

# THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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## MINUTES OF MEETING

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September 25, 2023

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, September 25, 2023, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

**Board Members present:**

Terrie R. Thomas, M.D., President  
Rita Horton, M.D., Secretary-Treasurer (via Zoom)  
Juzar Ali, M.D.  
Roderick V. Clark, MBA, M.D.  
Patrick K. O'Neill, M.D.  
James Taylor, M.D.  
Leonard Weather, M.D., R.Ph (via Zoom)  
Cheryl Williams, M.D.

Kim S. Sport, JD, Vice President - Absent  
Lester W. Johnson, M.D. – Absent

**Board Staff present:**

Vincent A. Culotta, Jr., M.D., Executive Director  
Lawrence H. Cresswell, DO, JD, Director of Investigations  
Michael Francis, M.D. Assistant Director of Investigations  
Patricia Wilton, Esq., Executive Counsel  
Aloma James, Director of Licensing  
Alan W. Phillips, IT Director  
LaKenya Collins, CPA, CFO  
Susie Allen, DrPH, MBA, Director of Education and Research  
Carol Chauvin, Compliance Officer  
Maya Ladmirault, Compliance Officer  
Patricia Dufrene, Compliance Investigator  
Lillie Rodgers, Investigations Program Director  
Jacintha F. Duthu, Executive Staff Officer (via Zoom)  
Olivia PeLong, Executive Program Specialist

- (1.) General Administrative Matters; Public comments; Meeting was called to Order;**  
Dr. Thomas opened the meeting with the Pledge of Allegiance. LaShunda Stewart, Licensing Supervisor, read the LSBME Mission Statement.

At this time, Dr. Culotta requested that the Board add an additional agenda item

regarding a discussion for waivers of the Private Radiological Technologist. On the motion of Dr. Ali, duly seconded by Dr. Williams, the Board voted unanimously to add this item to the agenda.

- (2.) **Minutes of August 28, 2023;** The Board reviewed and discussed the minutes of its meetings held on August 28, 2023. On the motion of Dr. Clark, duly seconded by Dr. Ali, the Board voted unanimously to approve the minutes of its August 28, 2023, meeting.
- (3.) **Personal Appearances; No Public Appearances.**
- (4.) **Follow-Up Action Item; Request for an Emergency Waiver;** The Board reviewed the request from Brian Gamborg, M.D., for a waiver in the interim that the Board amend the current policy from “Joint Commission on Accreditation of Health Care” to CMS-approved accreditation organization. No further action was needed or taken on this matter.
- (5.) **Follow-Up Action Item; LSBME Fee Analysis;** The Board reviewed the Fee Review and Analysis produced by the Louisiana Department of Health that presents an assessment of the fee structure of the LSBME as allowed by Louisiana Revised Statute 36:803 Section A (3). The analysis specifically focuses on evaluating the annual licensing fees that are assessed by the LSBME and the adequacy of such fees. No further action was needed or taken on this matter.
- (6.) **Follow-Up Action Item; LSBME Overtime Policy;** The Board reviewed the LSBME's Guidelines for Overtime Policy. On the motion of Dr. Weather, duly seconded by Dr. Ali, the Board voted unanimously to amend this policy with the edits specified and then the reconciled policy will need to be presented at the October meeting.
- (7.) **Follow-Up Action Item; Bridge Year Physician Program;** The Board reviewed the request for a waiver from Julia Peters, M.D., MPH, to consider including students who graduate and match later than one year after graduation. On the motion of Dr. Taylor, duly seconded by Dr. Ali, the Board voted unanimously to deny this request.
- (8.) **Follow-Up Action Item; Memorandum re: Legal Division Update and Recommendations;** The Board reviewed the memorandum regarding the Legal Division's composition, organization, functions, and duties going forward. On the motion of Dr. Ali, duly seconded by Dr. Taylor, the Board voted unanimously to approve the Legal Division memorandum.
- (9.) **Follow-Up Action Item; Board Members' Annual Required Training;** The Board reviewed the status of each Board member's annual training. No further action was needed or taken on this matter.
- (10.) **Rulings and Advisory Opinions; Request for an Advisory Opinion;** The Board heard from Emily Grey, Partner Attorney, Breazeale, Sachse & Wilson, LLP, regarding her request for an advisory opinion on out of state, Louisiana Licensed Physician eligibility to engage in collaborative practice with an APRN via Telehealth. The Board directed Mrs. Wilton and Dr. Culotta to gather more information on this matter and bring that information back to the Board.

**(11.) Communication and Information; Data points in MD licensing;** The Board previously requested to review the data points our licensing analyst are currently needing to input for each MD application. This data entry will be alleviated with the previously approved conversion with the FSMB data system. No further action was needed or taken on this matter.

**(12.) General Administrative Matters; President's Report;** The President informed the Board of the need to have an outside firm do an analysis of the books for the agency, one last financial look at our accounting practices. Dr. Culotta will bring back 3 firms for consideration. On the motion of Dr. Clark, duly seconded by Dr. Williams, the Board voted unanimously to accept the President's report.

**(13.) General Administrative Matters; Vice President's Report;** In the absence of the Vice President, The President reviewed the VP tracking report with the Board. The Director of Investigations updated the President of his current items on the VP tracking report.

**(14.) General Administrative Matters; Executive's Director's Report;**

The Executive Director informed the Board of the following:

- Advisory committees are meeting. The OTAC met and that are nearing completion of a total update and overhaul of the rules. The Clinical Laboratory Advisory Committee (CLAC) met, and they are seeking a law change that should be ready for review next month. The Respiratory therapy Advisory Committee (RTAC) met last week.

On the motion of Dr. Taylor duly seconded by Dr. Ali, the Board voted unanimously to deny the RTs request to meet in person in New Orleans to make rule changes. Due to budget cuts the cost is extensive when the meeting can be held via zoom like other advisory committees who are currently working on rule changes.

- Update on the plans for alternate day work and cost savings.

A decision must be forthcoming determining if the alternate day presence in the building is optional or mandatory. Optional has a different cost basis than mandatory. Savings and cost are not calculable until the board decides on this matter. Optional will save us technology costs but not reduce parking costs, Mandatory will reduce parking costs but increase cost as we would have to pay a part of employee's internet service and supply machines or software to the employees to work from home.

Upgrades to the computer system to maximize the security in the work from home environment are dependent on the decision of mandatory or optional. We would not be able to move enough employees off the second floor unless we mandate work from home.

Since our last discussion President Biden has issued an executive order to for all federal employees to return to work in the office. The United States Congress is debating the 'Return to work act ' and even mores states are passing legislation to do same.

I have begun preliminary and still confidential discussions with potential tenants but can go no further until all the other issues completed, and decisions are forthcoming.

We also have the potential to lease out our board room for smaller boards to use for their meetings.

- We have added Abbie connect live answering service as a back up to the receptionist. Reducing FTEs for that area and the cost of those FTEs. We are promoting one of the receptionists to a license analyst.

- We are evaluating a whole building water purification system, and this has the potential to bring a savings of \$5000.00 per year after the second year. This would also better prepare us for saltwater intrusion.

On the motion of Dr. Clark, duly seconded by Dr. Taylor, the Board voted unanimously for Dr. Culotta to get the water purification system for the building.

On the motion of Dr. Clark, duly seconded by Dr. Ali, the Board voted unanimously to come back with information to create a policy regarding the amount of spending allowed by the Executive Director without bringing the purchases before the Board.

- The ORM of the State of Louisiana does not sell cybersecurity/liability coverage. We can buy \$300,000.00 of coverage to repair our devices. The board previously made the decision to use the best possible security systems and prevent attacks. We have bolstered our cybersecurity education and we have done one extensive penetration testing audit last year and will soon be doing another.
- Scanning project update.

The scanning project for older documents is at a halt due to budgetary constraints. The project costs are reduceable with use of two of our staff to aid the outside contractor and the cost will be reduced to near \$350,000.00 from \$550,000.00. This would clear the first and second floors of all documents as well as the third and fourth floors. With that we could use the file rack spaces to make cubicles for the employees. This would then allow us the freedom to rent the second floor to other interests.

- My bride will be having major orthopedic surgery on OCT 24, 2023, and I will be at her side for the majority that day.

On the motion of Dr. Ali, fully seconded by Dr. Taylor, the Board voted unanimously to accept the Executive Director's report.

**(15.) General Administrative Matters; Director of Investigations' Report;** The DOI reported that the average time of closed cases is 180 days and 250 days for cases with actions and are still trying to refine the cases back to base level. No further action was needed or taken on this matter.

**(16.) Financial Report.** The Board reviewed the Balance sheet and LSBME's profit and loss as of July 2023. The Board was also presented with a draft Fund Balance Policy. On the motion of Dr. Clark, duly seconded by Dr. O'Neill, the Board voted unanimously to accept the financial report.

**(17.) Future Board Meeting Dates.** The Board reviewed the future meeting dates for 2023 and the meeting dates for 2024. No further action was needed or taken on this matter.

**(18.) Rules and Regulations. Rules/Amendments.** The Board reviewed the September 2023 Rules and Regulation report. On the motion of Dr. O'Neill, duly second by Dr. Clark, the Board voted unanimously to accept the report with the corrections to amending 9709 and just removing the last seven words of the rule that reads "which do not provide a basis for preliminary review."

**[19.] Minutes of Executive Sessions.** Upon the motion of Dr. Ali, duly seconded by Dr. Williams, the Board voted unanimously to convene in executive session pursuant to La. R.S. 42:17A to receive and review the executive minutes of the Board's August 28, 2023, meeting. Following review, the Board returned to public session. Upon the motion of Dr.

Ali, duly seconded by Dr. Taylor, the Board voted unanimously to approve the August 28, 2023, executive session minutes.

**[20.] Report on Pending Litigation.** Upon the motion of Dr. O'Neill, duly seconded by Dr. Williams, the Board voted unanimously to convene in executive session pursuant to La. R.S. 42:17A(2, 4 and 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C, to receive and review the report of legal counsel on pending litigation to which the Board is a party, the unauthorized practice of medicine cases assigned for injunction, and the status of proceedings for judicial review of prior Board decisions. Upon return to public session and the motion of Dr. Ali, duly seconded by Dr. Taylor, the Board voted unanimously to accept the litigation report.

Ford v. LSBME and Dr. Valentine, in her official capacity only, Eastern District of Louisiana, Case No. 18-4149  
Donovan v. LSBME, CDC Parish of Orleans, State of Louisiana, No. 2022-2964 Div. A-16

**[21.] General Administrative Matters; License Applicant's request.** The Board convened in executive session pursuant to La. R.S. 42:17A(1), and to receive advice of counsel under La. R.S. 42:17A (10), La. C.E. art. 508, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed Agenda No. 05.00.01. Upon the motion of Dr. O'Neill, duly seconded by Dr. Taylor, the Board voted unanimously to approve an institutional license.

**[22.] General Administrative Matters; License Applicant's request.** The Board convened in executive session pursuant to La. R.S. 42:17A(1), and to receive advice of counsel under La. R.S. 42:17A (10), La. C.E. art. 508, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed Agenda No. 05.00.02. Upon the motion of Dr. Ali, duly seconded by Dr. Horton, the Board voted unanimously to deny the licensee's request for a waiver of the Board's examination requirements.

**[23.] Personal Appearances/Docket Calendar.** On the motion of Dr. Taylor, duly seconded by Dr. Ali, 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.

**[24.] Investigative Reports.** On the motion of Dr. Taylor, duly seconded Dr. Ali, 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. Interim Action: The Board reviewed the following matter, and on the motion of Dr. Taylor, duly seconded by Dr. Ali, the Board voted unanimously to ratify the summary suspension in the following matter:

Docket No. 2023-I-288
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- b. Commence Formal Investigation: On the motion of Dr. Taylor, duly seconded by Dr.

Ali, the Board voted unanimously to approve commencing formal investigation in the following matters:

Case No.	2023-593
Case No.	2023-I-433

c. Extend Formal Investigation: On the motion of Dr. Taylor, duly seconded by Dr. Ali, the Board voted unanimously to approve extending formal investigation in the following matter:

Case No.	2020-245
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d. Extend Time for Preliminary Review: On the motion of Dr. Taylor, duly seconded by Dr. Ali, and passed by unanimous voice vote, the Board approved granting a 90-day extension to continue preliminary review/investigation in the following matters and to authorize the DOI to request Executive Counsel to proceed with measures to enforce compliance with Board subpoenas where no response had been received within 90 days of issuance:

Investigation No.	2023-490
Investigation No.	2022-293
Investigation No.	2022-305
Investigation No.	2023-175
Investigation No.	2023-518
Investigation No.	2023-387
Investigation No.	2023-366
Investigation No.	2018-902
Investigation No.	2019-541
Investigation No.	2020-657
Investigation No.	2020-740
Investigation No.	2020-753
Investigation No.	2020-997
Investigation No.	2020-1041
Investigation No.	2021-326
Investigation No.	2021-156
Investigation No.	2021-704
Investigation No.	2021-696
Investigation No.	2021-938
Investigation No.	2021-941
Investigation No.	2021-923

Investigation No.	2021-888
Investigation No.	2021-961
Investigation No.	2021-498
Investigation No.	2021-499
Investigation No.	2021-500
Investigation No.	2021-501
Investigation No.	2021-1416
Investigation No.	2022-187
Investigation No.	2022-211
Investigation No.	2022-563
Investigation No.	2022-560
Investigation No.	2022-589
Investigation No.	2022-553
Investigation No.	2022-605
Investigation No.	2022-640
Investigation No.	2022-915
Investigation No.	2022-653
Investigation No.	2023-395
Investigation No.	2023-396
Investigation No.	2023-407
Investigation No.	2023-406
Investigation No.	2023-453
Investigation No.	2023-454
Investigation No.	2023-412
Investigation No.	2022-937
Investigation No.	2023-224
Investigation No.	2023-230
Investigation No.	2023-400
Investigation No.	2023-401
Investigation No.	2023-408
Investigation No.	2021-411
Investigation No.	2021-419
Investigation No.	2021-447
Investigation No.	2022-176
Investigation No.	2020-715
Investigation No.	2021-312
Investigation No.	2021-439
Investigation No.	2021-440
Investigation No.	2021-447
Investigation No.	2021-1019

Investigation No.	2021-1022
Investigation No.	2021-1422
Investigation No.	2022-30
Investigation No.	2022-32
Investigation No.	2021-1381
Investigation No.	2022-108
Investigation No.	2022-145
Investigation No.	2022-163
Investigation No.	2022-406
Investigation No.	2022-567
Investigation No.	2022-579
Investigation No.	2022-606
Investigation No.	2022-643
Investigation No.	2022-673
Investigation No.	2022-721
Investigation No.	2022-922
Investigation No.	2022-925
Investigation No.	2023-405
Investigation No.	2023-428
Investigation No.	2023-433
Investigation No.	2023-439
Investigation No.	2023-443
Investigation No.	2023-493
Investigation No.	2021-761
Investigation No.	2022-903
Investigation No.	2023-168
Investigation No.	2023-195
Investigation No.	2023-186
Investigation No.	2023-185
Investigation No.	2023-211
Investigation No.	2023-212
Investigation No.	2023-214
Investigation No.	2023-215
Investigation No.	2023-403
Investigation No.	2023-423
Investigation No.	2023-427
Investigation No.	2023-438
Investigation No.	2023-461
Investigation No.	2023-335
Investigation No.	2022-806

Investigation No.	2022-913
Investigation No.	2023-393
Investigation No.	2023-372

e. Consent Orders: On the motion of Dr. O'Neill, duly seconded by Dr. Williams, the Board voted unanimously to accept the proposed Consent Order in the following matter:

Investigation No.	2020-I-263 and 2020-I-692
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f. Close with a Letter of Concern: On the motion of Dr. Taylor, duly seconded by Dr. Ali, the Board voted unanimously to close the following matters with a letter of concern:

Investigation No.	2021-1422
Investigation No.	2023-281
Investigation No.	2023-I-366

On the motion of Dr. Taylor, duly seconded by Dr. O'Neill, the Board voted unanimously to deny closing the following matter with a letter of concern:

Investigation No.	2020-I-912
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g. Close with No Action: On the motion of Dr. Ali, duly seconded by Dr. Taylor, the Board voted unanimously to close the following matters with no action:

File No.	2023-450
File No.	2023-563
File No.	2023-546
File No.	2018-723
File No.	2023-548
File No.	2023-156
File No.	2021-1416
File No.	2023-482
File No.	2023-369
File No.	2019-317
File No.	2022-483
File No.	2023-408
File No.	2023-476
File No.	2021-1273
File No.	2023-503
File No.	2023-498
File No.	2023-530

File No.	2023-565 <sup>1</sup>
File No.	2023-583 <sup>2</sup>
File No.	2023-597 <sup>3</sup>
File No.	2023-140
File No.	2023-305
File No.	2022-729
File No.	2018-834
File No.	2023-542
File No.	2020-246
File No.	2023-523

h. Professional Liability Report: The Board voted unanimously to convene 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). Upon returning to public session, on the motion of Dr. Ali, duly seconded by Dr. Weather, the Board voted unanimously to accept the September report.

i. Closed Case Report: The Board voted unanimously to convene in executive session to review allegations of misconduct pursuant to La. Rev. Stat. § 42:17A(4), as part of the closed case report. The Board returned to public session and upon the motion of Dr. Ali, duly seconded by Dr. Weather, the Board voted unanimously to approve the August 2023 closed case summary report.

**[24.] Probationary Matter; Request from Probationers.** The Board voted unanimously to convene in executive session to review the following requests from licensees to end or modify the conditions of their allegations of misconduct probation and/or to be permitted to reinstate licensure, pursuant to La. Rev. Stat. § 42:17A(1), (4) & (10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. After returning to public session, the Board took the following action:

With regard to Agenda Item No. 09.02.01, upon the motion of Dr. Taylor, duly seconded by Dr. O'Neill, the Board voted unanimously to allow the licensee to take the SPEX exam.

With regard to Agenda Item No. 09.02.02, upon the motion of Dr. O'Neill, duly seconded by Dr. Weather, the Board voted unanimously to approve seeking a consent order for reinstatement of license.

**Next Meeting of the Board.** The President reminded the members that the next meeting of the Board is scheduled for October 23, 24, 2023.

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<sup>1</sup> Dr. O'Neill is recused from any all participation in this matter.

<sup>2</sup> Dr. O'Neill is recused from any all participation in this matter.

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

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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, conducted therein, held on September 25th, and approved by the Board on the 23<sup>rd</sup> day of October 2023.

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Rita Horton, M.D.  
Secretary-Treasurer

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Terrie R. Thomas, M.D.  
President