

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

# NEWSLETTER



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## FROM THE DESK OF THE EXECUTIVE DIRECTOR



Dear Licensees:

Summer is here with a vengeance!! The board has been very busy since the last newsletter was published in April.

The legislative session has come and gone; details of the legislation that affects the board and its licensees is discussed on the following page. One result of the recent legislative session is that effective August 1, our advisory committees are permitted to meet online via Zoom. This will result in much less time lost to travel from long distances across the state. We also hope this will increase participation by the public. We know our hard-working committee members will appreciate this convenience.

In response to Act 757 recently passed by the legislature, the board is currently working on rules for a "bridge" to residency for unmatched medical students, so that they may continue to receive training to make them better candidates for matching to a program in the following year. We are also looking at a new type of retired status license that will permit retired physicians to continue to contribute to the state's healthcare workforce. We hope that our physician licensees participate and comment upon it if they have any concerns or suggestions.

The Board has released an updated version of the Physician Laws and Rules course, formerly known as the Board Orientation. Over the years the laws and rules for all licensees have expanded and grown. It is incumbent upon anyone who practices in Louisiana to understand these regulations to protect the health of the public, and to protect themselves. This course will continue to be mandatory for newly licensed physicians to complete before their first renewal. It is also available at no cost on CE Broker for any physician to take, once a year, and we strongly urge you to use this opportunity to review the rules and laws that apply to you. Any time you take the course, you will receive 3 hours of CME toward your 20-hour annual requirement, and it will go directly to your CE Broker transcript for this purpose.

As an aside, I want to remind those of you who have not yet registered for an account with our electronic education tracker (CE Broker) that a transcript from them verifying your compliance with CE/CME requirements is mandatory for renewal.

And finally, Dr. Robert Batson has stepped down from the Board. We appreciate his service to the Board and to the people of Louisiana.

Best regards for a good summer, stay cool out there....

Vincent A. Culotta, Jr., MD

## LEGISLATIVE UPDATE

The information below contains brief summaries of the legislation passed in the 2022 regular session of the Louisiana Legislature that is pertinent to licensees of the LSBME, or to the processes and procedures of the agency.

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### ACTS ENROLLED

**Act 659 (SB22)** sponsored by Senator Boudreaux. Recreates and restructures the Palliative Care Interdisciplinary Advisory Council. Membership includes four physicians with certain credentials appointed by the LSBME. Effective 08/01/2022.

**Act 408 (SB34)** sponsored by Senator Mills and representatives Bagley, Butler, and Owen. Creates an exception within the Open Meetings Law and authorizes any statewide advisory committee of the Board to meet electronically provided certain conditions are met to ensure the public's right to observe and participate. Effective 08/01/2022.

**Act 545 (SB342)** sponsored by Senators Jackson, Cloud et. al. and Representatives Amedee, Bagley et. al. Bans abortion except under limited circumstances not including rape or incest. Effective upon partial or complete overrule of *Roe v. Wade* by the U.S. Supreme Court.

**Act 757 (SB439)** sponsored by Senator Peacock. Creates a Bridge Year Graduate Physician program pursuant to which a medical school graduate who applied for a residency, but did not match, may receive a certificate to practice medicine for a year under the direct supervision of a board supervised physician. The program will operate under rules established by the Board in consultation with certain enumerated entities, including the Louisiana State Medical Society and the Louisiana Academy of Family Physicians. Effective 08/01/2022.

**Act 119 (HB81)** sponsored by Representative Emerson. Adds members to the Occupational Licensing Review Commission. Effective 08/01/2022.

**Act 483 (HB555)** sponsored by Representative Owen. Requires occupational licensing boards to post on their websites the number of licenses granted, renewed, and denied. The totals must be listed statewide as well as by parish of residency and must be updated annually. Boards must also annually report their licensing requirements to the Commerce committees of the respective legislative houses. Effective 08/01/22.

**Act 486 (HB639)** sponsored by Representative Pressley. Establishes the right of an individual convicted of a crime to request from an occupational licensing board at any time a pre-application determination of whether the conviction would disqualify the individual from licensure and provides for related obligation and procedures. Effective 08/01/2022.

**Act 720 (HB910)** sponsored by Representative Thomas. Adds a definition of "athletic injury" to the Athletic Trainer law and makes other minor definitional changes. Effective 06/18/2022.

**Act 583 (HB1062)** sponsored by Representative Freeman. Makes changes to the procedure and standard to be applied for challenges to occupational licensing regulations. Is not intended to apply to participants in the alternate occupational rule review program through the Department of Justice. Effective 08/01/2022.

**Act 653 (HB1066)** sponsored by Representative Turner. Makes changes to the law concerning Clinical Laboratory Personnel and the Clinical Laboratory Personnel Committee, including adding unprofessional conduct as an enumerated cause for action against a license or certificate and provides a non-exclusive list of acts and omissions that constitute unprofessional conduct. Effective 08/01/2022.

### RESOLUTIONS

**HCR 44** Sponsored by Representative Miller creates the Health Inequities and Disparities in Rural Areas Task Force, of which the LSBME Executive Director is a statutory member. First meeting to be held no later than 08/15/22.

## **RULES ADOPTED OR PROPOSED SINCE APRIL 2022 NEWSLETTER**

Since the last newsletter, the board has voted to pursue a few regulatory changes. As the necessary documents are prepared, the proposed rules will be noticed on our website and updates will be included there for each as they go through the rule-making process. For the most up-to-date status on revisions of existing rules or the creation of new rules, please go to our [regulatory progress](#) page.

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### **PUBLIC BOARD ACTIONS, APRIL – JUNE, 2022**

Below is a list of all licensees who were subject to a public board action, April – June 2022. (Board actions include discipline, notices of summary suspension, reinstatements, voluntary surrenders etc.) Click on the name to see the documentation related to the board action.

[Chris Allen Authement, MD](#), Voluntary surrender of medical license, 06/27/22.  
[Charles Kelso Billings Jr., MD](#), Consent order for reinstatement on probation, 06/27/22.  
[Martha L. Coppage-Hoover, MD](#), Summary suspension of license, 05/23/22.  
[Keith Chi Chung, MD](#), Voluntary surrender of license, 04/25/22.  
[Kobie Ellis, CLS](#), Consent order for reprimand, 04/25/22.  
[Darren Maury Drummond, Sr., MD](#), Summary suspension of license, 06/20/22.  
[Johnny M. Hardges, MD](#), Consent order for reprimand, 04/25/22.  
[Allen Joseph Herbert, MD](#), Voluntary surrender of medical license, 06/27/22.  
[Francisco Armando Irizarry, MD](#), Consent order for probation of license, 06/27/22.  
[Parker Benjamin Jones, MD](#), Order for reinstatement of unrestricted license, 05/23/22.  
[Chandra Mohan Katta, MD](#), Consent order for reprimand and probation of license, 06/27/22.  
[Andrew Lewis Lamb, CLP](#), Consent order for reprimand and probation, 04/25/22.  
[Lloyd Phillip Ryan Leonards, MD](#), Consent order for probation of license, 04/25/22.  
[James Grady Matrisciano, MD](#), Consent order for reprimand, 04/25/22.  
[Virgil Waid McMillion, DO](#), Voluntary surrender of medical license, 06/27/22.  
[Garrett Dean Charles Norvell, MD](#), Interim consent order for indefinite suspension, 06/27/22.  
[Ratnakar Pernenkil, MD](#), Consent order for suspension of license, 04/25/22.  
[Demetrius Daniel Ransom, CLP](#), Summary suspension of license, 06/09/22.  
[Branden Patrick Tylus, LRT](#), Order for reinstatement of unrestricted license, 05/23/22.

## UPDATE ON ADVISORY OPINIONS AND STATEMENTS OF POSITION

### Advisory Opinions

During their regularly scheduled monthly meetings, the Board responds to requests for advice or clarification from the public or healthcare organizations on a variety of topics. Some of these responses believed by the Board to be of particular interest are included on its web page as advisory opinions. Several advisory opinions and a statement of position released by the Board during the pandemic have not been previously reported in this newsletter, so we are summarizing them here to bring our licensees up to date. The full text of these and all prior advisory opinions can be found in their entirety at <http://www.lsbme.la.gov/content/advisory-opinions>.

1. *Physician compounding of sterile products, July 2020.* The Board was asked if physicians could oversee the compounding of sterile products (such as “antibiotics, infusion therapies or chemotherapy”) for immediate use by specific patients in the absence of a pharmacist or pharmacy license. This advisory opinion details the federal regulations with which the compounding of such sterile preparations must be in compliance, as well as those for non-sterile preparations. Louisiana licensed physicians are permitted to compound and dispense such medications provided they meet standards akin to those utilized by pharmacists and must have a dispensing permit if they are dispensing the substances. The Board is currently developing a rule-making effort governing compounding that will likely require registration, inspections, and rules similar to those of the Board of Pharmacy.

The opinion concludes that the compounding of “medications such as those described may be performed by a physician in this state provided he or she is fully trained in compounding, does so with the use of the appropriate techniques, practices and equipment and compliance with applicable federal and state law and regulations. Failure to do so may provide the board and other regulators a basis for administrative action.”

2. *Chronic Pain Management, October 2021.* This opinion clarifies the regulations pertaining to the issuing of multiple prescriptions of a schedule II controlled dangerous substance (CDS) to provide a patient a 90-day supply in compliance with state and federal regulations. CDS prescriptions must be dated as of and signed on the day when issued by the practitioner who examines the patient on the day the prescription is written. “If multiple prescriptions are issued, they should be properly notated to reflect the earliest day on which each may be filled.”
3. *Physician Delegation of Chemotherapy Compounding, December, 2021.* As stated in the summary of the first advisory opinion above, “Louisiana licensed physicians, properly trained and educated in the processes, are permitted to compound medications provided they meet standards akin to those utilized by pharmacists, as well as Louisiana’s laws and the board’s rules.” These same individuals may also dispense the medications to their patients if they possess the necessary dispensing registration issued by the Board. This opinion responded to a further query as to whether or not unlicensed health care personnel may also perform this compounding under physician supervision where the physician is physically present on the premises and immediately available while the personnel are performing delegated duties. This opinion advises that only licensed practitioners may compound drugs and that it is unlawful for any individuals to assist in the practice of pharmacy unless currently registered or certified by the Board of Pharmacy.

### Statements of position

The Board also issues statements of position occasionally, which can be found in their entirety at <http://www.lsbme.la.gov/content/statements-position>. Below is a summary of the only statement issued since 2019.

*Medical Review Officers, October 2021.* The Board was asked whether physicians who serve as medical review officers in processes such as utilization reviews and peer reviews are required to be licensed in Louisiana. The Board found that while organizations performing such reviews are required to be licensed by the Louisiana Commissioner of Insurance, individual physicians participating in such reviews are required to have a non-restricted license in any state, but not necessarily the state of Louisiana.

## NEW PHYSICIAN LAWS AND RULES COURSE AVAILABLE

Physicians licensed in the State of Louisiana must abide by the state's Medical Practice Act, the laws enacted by the legislature, and the rules passed by the Louisiana State Board of Medical Examiners, as well as certain federal rules and regulations pertaining to the delivery of healthcare by medical practitioners and healthcare facilities. For many years now, physicians have been required by rule to take a board orientation and rules course upon their first license renewal. This orientation used to be a 3 hour in-person course but has been delivered online by this board since 2016.

The course has been updated recently to reflect new rules and laws, and has had some federal information added, all for the purpose of educating physicians so that they remain in compliance with regulations. The course is now available for all licensed physicians in CE Broker.

This course is called "Laws and Rules for Louisiana Physicians" and it is free to complete on CE Broker. Click [HERE](#) to go directly to the course.

This course is available at no cost for any physician who wishes to review the rules and laws that pertain to the practice of medicine. **For those of you who have never seen these rules, or who have not looked at them in many years, we urge you to take the course.** You will receive 3 hours of CME credit for it, which will automatically report to your CE Broker account transcript and will be counted toward your annual 20 hour CME requirement. The course will be updated as required by regulatory changes and can be taken annually.

How to access the course:

1. Click [HERE](#) to go directly to the course in CE Broker.
2. When you click the "start course" button, you will enter the course if you already have a CE Broker account.
3. If you do not have an account, you will need to sign up for a free CE Broker Basic Account and then take the course.
  - a. Sign up for your free CE Broker Basic Account [here](#).
  - b. After you finish registering for CE Broker, you may proceed to the course.
4. Once you have successfully completed the course and passed the test, the course will appear in your CE Broker account transcript.

Upon occasion, our investigations department must deal with situations in which physicians who are unclear on the rules and laws are involved in stressful investigations and disciplinary actions. We strongly recommend that if you have not familiarized yourself with these rules recently, that you avail yourself of the opportunity to take the course.

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**DISCIPLINARY ACTIONS.** Information on disciplinary actions may be found on the board's website at <http://www.lsbme.la.gov>. A summary of Board Orders, Consent Decrees and Reprimands and related documents may be found by selecting the "Disciplinary Actions" blue box on the home page.

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**Updating Your Contact Information**

All licensees should be aware that if you change your address or your email address, it is YOUR responsibility to log on to the LaMED dashboard at <https://online.lasbme.org/#/> and make the change to your record. (You may also go to the home page at [www.lsbme.la.gov](http://www.lsbme.la.gov), click on For the Practitioner > LaMED Dashboard.) Board staff cannot do this for you. To make sure that emails and communication by regular mail are reaching you, please make a point of changing your contact information as necessary.

**Yet another Scam Warning**

As you are aware if you read this newsletter, we periodically warn our licensees of scams that criminals are trying to enact upon them. One of the more recent ones occurred when a prescriber received a phone call seeming to come from our main number. The person calling told the licensee that his license had been found in a car in Texas, along with various forms of controlled drugs. He was told that his license was suspended, that he should go to a UPS office and do various things. He was also told to get a lawyer but not to tell anyone.

Just to reiterate, any one subject to an investigation by the LSBME is not informed of this by phone, but by certified mail. Second, while the LSBME does sometimes levee a fine on a licensee for one reason or another AFTER an investigation finds that a person has violated a rule, we would never ask you to send us money because you were accused of something. And finally, when anyone asks you to do something and not tell anyone, you know there is something wrong.

All that being said, these scammers are frequently very convincing, and very good at what they do. If you ever get a phone call from someone allegedly calling you from our main number, call us back directly to that number (504) 568-6820 and ask to speak to the person who called you.

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