

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

# NEWSLETTER



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## FROM THE DESK OF THE EXECUTIVE DIRECTOR



Dear Licensees:

I hope you had a wonderful and rejuvenating holiday season.

The staff at the board worked hard last year to put in place various innovations we will be implementing in 2023 to streamline the licensing and renewal processes.

Our licensees and staff have survived the transition to the use of CE Broker as our new electronic auditing system for our licensees' continuing education requirements. I know for some of you this was challenging, but the initiation of the process is the hardest part. This innovation and other methodologies we are employing means that the board only requires one staff member to handle all of the renewals for 40,000 licensees.


One change we've made this year pertains to certain questions we ask during the renewal process. To eliminate the stigma pertaining to mental distress from stress and burnout, we have changed certain questions in the hope that our practitioners will obtain the physical and mental health treatment they need to be successful and safe clinicians.

For the first time, we will only take payments for initial applications and renewals online, with the use of credit cards or online checking. This will decrease the processing time in the application process. Regrettably, the board can no longer absorb the transaction costs but will have to pass that on to the licensee, as do most other companies and agencies. If you wish to lower the transaction cost you may use an online check instead of a card.

To reduce these charges, you have the option of using an online check instead of a card if you wish. We are streamlining the submission of documents in the applications process by introducing "Parchment", a digital credentialing service for that certifies transcripts and other documents to be verified at a central clearinghouse. This online system means that candidates for licensure will no longer have to send us printed copies or use postage to get their documents to us. In addition, we are exploring the possible use of a business partner portal for entities with groups of physicians they wish to license simultaneously.

We continue to transition our online Laws and Rules courses to CE Broker so they may be taken by any who want to review the rules and receive free CE.

Wishing all a fun and healthy Mardi Gras season, with moderation in the king cake department,

  
Vincent A. Culotta, Jr., MD

## **OFFICE BASED SURGERY: WHAT IT IS AND WHAT IT IS NOT**

The Board's rules for medical practice contain an entire chapter, Chapter 73, on office-based surgery (OBS). See LAC 46:XLV.7301 *et seq* [ <https://a.storyblok.com/f/150540/9e1dc10a63/office-base-surgery-feb-2017.pdf>].

Our applications for initial licensure and renewal ask practitioners if they are performing OBS. We perform random audits and site visits of physicians who perform OBS as part of their practice, as well as the occasional post-adverse event review of an office where OBS was being performed to ensure that appropriate safety practices are being observed. Failure to comply with the OBS rules may result in a finding of unprofessional conduct, conduct in contravention of the Board's rules, and/or violation of any other applicable provision of the Medical Practice Act on the part of the licensee and may result in suspension, revocation, refusal to issue, and/or probationary or other restrictions on the physician's license.

**So, what is it, and what is it not?** The Board's rules define OBS as "any surgery or surgical procedure not exempted by these rules that is performed in the office setting." However, what does that really mean? We attempt to provide clarity regarding this subject in a user-friendly format below.

For a physician to be engaged in OBS, they must meet two criteria: **(1) sedation of the patient; and (2) performance of a surgical procedure.**

1. **Sedation of the patient.** The rules do exempt providers using a single oral dose of either a sedative or an analgesic appropriate for the unsupervised treatment of anxiety or pain as well as those procedures performed using only local, topical, or regional anesthesia. **All other drugs (po, IM, IV, rectal, inhaled) that induce an alteration of consciousness and use of anesthesia or anesthetic agent that is neither local, topical, or regional are not exempt.** Non-exempt anesthesia in this regard shall be administered by an anesthesia provider who shall not participate in the surgery. Lastly, it is important to note that general anesthesia shall NOT be used in OBS, and physicians are prohibited from withholding sedation or under sedating a patient to circumvent the Board's OBS rules.
2. **The patient undergoes a surgical procedure.** Surgery or surgical procedure is defined as "the excision or resection, partial or complete destruction, incision or other structural alteration of human tissue by any means, including but not limited to lasers, pulsed light, radio frequency, or medical microwave devices, that is not exempted by these rules upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering or any elective procedure for aesthetic, reconstructive or cosmetic purposes." The rules exempt surgical procedures performed by an oral and maxillofacial surgeon under the authority and within the scope of a license to practice dentistry issued by the Louisiana State Board of Dentistry.

### **Examples of OBS**

- Performing laser skin resurfacing on a patient using nitrous oxide is OBS. This is because nitrous oxide, an anesthetic gas that is neither local, topical nor regional, is being used and laser skin resurfacing is a structural alteration of human tissue.
- Performing a loop electro surgical excision procedure (LEEP) in an office setting and instructing the patient to take two Vicodin and a Xanax prior to arrival for the procedure constitutes OBS. You are excising human tissue while using more than a single oral dose of sedative or analgesic which causes an alteration in the patient's level of consciousness.

- Performing radio frequency nerve ablation and administering IV Versed for 10 minutes or less qualifies as OBS because you are structurally altering human tissue via radio frequency and administering an IV anxiolytic that again is neither local, topical nor regional.

### **Examples of exemptions from OBS rules**

- Performing a superficial skin biopsy with EMLA numbing cream falls outside the scope of OBS. While a superficial skin biopsy is a surgical procedure (excision of human tissue), the sedation element is absent as the use of topical anesthesia does not alter the patient's level of consciousness. The same applies to excising a back lipoma with lidocaine, another surgical procedure coupled with local, topical, or regional anesthesia which does not alter the patient's level of consciousness.
- Removing wisdom teeth, while including both a surgical procedure and the administration of anesthesia that alters the patient's level of consciousness, is exempt as this procedure is regulated by the Louisiana State Board of Dentistry as a maxillofacial surgical procedure.

The examples given above of what does encompass OBS are not meant to be all-inclusive. Hundreds of procedures, if they use medication for pain or anxiety may be considered OBS, and certain safety measures must be observed to protect patients. It is not uncommon for our physicians to be unaware that some of the procedures they do are in fact classified as OBS per Board rules. In this case, when you are looking at this question on our online application or renewal, or if you have any questions about OBS and whether certain procedures you perform are in that category or not, we encourage you to go to the Board's website at <https://www.lsbme.la.gov/content/office-based-surgery> or contact Carol Chauvin of our staff at [cchauvin@lsbme.la.gov](mailto:cchauvin@lsbme.la.gov) to discuss it further.

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## **ADVISORY OPINIONS AND STATEMENTS OF POSITION**

Since the last newsletter in October 2022, the Board has not released any new Advisory Opinions or Statements of Position.

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## **RULES ADOPTED OR PROPOSED SINCE OCTOBER 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.**

## **PUBLIC BOARD ACTIONS, OCTOBER - DECEMBER, 2022**

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

[Sally Elizabeth Acosta, MDW](#), consent order for indefinite suspension of license, 11/21/2022.

[Antonio Felipe Belda, MD](#), summary suspension of license, 10/06/2022.

[Brett McCormack Cordes, MD](#), consent order for issuance of license on probation, 10/24/2022.

[Stephen Wayne Furr, DO](#), order for reinstatement of unrestricted license, 11/21/2022.

[Ebony Ayana Juakali, MD](#), consent order for probation of license, 11/21/2022.

[Randy Joseph Lamartiniere, MD](#), summary suspension of license, 12/20/2022.

[Juan Carlos Martinez Perez, MD](#), consent order for probation of license, 09/26/2022.

[Leslie Dutreix Pesson, LRT](#), consent order for probation of license, 10/24/2022

[Colin Ralph Rader, Jr., PA](#), order for reinstatement of unrestricted license, 10/24/2022.

[Michael Matthew Rasberry, MD](#), consent order for indefinite suspension of license, 11/21/2022

[Omar Mohammed Saleh, MD](#), consent order for indefinite suspension of license, 11/21/2022.

[Manpreet Singh, MD](#), consent order for probation of license, 10/24/2022

[Joe T. Travis, MD](#), consent order for probation of license, 11/21/2022.

[Angie M. Welch, LRT](#), consent order for reprimand of license 10/24/2022.

### **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) and click on 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 DashBoard account; this is for **your** private use only.

## **ANNOUNCEMENTS**

### **Electronic Education Tracker Survival of First Year – CE Broker Report**

The Board is happy to report that as of today 98% of our active licensees who are required to have a CE Broker account for CE verification and tracking have such an account and were able to use it to renew their licenses. We know that this new system has been a challenge for some of you but now that you have familiarity with the system it should be easier on an ongoing basis. We hope that now that you are enrolled in the system you will use it to track your CE or CME so that there are no surprises in terms of compliance as you receive renewal notices from our system. As always, if you have any support needs, you can contact CE broker by phone, by chatting with someone on the website, or via email at [support@cebroker.com](mailto:support@cebroker.com).

### **Medical Psychologist Laws And Rules Course Available**

**Medical Psychologists** (MPs) in the state of Louisiana must abide by the Medical Psychology Practice Act and any other laws enacted by the legislature, the rules passed by the Louisiana State Board of Medical Examiners, as well as regulations related to the prescribing of medications.

The board is engaged in a rulemaking effort which will require all new licensees to take a laws and rules course as a condition of first renewal; physicians have had this requirement for a board orientation including this information for many years.

These requirements notwithstanding, we want to let **all** MPs know that a new course is available in CE Broker. The course is titled "Laws and Rules for Medical Psychologists" and it is free to complete on CE Broker. To find the course, click on "find CE/CME." The course can be found by clicking [here](#).

This course is available at no cost for any medical psychologist who wishes to review the rules and laws that pertain to their practice 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 2 hours of CME credit for it, which will automatically report to your CE Broker account transcript and will be counted toward your annual 35 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](mailto:Education@lsbme.la.gov)