board to consider revising its Advisory Opinion: The Off-Label Use of Ketamine for the Treatment of Mental Disorders and Chronic Pain, dated October 10, 2016. Dr. Queen presented updated literature regarding the off-label use of ketamine for mood and chronic pain disorders. He advised that the FDA has approved nasal ketamine, but not IV ketamine. At the conclusion of his presentation, Dr. Queen asked the Board to consider revising at a minimum the last sentence of the opinion. Following his appearance, it was the consensus of the Board to have staff draft a revision for review at the next meeting of the Board.

7. General Administrative Matters; New Business; Residency Slots. On the motion of Dr. Thomas, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board voted to take up an item of new business, correspondence received from Gary M. Wiltz, M.D., CEO Teche Action Board. Dr. Wiltz asked the Board to consider developing a process whereby doctors who fail to secure a residency slot after graduation from medical school and passage of the USMLE may obtain a provisional limited license. Under this limited license, the doctor would practice under the direct supervision of an actively practicing Louisiana licensed physician until they are able to obtain a residency slot. Following review and lengthy discussion, it was the consensus of the Board to advise Dr. Wiltz that the Board will research this matter for best practices.

8. General Administrative Matters; Personal Appearance; Carrie Martin, State Archives. Carrie Martin, State Archives, appeared before the Board to provide information on the digitization of the Board records, the importance of the establishment of a retention policy, the difference between a retention schedule for paper records as opposed to digitized records and what records could not be electronically stored. Following her dismissal, the Board authorized the development of an updated Retention Policy.

9. Communication and Information; National Association of Boards of Pharmacy. The Board reviewed a communication received from Carmen A. Catizone, MS, RPh, DPh, Executive Director/Secretary, National Association of Boards of Pharmacy regarding "Federal Opioid Funding threatens Prescription Drug Monitoring Programs". Following review and discussion, it was the consensus of the Board to seek input from the Louisiana State Board of Pharmacy on this matter.

10. General Administrative Matters; President's Report. The Board received the report of its President on her activities since the last meeting of the Board. Dr. Valentine stated that she continued to work on the CDS-CME approved courses available on the website and that she will serve on the Reference Committee B at the annual meeting of the Federation of State Medical Boards. No further action was required or taken on this matter.

11. 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. No further action was required or taken on this matter.

12. General Administrative Matters; Clinical Laboratory Advisory Committee. The Board reviewed two recommendations received from its Clinical Laboratory Advisory Committee. Recommendation Number 1 stated that notification be given that skin testing is not within the scope of practice for medical laboratory personnel and that the definition of skin testing be attached to the recommendation. Recommendation No. 2 asked for a revision to clinical laboratory personnel ("CLP") rules to state that a laboratory assistant may not perform high complexity test as stated in the Clinical Laboratory Improvement Act of 1988. In addition, that rules relative to causes for disciplinary actions be developed for CLP. Following review and discussion, it was the consensus of the Board to have a member of the Committee address the Board regarding these matters.

13. General Administrative Matters; Louisiana Uniform Prescription Drug Prior Authorization Form. The Board reviewed correspondence from Jeffery A. Drozda, Chief Executive Officer, Louisiana Association of Health Plans thanking the Board for help in

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disseminating information to the membership regarding the Louisiana Uniform Prescription Drug Prior Authorization Form.

14. General Administrative Matters; Draft Newsletter. The Board reviewed a draft copy of the next issue of the *Newsletter*. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board approved the draft *Newsletter*.

15. General Administrative Matters; Financial Reports. The Board reviewed the revised Income Statement and Cash Balance Summary for the month of January 2019 and the February 2019 Income Statement and Cash Balance Summary for the Board and Clinical Laboratory Personnel. Following review and discussion, on the motion of Dr. Clark, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board approved the Financial Report submitted for January, February 2019.

16. Rules and Regulations.

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

b. Rules/Amendments; Noticed for Intent to Adopt: Acupuncture: Pursuant to the Board's request, a rulemaking effort commenced to amend the acupuncture rules, to accommodate several changes in the law resulting from Act 93 (HB 421, Rep. Leger) of the 2018 Regular Session of the Legislature. In conformity with Act 93, the proposed changes: (i) update the licensure qualifications for acupuncturists; (ii) remove the requirement that acupuncturists have a relationship with a referral physician, who practices at a physical practice location in this state, for any follow-up care which may be necessary; and (iii) make associated or necessary changes to the rules. The Acupuncture Advisory Committee ("Committee") reviewed a draft of the rules prepared by staff and Counsel. The Committee offered additional changes with respect to CME for licensure renewal. These changes were incorporated into a revised draft that was presented for review by the Board. Following review at its October 2018 meeting, the Board approved providing *Notice of Intent* to adopt the amendments. 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 request for a public hearing or any written comments. At the January 2019 meeting, the Board voted to adopt and promulgate the amendments by and upon publication in the *Louisiana Register* pending approval by the Occupational Licensing Review Commission ("OLRC") and review by the Legislative Oversight Committee. Given that the *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*, the OLRC advised that the Commission's consideration was not required, and a final report was submitted to the Legislative Oversight Committees in February 2019. It is anticipated that the amendments will be promulgated upon publication in the April 2019 edition of the *Louisiana Register*. 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 as to the need for a collaborating physician for every licensee rather only by those who engage in the functions identified in R.S. 37:1360.103B. 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*. Publication of such *Notice of Intent* is anticipated in the April 2019 edition of the *Louisiana Register*. **Physician Assistants:** Pursuant to the Board's request, a rulemaking effort was commenced to accommodate several changes in the law resulting from Act 475 (SB 528, Sen. LaFleur) of the 2018 Regular Session of the Legislature. The advisory committee reviewed a draft set of rules. In conformity with the law, the proposed changes: (i) increase from 4 to 8 the number of PAs for whom a physician may serve as the primary supervising physician; (ii) restate and clarify the physician assistant qualifications for PA prescriptive authority previously contained in the law; (iii) remove any qualifications for PA prescriptive authority other than those set forth in Act 475; and (iv) make associated or necessary changes to the rules. In addition, because PAs are the only category of providers licensed by the Board whose rules do not contain a penalty for late renewal/reinstatement, the proposed changes include such a penalty. The Committee approved the draft rules. Following review and discussion, at its October 2018 meeting, the Board voted to provide *Notice of Intent* to adopt the amendments. 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 request for a public hearing or any written comments. At its January 2019 meeting, the Board voted to adopt and promulgate the amendments by and upon publication in the *Louisiana Register*, pending approval by the OLRC. Given that the *Notice of Intent* appeared in the December 2018 edition of the *Louisiana Register*, the OLRC advised that the Commission's consideration was not required. A final report was submitted to the Legislative Oversight Committees. It is anticipated that the amendments will appear in the April 2019 edition of the *Louisiana Register*. **Therapeutic Marijuana:** Pursuant to the Board's request, a rulemaking effort has been 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. It is anticipated that the *Notice of Intent* will appear in the April 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, 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 and it is anticipated that the *Notice of Intent* will appear in the April 2019 edition of the *Louisiana Register*. **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 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. Publication of the *Notice of Intent* is anticipated in the April 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*. Following review and discussion, the President requested that the rule effort be delayed to consider the assessment of fees in administrative disciplinary proceedings.

17. Legislative Matters; 2019 Proposed Legislation. The Board reviewed a list of legislation for the 2019 legislative session that may have an impact on the Board. No further action was required or taken on this matter.

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

[19.] Minutes of March 18, 2019 Executive Sessions. On the motion of Dr. Clark, duly seconded by Dr. Howell 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 March 18, 2019. Following review and discussion, the Board resumed in open session. On the motion of Dr. Clark, duly seconded by Dr. Howell and passed by unanimous voice vote, the Board approved the minutes of the executive sessions conducted during its meeting of March 18, 2019 with any necessary corrections.

[20.] Report on Pending Litigation. On the motion of Dr. Howell, duly seconded by Dr. Clark, 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).

[21.] Personal Appearances/Docket Calendar. On the motion of Dr. Thomas, duly seconded by Dr. Winstead, 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.

[22.] Investigative Reports. On the motion of Dr. Taylor, duly seconded by Dr. Howell, 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. Clark, 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 formal hearing and pre-trial conference:

Docket No., 19-A-011

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

Docket No., 18-I-853

Docket No., 19-A-011

[23.] General Administrative Matters; New Business; Legislative Auditors Performance Audit Preliminary Report. On the motion of Dr. Taylor, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session, to consider an item of new business, Legislative Auditors Performance Audit Preliminary Report, pursuant to, La.Rev.Stat., 42:17A(10). No further action was required or taken on this matter.

[24.] Investigative Reports. On the motion of Dr. Johnson, duly seconded by Dr. Clark, 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. Clark, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board made the following decisions:

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

Brett Cascio Butler, M.D., Docket No., 09-I-292
Mitul Natu Patel, M.D., Docket No., 19-I-062
Jason M. Hebert, PA, Docket No., 17-I-280
Wayne Jerome Celestine, M.D., Docket No., 17-I-527
Kevin Govan Work, M.D., Docket No., 19-A-011¹
Marquita Jenae Carter, LRT, Docket No., 18-I-774

[25.] General Disciplinary Matters; Personal Appearance; Michael S. Harris, PA. On the motion of Dr. Clark, duly seconded by Dr. Winstead and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Michael S. Harris, PA, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Mr. Harris appeared before the Board in connection with his request for reinstatement of his prescriptive authority to prescribe controlled substances. Following his dismissal, the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board approved the request of Mr. Harris for reinstatement of his prescriptive authority.

[26.] Investigative Matter; Personal Appearance; Brett Cascio Butler, M.D. On the motion of Dr. Horton, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Brett Cascio Butler, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Butler appeared before the Board in connection with the acceptance of his Consent Order.

[27.] Investigative Matter; Personal Appearance; Jason M. Hebert, PA. On the motion of Dr. Howell, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Jason M. Hebert, PA, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Mr. Hebert appeared before the Board in connection with the acceptance of his Consent Order.

[28.] Investigative Matter; Personal Appearance; Mitul Natu Patel, M.D. On the motion of Dr. Horton, duly seconded by Dr. Johnson and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Mitul Natu Patel, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Patel appeared before the Board in connection with the acceptance of his Consent Order.

¹ Dr. Thomas was opposed to the acceptance of this Consent Order.

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

- a. Formal Investigation: To approve commencing a formal investigation in the following matters:

Investigation No., 18-I-788
Investigation No., 19-I-786

Investigation No., 18-I-758
Investigation No., 19-I-311

- b. Formal Investigations: To grant an extension of 180 days to commence a formal investigation in the following matters:

Investigation No., 19-206
Investigation No., 19-010
Investigation No., 19-037
Investigation No., 19-052
Investigation No., 19-069

Investigation No., 19-332
Investigation No., 18-018
Investigation No., 18-056
Investigation No., 18-665
Investigation No., 18-489

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

File No., 19-I-029
File No., 19-I-159
File No., 18-I-871
File No., 19-I-148
File No., 18-I-248
File No., 18-I-492
File No., 18-I-927
File No., 19-I-181
File No., 19-I-107

- d. Closed/Dismissed: To approve closing/dismissing with a Letter of Concern the following matters:

File No., 17-I-558²
File No., 18-I-861³
File No., 17-I-649
File No., 17-I-765⁴
File No., 18-I-095
File No., 18-I-571

2 Ms. Sport was opposed to this motion.

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

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

File No., 17-I-723⁵

- e. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of March 2019.

[30.] Professional Liability Report. On the motion of Dr. Howell, duly seconded by Dr. Thomas, 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). Following the report, the Board resumed in open session. On the motion of Dr. Taylor, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board voted to open a formal investigation in the following matter:

File No., 19-74⁶

[31.] Investigative Matter; Personal Appearance; Kevin Govan Work, M.D. On the motion of Dr. Winstead, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Kevin Govan Work, M.D., concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:17A(1) and (4). Dr. Work, accompanied by his attorney, Ian L. Atkinson, appeared before the Board in connection with the acceptance of his Consent Order.

[32.] General Disciplinary Matters. On the motion of Dr. Taylor, duly seconded by Dr. Johnson, 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. Amusa, duly seconded by Dr. Johnson and passed by unanimous voice vote, made the following decisions:

- a. Guillory, Marcus Paul, CRT – To approve the request of Marcus Paul Guillory, CRT, for reinstatement of his license to a full, unrestricted status, off probation in accordance with the terms of his Consent Order dated January 8, 2018.
- b. Office Based Surgery End Report – To defer the presentation by staff of the Office-Based Surgery Year End Report until the next meeting of the Board.
- c. Macaluso, Jacqueline Ann, MDW – To defer action on the request of Jacqueline Ann Macaluso, MDW until the next meeting of the Board pending receipt of additional information.

[33.] Act 2018-655 Complaints. On the motion of Dr. Howell, duly seconded by Dr. Clark, the Board convened in executive session to note the response prepared by staff concerning the complaint received as a matter relating to the Board's actions and procedures in investigative

5 Ms. Sport was opposed to this motion

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

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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.

[34.] Licensure and Certification; Physicians and Surgeons; International/Foreign Medical Graduates. On the motion of Dr. Thomas, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications 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 resumed in open session and on the motion of Dr. Thomas, duly seconded by Dr. Clark and passed by unanimous voice vote, made the following decisions:

- a. Approved – To approve the following for licensure in accordance with §315 of the rules provided all other requirements had been met:

Mankekar, Gauri, Markus

- b. Denied – To affirm the Board's decision to deny the application of the following inasmuch as he did not meet the requirements of §315 of the Board's rules:

Kadhim, Muayad

[35.] Licensure and Certification; Other Licensure Matters; Continuing Medical Education Audit. On the motion of Dr. Horton, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board convened in executive session to consider other licensure matters, the continuing education audit as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). The Board reviewed the list of licensees who failed to provide documentation of continuing medical education as required by law. Following review and discussion, the Board resumed in open session. On the motion of Dr. Thomas, duly seconded by Dr. Howell, the Board approved suspending those licensees who were non-compliant with their continuing medical education units effective June 1, 2019.

35. Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for May 13, 14, 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 April 15, 2019 and approved by the Board on the 13th day of May, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 13th day of May 2019.

MINUTES OF MEETING
APRIL 15, 2019

Joseph Kerry Howell, M.D.
Secretary-Treasurer

Attest:

Christy Lynn Valentine, M.D.
President