

# THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## MINUTES OF MEETING

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April 26, 2021

NEW ORLEANS, LOUISIANA

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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 26, 2021, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana. The Board members participated via live streaming video and teleconferencing

### **Board Members present:**

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

### **Board Staff present:**

Vincent A. Culotta, Jr., M.D., Executive Director  
Lawrence H. Cresswell, DO, JD, Director of Investigations  
Patricia Wilton, Esq., Executive Counsel  
Mary Peyton, Esq., General Counsel  
Thadra C. White, Esq., Compliance Counsel  
Aloma James, Director of Licensure  
Alan W. Phillips, IT Director  
Tracy Mauro, IT Specialist  
Susie Allen, DrPH, MBA, Director of Education and Research  
Leslie Rye, Compliance Investigator  
Carol Chauvin, Compliance Officer  
Cathy Storm, Compliance Officer  
Lawrence Robinson, Compliance Investigator  
Paula Pigford, Compliance Officer

Ronald Cayette, Compliance Investigator  
Theresa Lockhart, Compliance Investigator  
Joseph Bonck, Compliance Investigator  
Esparonzia Spooner, Compliance Investigator  
Lillie Rodgers, Investigations Program Director  
Jacinta F. Duthu, Executive Staff Officer

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

- [1.] **Welcome.** Dr. Clark welcomed everyone to the meeting and asked for a moment of silence for the COVID-19 victims and all healthcare workers.
- [2.] **Mission Statement.** Tandra Foley, License Analyst Supervisor, read the mission statement of the Board.
- [3.] **General Administrative Matters; Public comments; Meeting Order;** Dr. Clark advised the public that any comments can be emailed to [publiccomment@lsbme.la.gov](mailto:publiccomment@lsbme.la.gov). Dr. Clark reminded the members and staff to please respect the order of the meeting by using the hand raised function to be recognized. Dr. Clark verified the identity of all tele- and videoconference participants and he ensured the meeting was clear and audible to the public and those on the tele- and videoconference. Furthermore, Dr. Clark emphasized that any additions that need to be made to the executive or public agenda, be made before the completion of the public session, as we will no longer be able to make additions to the agenda after the close of the public session.

At this time, Ms. Sport moved to add the “status of all complaints” to the Executive Session agenda. On the motion of Ms. Sport, duly seconded by Dr. Taylor, and passed by unanimous vote, the Board approved adding the agenda item to Executive Session.

- [4.] **Minutes of March 29, 2021** The Board reviewed and discussed the minutes of its meetings held March 29, 2021. On the motion of Dr. Taylor, duly seconded by Ms. Sport and passed by unanimous roll call voice vote, the Board approved the minutes of its March 29, 2021 with technical edits.
- [5.] **Request for statement of position or Advisory Opinion regarding Skin Pen.** The Board reviewed the request of Investigations regarding revising our current statement of position to include “any and all FDA cleared medical devices.” The Board agreed to table this item until more information may be obtained.
- [6.] **Follow-Up Action Items; Physician Assistants regarding DNRs.** The Board reviewed the draft response to Christine Corbin, M.S., PA-C, in regards to whether a PA has the ability to place DNR orders or partial code. On the motion of Dr. Taylor, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved sending the response to Ms. Corbin.
- [7.] **General Administrative Matters; President Report.** The President informed the Board that HB 398, the Antitrust bill, has been filed in the House, and that he greatly appreciates representative Butler for sponsoring the bill. HB 398 has generated a positive discussion, with the OLRC and the Attorney General’s office since filing. The President also informed the

Board, that at the request of both the House and Senate, he and Dr. Culotta met to answer questions for information on the recent Board resolution.. The President updated the Board on his meeting with Drs. Horton, O'Neill, and Allen in regards to the Physician's Mortality research and has agreed that the data gathered is preliminary and the consensus of the panel is that more information and analysis is needed prior to making a formal presentation to the Board. The President told the Board he has completed his House of Delegates Training for FSMB, and is ready to go for May 1, 2021.

**[8.] General Administrative Matters; Executive Director's Report.** The Executive Director informed the Board:

- The Legislature is in session and the APRN independent practice bill passed out of the House Health and Welfare Committee and will proceed to the Senate Health and Welfare Committee. The Physician Assistant bill is on the House and Welfare Committee's schedule for this week.
- The Antitrust bill with protection for all boards (HB 398) has a Senate sponsor, and a hearing will soon be scheduled in the House Judiciary Committee. All of the interested Executive Directors will be briefed on the bill by Ms. Emily Andrews, Attorney General's Office. Dr. Clark and he met with the House and Senate Leadership to give information regarding HB 398 and also gave information on the issue of the independent practice bills.
- He responded to questions regarding the malpractice case reviews at the Senate Health and Welfare. The Senate will begin work to address their concerns about how we receive malpractice data and how they want the agency to manage this information. It appears we will be invited to participate in preparation of any legislation, which won't be until next session.
- He continues to give conferences on the set-up and use of CE Broker. The number of physician accounts continue to grow. We now have over 8200 physicians registered with CE Broker. There are currently 25 registered providers and over 11,000 courses available.
- He will present the final recommendations on the virtual support groups for licensees under investigation at the May board meeting.
- The mortality study continues. Data sharing arrangements with the CDC are concluded, and data is beginning to flow into the agency. The contract for data analysis has been signed and sent to State procurement.
- We continue to work with the IMLCC. We are on track to comply with the statutory July start-up date with rules to follow in the months thereafter.
- As you requested, our lawyers and I have finalized the two firms for our outside counsel. After receiving the board's approval of the two recommendations, I will make the final recommendation in concert with my staff and the president and vice president. The two firms selected are:

Sher Garner and Jones Walker

\*\*At this time Dr. Weather moved to have the selection of the administrative outside legal counsel added to the agenda the issue of board approval, duly seconded by Ms. Sport and passed by unanimous roll call voice vote, the Board approved adding this item to the agenda. \*\*

- The digital conversion is progressing nicely, and the bulk of the 4<sup>th</sup> floor files have been scanned and indexed. He anticipates the change over from CAVU to Backoffice will begin in May.

- [9.] **General Administrative Matters; Added Agenda Item; Outside Legal Counsel.** On the motion of Ms. Sport, duly seconded by Dr. Taylor, and passed by unanimous voice vote, the Board approved allowing the Executive Director and our Legal Counselors to move forward in making the final decision of outside counsel selection to represent the agency in litigation referred to the firm from our Executive and General Counselors.
- [10.] **General Administrative Matters; April 2021 Newsletter.** By unanimous voice vote, the Board accepted the draft of April's Newsletter to be distributed via email blast.
- [11.] **General Administrative Matters; Financial Reports.** The Board reviewed the Income Statement and Cash Balance Summary for the period ending February 2021. On the motion of Dr. Thomas, duly seconded by Dr. O'Neill, and passed by unanimous roll call voice vote, the board accepted the Financial report.
- [12.] **Rules and Regulations. Rules/Amendments.**

#### **RULES APPROVED BY BOARD AND CURRENTLY IN PROCESS OF PROMULGATION**

**a. Physicians; Assessment of Costs—** At the Board's June 29, 2020 meeting, it approved promulgation of a proposed rule **(listed on the regulatory progress page of our website as 2020-5)** regarding assessment of fees and costs with the insertion of a new section, LAC 46:XLV.9935. The First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. The next step is to submit the rule again to the appropriate legislative committees, and the OLRC. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Petitions for Rulemaking-** A rule regarding the form for petitions to adopt, amend and/or repeal a Board rule, and the procedure for submission, consideration, and/or disposition of those petitions, was first considered by the Board at its February 2020 meeting as proposed LAC 46:XLV.Chapter 93 and the Board confirmed approval of the draft rule at its June 29, 2020 meeting **(listed on the regulatory progress page of our website as 2020-7)**. Thereafter, the First Report to the OLRC was considered and approved at the OLRC's September 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. The next step is to submit the rule again to the appropriate legislative committees, and the OLRC. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Physician Licensure (IMGs).** The Board was asked to conform the requirements for postgraduate training (PGY) for international medical graduates (IMGs) with those applicable to US graduates, provided the applicant graduated from an approved medical school. Currently, IMGs are required to complete three years of PGY training in an accredited medical residency training program prior to licensure eligibility. U.S. medical school graduates are required to complete 2 years of PGY accredited training or one (1) year with a commitment from the program for PGY-2 training with demonstration of completion of PGY-2 training as a condition to licensure renewal.

The new rule draft (adding language to LAC 46:XLV.323 and repealing subsections 361.G and 363.B), includes a revision of the criteria for approving foreign medical schools to include those which are accredited by some combination of accreditation entities including (a) the World Health Organization, (b) the Education Commission on Foreign Medical Graduates (ECFMG) which, commencing in 2023, will require medical school accreditation as a requirement for ECFMG certification (e.g., for an IMG to enter and participate in post-graduate training in the U.S.), (c) the World Federation of Medical Accreditation (WFMA), which is currently identified by the ECFMG to recognize organizations that accredit medical schools in different countries and (d) the National Committee on Foreign Medical Education and Accreditation, of the U.S. Department of Education (NCFMEA), which evaluates international medical school accreditation standards and practices to determine their comparability to U.S. standards and practices for purposes of determining the ability of international medical schools to participate in U.S. federal education loan programs. Following initial consideration and discussion of the draft amendments at its February 2020 meeting, the Board elected to solicit input from the medical schools and other interested stakeholders prior to proceeding. At its April 2020 meeting, the Board considered correspondence received from the Dean of LSUMC-NO and deferred further action pending consideration of further comments.

At the June 29, 2020 meeting, the Board voted to approve the draft rule changes **(listed on the regulatory progress page of our website as 2020-2)**. Thereafter, the First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Physician Licensure (CME).** The Board decided to amend its continuing medical education (CME) rules for all categories of licensees to utilize an electronic reporting service for tracking and reporting CME hours. Rather than capturing CME by a sampling of licensees (3%) by subsequent audit, all licensees (100%) will have their CME tracked and reported to the Board electronically by way of an electronic reporting service (e.g. CE broker). Notices will be sent at periodic intervals of the number of CME hours completed/required. A licensee who does not satisfy the annual CME requirement will be ineligible for licensure renewal. Given the Board's direction to proceed with a rulemaking effort at its January 2020 meeting, a working draft was prepared (adding language at LAC 46:XLV.433-449), and following consideration and discussion during its April 2020 meeting, the Board approved the draft in its June 29, 2020 meeting **(listed on the**

**regulatory progress page of our website as 2020-4).** Thereafter, the First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Podiatry (History & Physicals).** Noting that a uniform podiatry 3 year postgraduate training program was implemented throughout all podiatry schools in 2013, the Board's Podiatry Advisory Committee suggested a change in the current rules (1307G) to provide that licensed advanced practice podiatrists with 2 or more years of postgraduate training, may independently perform a complete history and physical (H&P) on patients for the purpose of preoperative evaluation before a podiatric procedure. The Committee also suggested that all licensed advanced practice podiatrists may independently perform a complete H&P for IRB approved podiatry research. The Committee appends its suggestions with the notes that (i) the H&P is done for evaluation and diagnosis only and (ii) there is no financial gain by the performance of H&P. Based on these suggestions, the Board considered a draft of the proposed rule changes at its February 2020 meeting, and the proposed rule changes (adding language to and removing language from LAC 46:XLV.1307) were approved at the June 29, 2020 meeting **(listed on the regulatory progress page of our website as 2020-3).** Thereafter, the First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Complaints and Investigations (C&I).** In conformity with recommendations of the LLA, the Board directed the development of: (i) criteria for determining whether to issue public or nonpublic actions; and (ii) guidance to provide a frame work to guide future disciplinary dispositions. A draft rule was compiled and discussed at the Board's February 2020 meeting and approved for promulgation (adding LAC 46:XLV.9714 and 9716) at its June 29, 2020 meeting **(listed on the regulatory progress page of our website as 2020-1).** Thereafter, the First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final**

**review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Emergency Temporary Permit.** Pursuant to Emergency Declaration, adopted at an emergency meeting held on March 30, 2020, the Board exercised the emergency provision of the APA and amended its existing rules (LAC 46:XLV.402D and 412H) and adopting a new subsection (LAC 46:XLV.412L) to provide for emergency temporary permits for formerly licensed Louisiana physicians and allied health care practitioners during the declared public health emergency. Since the temporary emergency rule will lapse, the Board, at its June 29, 2020 meeting, voted to promulgate these rule changes permanently **(listed on the regulatory progress page of our website as 2020-6)**. Thereafter, the First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**Physician Licensure - Waiver of Qualifications.** The Board was asked to extend the waiver of licensure qualifications (currently limited by §§315 and 327) to applicants appointed by a medical school to a full-time position at a rank of assistant professor or above to applicants who will be full-time employees of a major teaching hospital as defined by the rules. The request also suggested an amended definition for major teaching hospital to include one which is a sponsor of at least four approved residency programs two of which are in certain specialties. A working draft of the proposed amendments (adding language to LAC 46:XLV.315, 415 and 417) was presented for initial review and discussion at the Board's February 17, 2020 meeting **(listed on the regulatory progress page of our website as 2020-8)** and approved at the June 29, 2020 Board meeting. The First Report to the OLRC was considered and approved at the OLRC's July 23, 2020 meeting. Thereafter, the Notice of Intent, proposed rule changes, and FEIS were published in the October 2020 Louisiana Register, with a request for any public comment and notice of public hearing. Simultaneously, it was also sent to the appropriate Louisiana legislative committees. A public hearing on the proposed rule changes was held on November 24, 2020. No public comments were made and there were no appearances at the hearing. We are in the process of drafting this second report and the lapse of the required 100 days from first publication until promulgation. **On March 25, 2021, OLRC approved this Rule on final review and has issued its Resolution indicating same. We are in the process of submitting our 2nd report to the legislative committees.**

**PROPOSED RULE DRAFT(S) FOR BOARD APPROVAL:** On the motion of Ms. Sport, duly seconded by Dr. Weather and passed by unanimous voice vote, the Board approved the proposed rule drafts presented to the board on the agenda and described below:

**Physicians' Licensure (IMLC) — A copy of this working draft may be obtained by sending the Board a public records request for same (see the Board's website for instructions).** These rules are proposed due to the passage of the Interstate Medical

Licensure Compact Law, La. R.S. 37:1310.1. The law states that to the extent it conflicts with other Louisiana laws and/or rules, it supersedes those laws and rules. The IMLC law does not provide for LSBME license application “Oath questions”, determination of citizenship and/or an annual CME requirement. The working draft provides for severability. Additionally, it provides that upon first failure to produce the information/documentation regarding CME compliance within 90 days of notice, the IMLCC licensee will receive a non-disciplinary communication from the Director of Investigations outlining that he/she must comply with the required CME, and must report completion to us prior to renewal, in addition to their next year’s CME. If the IMLCC licensee repeats the failure, then this is grounds for the Board to proceed with investigation of the violation or potential violation, and possible discipline under La. R.S. 37:1285. Likewise, the failure to produce official proof of citizenship and/or authorization to live and work in the United States, along with responses to the Oath questions, may also provide grounds for the Board to proceed with investigation of the violation or potential violation, and possible discipline under La. R.S. 37:1285. The Oath topics have been amended to reflect lawsuits, and/or settlements of medical malpractice, fraud and/or intentional torts.

**Physicians’ Practice (Marijuana) – A draft of the proposed repeal of LAC 46:XLV.Chapter 77, in its entirety, may be obtained by making a public records request (see the Board’s website for instructions).** The Chapter currently contains rules governing physicians who recommend therapeutic marijuana, legal warnings with regard to recommending marijuana, definitions and prohibitions with regard to the conditions for which it may be recommended, registration of physicians, form for recommendation, requirements for treatment and keeping of records, and discipline pertaining to such rules. The repeal is being done to conform to Act 286 of the 2020 Regular Session of the Louisiana Legislature. R.S. 37:1270(9).

#### **PROPOSED RULE TOPICS ALREADY APPROVED BY THE BOARD**

- Pro Tem DOI - qualifications for and establishment of same to match DOI’s under La. R.S. 37:1270(9).
- Recusal of DOI and/or Asst DOI for bias and/or interest, adding to LAC 46:XLV.9920.
- Rules for CLP’s – CLP committee has made several suggested changes, which will be put on the agenda once reviewed and revised, if needed, for due process and equal protection.
- Rules for OT’s – OT Committee members have suggested changes to the rules regarding qualifying CME courses for renewal of licensure, which will be put on the agenda once reviewed and revised, if needed, for due process and equal protection.

**PROPOSED RULE TOPICS FOR BOARD APPROVAL:** On the motion of Ms. Sport, duly seconded by Dr. Weather and passed by unanimous voice vote, the Board approved the proposed rule topics for General Counsel to begin proposed rule drafts as described below:

- Amending Rules for anesthesia, including regulation of nitrous oxide, and office based surgery.



- Rules for Acupuncture requiring a certain number of CME and a jurisprudence course
- Rules for RT's – RT Committee has made requested some changes, which will be put on the agenda once reviewed and revised, if needed, for due process and equal protection.
- USMLE - Conform our rules to match USMLE requirements for the number of times an applicant can take each section of the exam without passing.

**[13.] Minutes of Executive Sessions.** On the motion of Dr. Valentine, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board convened in executive session pursuant to La. R.S. 42:17A to receive and review the minutes of the executive session of its March 29, 2021 meetings. On the motion of Dr. O'Neill, duly seconded by Dr. Valentine, and passed by a unanimous vote, the March 29, 2021 Executive Session minutes were approved.

**[14.] Report on Pending Litigation.** On the motion of Ms. Sport, duly seconded by Dr. Thomas and passed by unanimous voice vote, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board is a party, and the status of proceedings for judicial review of prior Board decisions, pursuant to La. Rev. Stat. § 42:17A(2 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On the motion of Ms. Sport, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board accepted the litigation report regarding the following matters:

Vincent Joseph Bruno v. Cecilia Mouton and the LSBME, No. 12-5503 (Civ.Dist.Ct.Orl.Par.Div."L").

Guardian Medical Group, LLC and Cellution Wellness Center, Inc., v. Cecilia Mouton, M.D., and the LSBME, No. 12-7202 (Civ.Dist.Ct.Orl.Par.Div."L").

Richard Arjun Kaul, M.D., and Arnold Erwin Feldman, M.D. v. Louisiana State Board of Medical Examiners, et.al., No.19-3050(U.S.Dist.Ct.Dist. of Columbia)

Gregory Duhon, M.D. v. Board of Supervisors For Louisiana State University And Agricultural And Mechanical College; Thomas C. Galligan Jr.; Neeraj Jain, M. D.; Healthcare Professionals Foundation Of Louisiana; Professional Renewal Center; Louisiana State Board Of Medical Examiners, No. 2:20cv2022 (U.S.Dist.Ct.E.D.La.)

Ford v. LSBME and Dr. Valentine, in her official capacity only, Eastern District of Louisiana, Case No. 18-4149

Louisiana State Board of Medical Examiners and Cecilia A. Mouton, M.D. v. Monica A. Borg, No. 09-1844 (Civ.Dist.Ct.Orl.Par.Div."J-13").

Arnold E. Feldman, M.D. v. Cecilia Mouton, M.D. and the Louisiana State Board of Medical Examiners., No. 16-3627 (Civ.Dist.Ct.Orl.Par.Div."G")

**[15.] General Administrative Matters; Memorandum of Understanding (MOU) regarding Louisiana Department of Health.** The Board convened in executive session to receive advice and counsel pursuant to La. R.S. 42:17A (1, 4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On the motion of Dr. Valentine, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board moved to approve the revised letter to Mr. Russo of LDH.

**[16.] General Administrative Matters; Licensee request.** The Board reviewed the request of agenda item 04.00.02 for a waiver exemption with regard to licensing . After Board discussion, on the recommendation of the President, on the motion of Dr. Valentine, duly seconded by Dr. O'Neill and passed by unanimous voice vote, the Board decided to table this agenda item for additional information.

- [17.] Licensure and Certification;** The Board convened in executive session relating to investigations, the character and professional conduct of a licensee and allegations of misconduct, and pursuant to La. R.S. 42:17(A)(1), (4) & (10); La. C.E. art. 508, and/or La. R.S. 44:4.1C. to review the waiver requests of the Board's examination requirements. Following review and discussion, the Board resumed in open session as follows:

On the motion of Ms. Sport, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board approved the following waivers:

Agenda Item 06.00.01 and Agenda Item 06.00.02

- [18.] Compliance Counsel;** The Board convened in executive session to receive advice and counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. No further action was needed or taken on this matter.

- [19.] Personal Appearances/Docket Calendar;** On the motion of Dr. O'Neill, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board convened in executive session, to review the calendar of personal appearances and docketed hearings, as matters relating to investigations, the character and professional conduct of a licensee and allegations of misconduct, pursuant to La. R.S. 42:17(A)(1), (4) & (10). La. C.E. art. 508, and/or La. R.S. 44:4.1C. No further action was required or taken on this matter.

- [20.] Investigative Reports.** On the motion of Dr. O'Neill, duly seconded by Dr. Taylor, and passed by unanimous voice vote, the Board convened in executive session, to consider the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session as follows:

- a. Commence Formal Investigation: On the motion of Dr. Thomas, duly seconded by Dr. Valentine, and passed by unanimous voice vote, the Board approved commencing formal investigation regarding the following matters:

Case No. 2021-199  
Agenda Item No. 07.04.02

- b. Initiate Preliminary Review: On the motion of Dr. Thomas, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board approved commencing preliminary review in the following matters:

Agenda Item No. 07.04.03  
Agenda Item No. 07.04.04  
Agenda Item No. 07.04.05  
Agenda Item No. 07.04.06  
Agenda Item No. 07.04.07

- c. The Board requested the DOI, on the basis of Ms. Sport's idea, to provide a separate Investigations Report to the Board listing all open cases in a snapshot dashboard detailing receipt, initiation and extensions. No motion was needed.

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

Investigation No. 2020-1016	Investigation No. 2021-193
Investigation No. 2021-306	Investigation No. 2021-192
Investigation No. 2021-361	Investigation No. 2021-216
Investigation No. 2020-1094	Investigation No. 2020-449
Investigation No. 2021-303	Investigation No. 2020-864
Investigation No. 2019-229	Investigation No. 2020-892
Investigation No. 2019-230	Investigation No. 2020-935
Investigation No. 2020-904	Investigation No. 2021-151
Investigation No. 2020-824	Investigation No. 2021-208
Investigation No. 2020-196	Investigation No. 2021-247
Investigation No. 2020-112	Investigation No. 2021-283
Investigation No. 2020-125	Investigation No. 2021-295
Investigation No. 2020-141	Investigation No. 2021-309
Investigation No. 2020-213	Investigation No. 2021-187
Investigation No. 2020-381	Investigation No. 2021-273
Investigation No. 2020-387	Investigation No. 2021-156
Investigation No. 2020-454	Investigation No. 2021-184
Investigation No. 2020-603	Investigation No. 2021-110
Investigation No. 2020-827	Investigation No. 2021-273
Investigation No. 2020-832	Investigation No. 2020-894
Investigation No. 2020-755	Investigation No. 2021-7
Investigation No. 2020-846	Investigation No. 2021-119
Investigation No. 2020-848	Investigation No. 2021-120
Investigation No. 2020-859	Investigation No. 2021-124
Investigation No. 2021-144	Investigation No. 2021-132
Investigation No. 2021-177	Investigation No. 2021-142

Investigation No. 2021-150

Investigation No. 2021-228

Investigation No. 2021-155

Investigation No. 2021-229

Investigation No. 2021-159

Investigation No. 2021-239

Investigation No. 2021-107

Investigation No. 2021-123

Investigation No. 2021-139

Investigation No. 2021-408

Investigation No. 2021-168

Investigation No. 2021-173

Investigation No. 2021-226

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

2018-I-786, 2018-I-788, and 2019-I-101

- f. Consent Orders: On the motion of Ms. Sport, and duly seconded by Dr. Valentine, and passed by unanimous voice vote, the following Consent Orders were approved:

Docket No. 2020-I-035

Docket No. 2020-I-983

On the motion of Dr. O'Neill, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board rejected the following Consent Order:

Docket No. 2020-I-086

- g. Closed/Dismissed: On the motion of Dr. O'Neill, duly seconded by Dr. Thomas, and passed by unanimous vote, the following matters were approved for closure/dismissal with a Letter of Concern:

File No. 2020-14

File No. 2020-I-880<sup>1</sup>

File No. 2020-I-675

- h. Closed/Dismissed: On the motion of Dr. Horton, duly seconded by Dr. Thomas and passed by unanimous voice vote, the following matters were approved for closure with no action:

File No. 2021-210

File No. 2021-327

File No. 2020-1052

File No. 2020-1016

File No. 2021-183

File No. 2021-208<sup>2</sup>

File No. 2021-304

File No. 2021-247

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<sup>1</sup> Dr. Weather is recused from any and all participation in this matter.

<sup>2</sup> Ms. Sport and Dr. Thomas are recused from any and all participation in this matter.

File No.	2021-219	File No.	2021-154
File No.	2021-220	File No.	2021-987
File No.	2020-635	File No.	2021-11
File No.	2020-636	File No.	2020-1032 <sup>7</sup>
File No.	2020-659 <sup>3</sup>	File No.	2020-1074
File No.	2020-615 <sup>4</sup>	File No.	2019-I-571
File No.	2020-718	File No.	2019-1131 <sup>8</sup>
File No.	2020-561	File No.	2020-266
File No.	2020-559	File No.	2020-286
File No.	2020-560	File No.	2019-990
File No.	2020-209	File No.	2020-113
File No.	2020-924	File No.	2020-644
File No.	2020-422 <sup>5</sup>	File No.	2020-634 <sup>9</sup>
File No.	2020-556	File No.	2020-352 <sup>10</sup>
File No.	2020-667	File No.	2020-944
File No.	2019-842	File No.	2019-923
File No.	2020-915	File No.	2021-195
File No.	2021-21	File No.	2020-956
File No.	2020-1034 <sup>6</sup>	File No.	2020-707
File No.	2021-272	File No.	2021-402
File No.	2020-355	File No.	2020-639

- i. Professional Liability Report. On the motion of Dr. O'Neill, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board convened in executive session to consider the report on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). On motion by Dr. O'Neill and duly seconded by Ms. Sport, the Board accepted the report by unanimous voice vote.
- j. Closed Complaint Cases. On the motion of Dr. O'Neill, duly seconded by Ms. Sport and passed by unanimous roll call voice vote, with one absentee, the

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<sup>3</sup> Dr. O'Neill is recused from any and all participation in this matter.

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

<sup>5</sup> Dr. Clark is recused from any and all participation in this matter.

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

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

<sup>8</sup> Dr. Horton is recused from any and all participation in this matter.

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

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

Board approved closing those investigations listed on the Closed Case Report presented for the month of March 2021.

- k. Request for evaluation facility. On the motion of Dr. Horton, duly seconded by Dr. Thomas and passed by 8 YEAS, and 1 Nay, the Board denied the request of File No. 2020-I-847, to approve an evaluation Physician/Facility not on the approved list of evaluators.

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

With regard to Case No. 09-I-292, on the motion Ms. Sport, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board approved the request of this licensee seeking to terminate routine probation.

With regard to Case No. 06-I-117, on the motion of, duly seconded by Dr. Horton, and passed by unanimous voice vote, the Board asked that this licensee make a personal appearance before the request can be decided.

With regard to Case No. 19-A-009, on the motion of Ms. Sport, duly seconded by Dr. Yu, and passed by 7 YEAS and 1 NAY, the Board denied the licensee's request for reinstatement of medical license. After further discussion, on the Motion of Dr. Valentine, duly seconded by Dr. Thomas, and passed by unanimous voice vote, the Board approved reconsideration of its decision to deny reinstatement of the medical license in Case No. 19-A-009.

Upon reconsideration of Case No. 19-A-009, and on the motion of Dr. Horton, duly seconded by Ms. Sport, the Board approved to reinstate the medical license after the following conditions are met:

Payment of all financial balance or fees owed to the Board, and a positive evaluation report indicating the licensee is safe to practice.

**Next Meeting of the Board.** The President reminded the members that the next meeting of the Board was scheduled for May 24, 25, 2021.

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**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 26, 2021 and approved by the Board on the 24<sup>th</sup> day of May, 2021.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 24<sup>th</sup> day of May 2021.

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

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