

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NEWSLETTER



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FROM THE DESK OF THE EXECUTIVE DIRECTOR



Dear Licensees:

Greetings, and hope you are enjoying (at last!) some fall weather, or at least a reprieve from the heat of summer.

In spite of the heat, the Board has been busy as usual. We would like to express our warm thanks to Drs. Valentine Theard and Batson for their service to the LSBME, as we welcome Drs. Williams and Ali as their replacements (but more about this on the next page).

There are many rules in various stages of development, and our advisory committees are hard at work updating the rules for their licensee groups. Speaking of which, thanks to Act 408 of the 2022 Louisiana legislature, all of our advisory board meetings are now attended via Zoom. The meetings are streamed live with a 20-second delay and can be attended by any interested party. Licensees and members of the public may watch the meetings and participate by submitting comments during the livestream to publiccomments@lsbme.la.gov. We encourage you to participate. For more information, click on the [Advisory Committees webpage](#) for meeting dates and posted agendas, as well as links to livestreams from past meetings.

Licensees can sometime find our complaints process difficult to understand. To clarify this, we have posted a document [here](#) in less formal language. But please keep in mind that "rules are rules" and will be interpreted as they are written.

We are coming to the end of the first renewal year in which most of our licensees must have a CE Broker account to track their compliance with CME/CE requirements. If your renewal month is November or December, please make sure you have signed up for an account and uploaded your CME/CE into your continuing education transcript.

Until now, our licensed acupuncturists have not had to upload CE into the electronic education tracker since their rules pertaining to CE were developed relatively recently. Beginning with the 2023 renewal cycle, licensed acupuncturists will have to have a CE Broker account and upload their CE to it as a condition of renewal.

Please be mindful of the health alerts we pass on to you from entities such as the CDC or the Louisiana Department of Health. As signs point to a particularly virulent flu season and another covid surge, we hope our practitioners maintain awareness of therapies such as Paxlovid and monoclonal antibodies for the prevention of severe illness and mortality in covid sufferers who are 50+ years of age, when appropriate.

Wishing all a healthy fall and holiday season,

Vincent A. Culotta, Jr., MD

RECENT CHANGES AT THE BOARD

The Board would like to express its profound thanks to Christy L. Valentine Theard, MD, MBA who served as a board member from February 2014 until July 2022, including a stint as Board president from July 2017 to July 2019. Dr. Valentine Theard's leadership and dedication to the board during some difficult times was much appreciated.



Dr. Valentine Theard pictured with her mother, Mrs. Erleen Valentine and current board president Dr. Lester C. Johnson, with a plaque containing a resolution from the LSMBE

We would also like to extend our thanks to Robert C. Batson, MD who served on the board from July 2021-July 2022. This fall the board welcomes several new members. Dr. Cheryl Hayes Williams, MD, joined the board for the August meeting, replacing Dr. Valentine Theard. Dr. Juzar Ali will begin his service to the board at the November meeting replacing Dr. Batson. The LSMBE extends a warm welcome to Drs. Ali and Williams; their brief bios may be read below.



Juzar Ali, MD is Professor of Medicine in the section of Pulmonary Critical Care at LSU Health Sciences Center (LSUHSC), New Orleans. A native of Karachi, Pakistan, he received his MBBS degree there prior to pursuing his residency in Internal Medicine and a fellowship in Pulmonary Diseases at Tulane University School of Medicine, serving at the VA, Touro and the Medical Center of New Orleans (now University Hospital). Dr. Ali was the recipient of a Fulbright Scholar Teaching Grant as well as a Fulbright Senior Scholar Awardee twice with academic tenures and practice experience in Pakistan, India, Kenya, Turkey as well as the United States. He has worked nationally and internationally in the field of tuberculosis and has developed programs that contribute to the education of medical students, trainees, allied health professionals, and the community. His clinical, academic, and research interests include the diagnosis and management of tuberculous and non-tuberculous mycobacterial disease and related co-morbidities in pulmonary medicine especially Bronchiectasis. He has participated in various multicenter studies and trials of tuberculosis and Non-TB Mycobacteria and has co-authored a textbook, Pulmonary Pathophysiology, a symptom-based clinical and pathophysiologic review of lung diseases. He has also developed a Chest Radiology PRE-TEST series for medical students and residents. In addition to his work in research, practice and teaching, Dr. Ali has also worked in hospital administration as CMO & CEO through his tenure. A CDC TB Champion, Dr. Ali is a recipient of numerous teaching awards at LSUHSC School of Medicine over the last two decades, and most recently the recipient of the Spirit of Charity Award in 2022.



Cheryl Hayes Williams, MD is a native of Baton Rouge and received a four-year full scholarship from Xavier University of Louisiana where she received a BS in Chemistry in 1984. She received her MD in 1988 at LSU Medical School in New Orleans. She completed her Pediatrics residency at Drew/UCLA Medical Center in Los Angeles. Following her residency, she pursued a combined adult and pediatric fellowship at Harbor/UCLA in Allergy and Immunology which she completed in 1993. Dr. Williams served on the staff of Drew/UCLA Medical Center for a year and then returned to Louisiana in 1994. Since 1994, Dr. Williams has been in private practice, and is the owner/director of Advance Allergy Associates in New Orleans. Since 2017 she has served as a clinical investigator for a national asthma research project. In 2019, Dr. Williams advanced her business knowledge by completing Goldman Sachs 10,000 Small Businesses Training Institute. During the height of the Covid pandemic, she served as the part-time medical director of a monoclonal antibody infusion site. Dr. Williams is doubly board certified in Pediatrics and Clinical Allergy/Immunology. She has participated in community activities such as voter registration, health fairs, education lectures and night-out against crime. She is a proud member of Alpha Kappa Alpha Sorority, Inc and very active in the Crescent city Chapter of The Links, Inc. She has served as mentor/educator for numerous college and allied health students.

REMINDER FOR PHYSICIANS RENEWING IN NOVEMBER AND DECEMBER

CE TRACKER ACCOUNT AND TRANSCRIPT REQUIRED FOR RENEWAL

This is a reminder for physicians renewing their licenses in November and December. This is the first year in which you must have a CE Broker account with a transcript verifying compliance with 20 hours of qualifying continuing medical education. Those who do not have an account with a transcript in compliance will NOT BE ABLE TO RENEW THEIR LICENSE. Please do not wait until the last minute to get your account and upload your CME into CE broker.

There are many physicians and over 6,000 active laboratory personnel who will be engaged in the renewal process toward the end of the year, which encompasses the holiday period when staff at CE Broker and the LSBME may not be in the office on certain days close to your license expiration date. Please avoid unnecessary stress by signing up for a CE Broker account as soon as possible if you have not yet done so and start the process of uploading your CME in the system.

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.

UPDATE ON PROPOSED REGULATORY CHANGES SINCE LAST NEWSLETTER

The following are proposed rules for various changes to the Louisiana Administrative Code (LAC) that have either started or continue to progress through the promulgation process since the last newsletter. For a complete list of proposed regulatory changes, please see the [Regulatory Progress](#) page.

LAC 46:XLV.Chapter 111, Clinical Laboratory Personnel

Repeals R.S. 37:1315(A)(7) and (B)(2) in LAC 46:XLV.Chapter 111, governing disciplinary proceedings involving clinical laboratory personnel, clarifying that in accordance with the law, such proceedings are conducted by the Board, not by the Clinical Laboratory Personnel Committee.

LAC 46:XLV.303, Rules of Licensure and Certification; Physicians: General Provisions; License in Good Standing

Noticed rule proposes to amend LAC 46:XLV.303, the definitions section, by adding a definition of "license in good standing" so as to exclude from the definition any licensure status that restricts the activities authorized by the license. (Published in the Louisiana Register September 2022)

LAC 46:XLV.303 and 398, Bridge Year Graduate Physician Program

Proposed Rule amends LAC 46:XLV.303 by adding the definitions of "Bridge Year Graduate Physician" and "Training Physician" and to add a new provision, LAC 46:XLV.398, regarding the Bridge Year Graduate Physician Program, including the creation of a certificate, and to set forth requirements and provisions relative to the program and the certificate. Proposed rule will permit qualifying Louisiana medical school graduates to apply for and, upon issuance, participate in a one-year permit program to practice in rural and/or other areas of the state where there is a critical need for physicians. The physician practicing under a critical need physician permit will be in training under a Teaching Physician, who will formally review and co-sign the work of the critical need physician. Board-certified family physicians or internists may qualify to become a Teaching Physician by completing training required by the Board. (Published in the Louisiana Register September 2022)

LAC 46:XLV.9920, Rules of Procedure; Adjudications

Proposed rule amends the current rule governing recusal in administrative hearings and/or proceedings to clarify that in addition to the board, the Director of Investigations (DOI) may also be recused, and to provide for a pro tem DOI when needed, and the qualifications of same.

PUBLIC BOARD ACTIONS, JULY - SEPTEMBER, 2022

Below is a list of all licensees who were subject to a public board action, July – September 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.

[Muhammad Kaleem Arshad, MD](#), order for reinstatement of license, 08/10/22.

[Kellie Lynn Burlette, CLS-PHL, CLS-LA](#), interim order for indefinite suspension of licenses, 09/26/22.

[Madeleine Howe Corkern, DO](#), order for reinstatement of license, 08/10/22.

[Walter Wright Ellis, MD](#), order for reinstatement of license on indefinite probation, 08/29/22.

[Anthony James Musielewicz, MD](#), interim order for indefinite suspension of license, 08/29/22.

[Thomas A. Neumann, MD](#), order for indefinite probation of license, 09/26/22.

[Donald James Reed, MD](#), consent order for reprimand of license, 08/29/22.

[Dagoberto J. Rodriguez, MD](#), voluntary surrender of license, 08/29/22.

[Richard Edward Sabatier, MD](#), order for indefinite probation of license, 09/26/22.

[Derek Mark Smith, CLS-TCH](#), interim order for indefinite suspension of license, 08/29/22.

[Jenny Renee Thibodaux, CRT](#), order for probation of license, 09/26/22.

[Shelby Heath Turner, RT](#), order for indefinite suspension of license, 07/25/22.

[Charles P. Werner, MD](#), order for indefinite suspension of license, 09/26/22.

[Andrew Z. Williams, MD](#), order for reinstatement of license, 08/10/22.

[Sreedevi Yerrapraggada, MD](#), order for indefinite suspension of license, 09/26/22.

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, 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. **Please make sure that the mailing/user email field contains the email that you see and read.** Do not share your password for your LaMED account; this is for **your** private use only.

ADVISORY OPINIONS AND STATEMENTS OF POSITION

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. Statements of position are a means of providing general guidance to licensees and other interested persons on matters of concern to the board. Statements of position may announce board policy, highlight safety concerns, or put the public and the profession on notice of the board's view on the issue addressed.

Since the last newsletter no new Advisory Opinions have been released. However, after the recent Supreme Court decision *Dobbs v. Jackson Women's Health Organization* the board released the following Statement of Position. It is reproduced here in its entirety.

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

STATEMENT OF POSITION

GUIDANCE RELATING TO TERMINATION OF PREGNANCY

BACKGROUND: The United States Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* on June 24, 2022, overruled the Court's prior holding in *Roe v. Wade* that the United States Constitution confers a right to abortion. Accordingly, authority to regulate abortion was returned to the states. The Louisiana State Board of Medical Examiners has received numerous inquiries from licensees, other practitioners, and the public seeking guidance regarding termination of pregnancy in Louisiana. Although the Board cannot give legal advice and nothing in this statement should be construed as providing a legal opinion, the Board has determined that a general statement of position offering general guidance is warranted.

STATEMENT OF POSITION: By declaring this Statement, the Board intends to (1) protect the public and ensure the quality of health care in Louisiana; and (2) inform physicians and other interested parties of general guidance relating to termination of pregnancy in this state.

Act 545 of the 2022 Regular Legislative Session and La. R.S. 40:1061, *et seq.*, ban almost all abortions and the administration or prescription of abortion-inducing drugs, with no exception for rape or incest.

The law allows certain physicians to lawfully terminate a pregnancy under specified conditions and circumstances, consistent with ethical and professional standards. These include (i) a medical procedure performed with the intention to save the life or preserve the health of an unborn child; (ii) the removal of a dead unborn child or the inducement or delivery of the uterine contents in case of a positive diagnosis, certified in writing in the woman's medical record along with the results of an obstetric ultrasound test, that the pregnancy has ended or is in the unavoidable and untreatable process of ending due to spontaneous miscarriage, also known in medical terminology as spontaneous abortion, missed abortion, inevitable abortion, incomplete abortion, or septic abortion; (iii) the removal of an ectopic pregnancy; (iv) the use of methotrexate to treat an ectopic pregnancy; (v) the performance of a medical procedure necessary in good faith medical judgment or reasonable medical judgment to prevent the death or substantial risk of death to the pregnant woman due to a physical condition, or to prevent the serious, permanent impairment of a life-sustaining organ of a pregnant woman. (However, the physician shall

make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with reasonable medical practice); (vi) the removal of an unborn child who is deemed to be medically futile. (The diagnosis shall be a medical judgment certified by two qualified physicians and recorded in the woman's medical record. The medical procedure shall be performed in a licensed ambulatory surgical center or hospital. Upon the completion of the procedure, the physician shall submit an individual abortion report consistent with R.S. 40:1061.21 that includes appropriate evidence of the certified diagnosis.)¹

Based on the foregoing, it is the Board's position that any decision or action to terminate pregnancy should be taken in strict and full compliance with the law. This general statement does not, nor does it attempt to, reproduce the entirety of the laws and regulations regarding this issue. Physicians should consult their private attorneys, the attorneys for any institutions or facilities where they routinely practice, and/or attorneys employed by their professional liability insurers for answers to specific legal questions. Legal challenges continue in this arena and the status of the law may be in a state of flux for some time to come, and further rulemaking is anticipated.

It is the Board's further position that detailed and meticulous documentation (including the notation of relevant and current applicable versions of CPT codes and ICDCM codes where indicated) and record keeping as to the medical necessity and justification for termination procedures will be essential, including preservation of all supporting documentation, laboratory results, and consultation records. The treating physician should clearly and comprehensively discuss with the patient the treatment recommended and the risks and benefits associated with it, as well as any alternatives to the recommended treatment. That discussion, and the patient's understanding and consent to the treatment, should be fully documented. Even where the law does not specifically require a second opinion, if there is any question or concern in the treating physician's mind about the treatment plan, that physician should consider consulting a board-certified provider (ideally a Louisiana-licensed physician) and documenting the second opinion in the chart.

In addition to these general principles of best practices for evidence-based medicine, the Board would anticipate that hospitals and other institutions will likely develop protocols for various treatment scenarios that will be available to guide practitioners, and consultation with an institution's ethics committee may be another resource for physicians when it is possible and practical to consult them regarding a particular case or circumstance.

¹La, R.S. 14.87.1(1)(b)(i-vi) as enacted by Act 545 of the 2022 Regular Legislative Session.

CLINICAL LABORATORY PERSONNEL – ANNOUNCEMENTS

CE TRACKER ACCOUNT AND TRANSCRIPT REQUIRED FOR RENEWAL

Effective November 6, all CLPs may enter our system to renew their licenses. This is the first year in which CLPs must have a CE Broker account with a transcript verifying compliance with 12 hours of qualifying continuing education. Those who do not have an account with a transcript in compliance will NOT BE ABLE TO RENEW THEIR LICENSE. Please do not wait until the last minute to get your account and upload your CE into CE broker.

There are currently over 6,000 active laboratory personnel who will be engaged in this process toward the end of the year, which encompasses the holidays when staff at CE Broker and the LSBME may not be in the office on certain days close to your license expiration date. As of this writing, approximately 20% of licensed CLPs do not yet have an account. Please go to the link below and start this process as soon as possible.

NEW CLP LAWS AND RULES COURSE AVAILABLE

Clinical Laboratory Personnel in the state of Louisiana must abide by the Louisiana Clinical Laboratory Personnel Law and any other laws enacted by the legislature, the rules passed by the Louisiana State Board of Medical Examiners, and certain federal rules and regulations pertaining to the delivery of laboratory services by private, state and federal laboratories. For many years now, laboratory personnel have been required to take a board orientation and rules course as a condition of initial licensure.

That course has been updated recently to reflect new rules and laws. The board is engaged in a rulemaking effort which will require all new CLPs to take the course as a condition of first renewal instead of during the application process.

These requirements notwithstanding, we want to let **all** CLPs know that the updated course is available in CE Broker. The course is called "Laws and Rules for Clinical Laboratory Personnel" and it is free to complete on CE Broker. To find the course, click on "find CE/CME." The course number is #20-905142. It can also be found in CE Broker by entering your profession and searching under "providers" for the Louisiana State Board.

This course is available at no cost for any laboratory personnel who wish to review the rules and laws that pertain to the practice of laboratory science in the state. **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 1 hour of CE credit for it, which will automatically report to your CE Broker account transcript and will be counted toward your annual 12 hour requirement. The course will be updated as required by regulatory changes and can be taken annually.

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