

**THE LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS**

**MINUTES
OF
MEETING**

**MAY 13, 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, May 13, 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.

Board Member absent as follows:

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
Aloma James, Director of Licensure
Jacintha Duthu, Administrative Program Specialist
Rita L. Arceneaux, Confidential Executive Assistant

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

**Minutes of Meeting
May 13, 2019**

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
Terri Watson, Louisiana State Medical Society

1. **Minutes of April 15, 2019 Meeting.** The Board reviewed the minutes of its meeting held April 15, 2019. On the motion of Ms. Sport, duly seconded by Dr. Howell 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; Off-Label Use of Ketamine; Follow-Up.** In response to the request of Michael Queen, M.D., the Board reviewed a draft revision to its Advisory Opinion: The Off-Label Use of Ketamine for the Treatment of Mental Disorders and Chronic Pain, dated October 10, 2016. Following review and discussion, on the motion of Dr. Thomas, duly seconded by Dr. Howell, and passed by unanimous voice vote, the Board voted to revise the advisory opinion as drafted, place a copy on the website and forward a copy to Dr. Queen.
4. **Rulings and Advisory Opinions; Podiatry; Scope of Practice; Nail Debridement; Follow-up.** The Board reviewed the draft response to the 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 and utilize an unlicensed staff member to function as a nail technician. Following review and discussion, on the motion of Dr. Amusa, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board voted to approve the response for dissemination which stated that nail debridement constitutes the practice of podiatry and could not be prescribed or delegated to any of the listed providers as outlined except for registered nurses who have specialized knowledge, training, experience and documented competencies consistent with those specified by Louisiana State Board of Nursing. The response further advised that nail trimming may also fall within the scope of practice of other licensed allied health providers and directed Ms. Carroll to Louisiana State Board of Licensed Practical Nurse Examiners and the Louisiana State Board of Cosmetology Examiners.
5. **Rulings and Advisory Opinions; CBD; Compounding and Dispensation of CBD; Follow-up.** The Board reviewed the draft correspondence prepared in response to electronic correspondence received from Keisha Harvey, M.D., regarding the recommendation, dispensation and compounding of CBD in the office setting. Following review and discussion, on

the motion of Dr. Howell, duly seconded by Dr. Taylor, the Board approved the response for dissemination with the caveat that the current legislative session could necessitate a change.

6. Communication and Information; U.S. Food and Drug Administration (“FDA”). The Board noted receipt of information from the FDA requirement of Risk Evaluation and Mitigation Strategy (REMS) for opioid analgesic drug products used in the outpatient setting. Following review and discussion, it was the consensus of the Board to provide this information to physicians on the website at www.lsbme.la.gov.

7. 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 reported on the annual meeting of the Federation of State Medical Boards. No further action was required or taken on this matter.

8. 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 stated he met with two advisory committees and asked for approval to appoint a new member to the Medical Psychology Advisory Committee and to attend LAMMICO’s Annual Defense Council meeting in August. There were no objections to these requests.

9. General Administrative Matters; Occupational Therapy Advisory Committee; Appointments. The Board reviewed the list of nominees to the Occupational Therapy Advisory Committee. Following review and discussion, on the motion of Dr. Howell, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the appointment of Ingrid Franc, Kelly Brandon and Kimberly Solari to the Occupational Therapy Advisory Committee.

10. General Administrative Matters; Personal Appearance; Kasey Chenevert, M.D., Request for Rule Revision; Medications Used in the Treatment of Obesity. Kasey Chenevert, M.D., appeared before the Board requesting a revision to the Board’s rules on Medications Used in the Treatment of Obesity. Dr. Chenevert offers several suggestions from her experience working in weight loss clinics in Baton Rouge. Following her appearance, it was the consensus of the Board to have Drs. Thomas, Taylor and Howell work with Dr. Chenevert concerning her specific changes to the rules.

11. General Administrative Matters; Executive Summary Report on Dry Needling by Athletic Trainers. The Board reviewed the Executive Summary Report on Dry Needling by Athletic Trainers submitted by Kim Edward LeBlanc, M.D., Ph.D., CAQSM, FAAFP, FASCM as requested. Following review and discussion, on the motion of Dr. Taylor, duly seconded by Dr. Clark and passed by unanimous voice vote, to use the report to work with the Occupational Therapy and the Athletic Trainers Advisory Committees to incorporate the findings into their rules.

12. General Administrative Matters; Financial Reports. The Board reviewed the revised Income Statement and Cash Balance Summary for the month of 1st quarter ending March 31, 2019 along with that of the Physicians’ Health Foundation and the and Clinical Laboratory Personnel. Following review and discussion, on the motion of Dr. Thomas, duly seconded by Dr. Amusa, and passed by unanimous voice vote, the Board approved the Financial Report.

13. Rules and Regulations.

a. **Final Rules/Amendments: 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. The final rule amendments rule amendments were promulgated upon publication in the April 2019 edition of the *Louisiana Register*, concluding this rule-making effort. **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. The final rule amendments were promulgated upon publication in the April 2019 edition of the *Louisiana Register*, concluding this rule-making effort.

b. **Rules/Amendments; Noticed for Intent to Adopt: 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*. The Potpourri Notice appeared in the April 2019 edition of the *Louisiana Register*. A hearing to consider comments on the proposed substantive changes is scheduled for May 30, 2019 at 9:00 a.m.

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. The *Notice of Intent* was published in the April 2019 edition of the *Louisiana Register*. If a request for a hearing is received, a public hearing will be held on May 30, 2019. At the May 2019 meeting, the Board discussed the definition of pediatric subspecialty as contained in the rules *Noticed for Intent to Adopt*. Following review and discussion, on the motion of Ms. Sport, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board deferred taking action to re-visit this issue until after the comment period has ended. **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. The *Notice of Intent* appeared in the April 2019 edition of the *Louisiana Register*. If a request for a public hearing is received, the hearing will be held on May 30, 2019. **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. The *Notice of Intent* was published in the April 2019 edition of the *Louisiana Register*. If a request for a hearing is received, a public hearing will be held on May 30, 2019.

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 the 2018 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.

14. 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.

15. Public Comments. The President asked if anyone from the public had questions and/or any further comments. Jeff Williams, Executive Vice-President & CEO, Louisiana State Medical Society, offered comments regarding this year's legislative session.

[16.] Minutes of April 15, 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 April 15, 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 April 15, 2019 with any necessary corrections.

[17.] Investigative Matters; Compliance Reports; Office-Based Surgery. On the motion of Dr. Amusa, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session, for the presentation of Carol Chauvin, RN, BSN, Compliance Officer, on the 2018 Year End Office Based Surgery Report ("OBS"), concerning matters relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). During the presentation, Ms. Chauvin answered questions regarding the criteria used to conduct her site reviews. Following the conclusion of her report, 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 voted to place the OBS Rules on a subsequent agenda with the intention of developing a standard criteria and/or policy for notifying the Director of investigations of the performance of OBS; a defined policy regarding the physician's patient selection process and the development of a CME course relative to OBS.

[18.] 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). Following review and discussion, the Board resumed in open session. It was the consensus of the Board to ascertain how other state handle lawsuits filed against Board Members and research whether an insurance policy could be obtained for such matters. Further, it was the consensus of the Board to develop a policy for the payment of legal fees for a Board member and/or their business corporation sued in the discharge of their duties on the Board.

[19.] General Administrative Matters; New Business; NetCE Course: Responsible and Effective Opioid Prescribing Course. On the motion of Dr. Amusa, duly seconded by Dr. Howell and passed by unanimous voice vote, convened in executive session and voted to take up an item of new business, NetCE Course. 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 returning NetCE Course on the website as an approved provider meeting the CDS requirements.

[20.] Personal Appearances/Docket Calendar. On the motion of Dr. Johnson, duly seconded by Dr. Howell, 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.

[21.] Investigative Reports. On the motion of Dr. Horton, 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 Ms. Sport, duly seconded by Dr. Amusa and passed by majority voice vote, the Board made the following decisions:

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

Gregory Louis Molden, M.D., Docket No., 16-I-1082
Keith A. Buller, PA, Docket No., 17-I-1001¹
Little Joe Scott, CRT, Docket No., 16-I-254

[22.] Investigative Matter; Personal Appearance; Keith A. Buller, PA. On the motion of Dr. Amusa, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Keith A. Buller, PA, concerning a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La.Rev.Stat. § 42:6.1A(1) and (4). Mr. Buller appeared before the Board in connection with the acceptance of his Consent Order.

[23.] Investigative Reports. On the motion of Dr. Horton, 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. Horton, duly seconded by Ms. Sport 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., 19-I-101

Investigation No., 18-I-965

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

Investigation No., 19-275
Investigation No., 19-306
Investigation No., 19-210
Investigation No., 19-049
Investigation No., 19-198
Investigation No., 19-095
Investigation No., 19-164
Investigation No., 19-111
Investigation No., 19-227
Investigation No., 19-255
Investigation No., 19-182
Investigation No., 19-266
Investigation No., 19-156
Investigation No., 19-339
Investigation No., 19-214
Investigation No., 19-304
Investigation No., 19-127

Investigation No., 19-129
Investigation No., 19-161
Investigation No., 19-166
Investigation No., 19-348
Investigation No., 19-036
Investigation No., 19-073
Investigation No., 19-160
Investigation No., 19-109
Investigation No., 19-120
Investigation No., 19-172
Investigation No., 19-180
Investigation No., 19-084
Investigation No., 19-155
Investigation No., 19-140
Investigation No., 19-170
Investigation No., 18-158

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

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

File No., 18-I-444
File No., 18-I-167

File No., 18-I-862
File No., 19-I-067

d. Closed Complaints Cases: The Board reviewed the Closed Complaint Cases Report for the month of April 2019.

[24.] Professional Liability Report. On the motion of Dr. Amusa, duly seconded by Dr. Clark 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.

[25.] General Disciplinary Matters. On the motion of Dr. Clark, duly seconded by Dr. Howell, 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 Ms. Sport, duly seconded by Dr. Amusa and passed by unanimous voice vote, made the following decisions:

a. McCann, Jay Carroll, RRT – To approve the request of Jay Carroll McCann, RRT, for reinstatement of his license to a full, unrestricted status, off probation in accordance with the terms of his Order dated May 19, 2014.

b. Lee, Lynnette Denise, LRT – To approve the request of Lynnette Denise Lee, LRT, for reinstatement of her license to a full, unrestricted status, off probation in accordance with the terms of her Order dated April 9, 2018.

c. Macaluso, Jacqueline Ann, MDW – To defer action on the request of Jacqueline Ann Macaluso, MDW until her compliance with the Board order.

d. Colon-Ortiz, Richard, M.D. – To deny the request of Richard Colon-Ortiz, M.D., for modification of the terms of his Order.²

e. Work, Kevin Govan, M.D. – To approve the request of Kevin Govan Work, M.D., to practice at Choices of Louisiana to perform history and physicals only,

[26.] Personal Appearance/Docket Calendar; Formal Hearing, Jerome Lee Broussard, CLP. On the motion of Dr. Amusa, duly seconded by Dr. Clark, and passed by unanimous voice vote, the Board convened in executive session for the formal hearing in the matter of Jerome Lee Broussard, CLP, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.RevStat§42:17A(4) and (10) and to conduct an administrative hearing as provided by the Legislature in the Louisiana Administrative Procedure Act, La.Rev.Stat.49:951, et.Seq.

² Dr. Howell abstained from voting in this matter.

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[27.] Licensure and Certification; Physicians and Surgeons; International/Foreign Medical Graduates. On the motion of Dr. Thomas, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session and on the motion of Dr. Thomas, duly seconded by Dr. Clark and passed by unanimous voice vote, denied the request of the following for the waiver of the licensure requirements:

Sabayon, Dean

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

29. Next Meeting of the Board. The President reminded the members that the next meeting of the Board scheduled for June 10, 11, 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 May 13, 2019 and approved by the Board on the 10th day of June, 2019.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 10th day of June 2019.

Joseph Kerry Howell, M.D.
Secretary-Treasurer

Attest:

Christy Lynn Valentine, M.D.
President