

THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

March 28, 2022

NEW ORLEANS, LOUISIANA

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, March 28, 2022, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present:

Lester W. Johnson, M.D., President
Terrie R. Thomas, M.D., Vice President
Kim S. Sport, JD, Secretary-Treasurer
Roderick V. Clark, MBA, M.D.
Rita Y. Horton, M.D.
Patrick K. O'Neill, M.D.
James A. Taylor, Jr., M.D.
Christy Lynn Valentine, MBA, M.D.

Board Member(s) absent:

Robert Batson, M.D.
Leonard Weather, M.D., R.Ph

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
Mary Peyton, Esq., General Counsel
Thadra C. White, Esq., Compliance Counsel
Matthew Cook, Licensure Supervisor
Alan W. Phillips, IT Director
LaKenya Collins, CPA, CFO
Tracy Mauro, IT Specialist
Susie Allen, DrPH, MBA, Director of Education and Research
Cathy Storm, Compliance Officer
Carol Chauvin, Compliance Officer
Lawrence Robinson, Compliance Investigator
Paula Pigford, Compliance Officer
Ronald Cayette, Compliance Investigator
Patricia Dufrene, Compliance Investigator
Theresa Lockhart, Compliance Investigator
Joseph Bonck, Compliance Investigator
Esparonzia Spooner, Compliance Investigator
Lillie Rodgers, Investigations Program Director
Jacintha F. Duthu, Executive Staff Officer
Olivia PeLong, Executive Program Specialist

- (1.) **General Administrative Matters; Public comments; Meeting Order;** Dr. Johnson opened the meeting with the Pledge of Allegiance and asked for a moment of silence for victims of Covid 19 and healthcare workers, who have treated our fellow citizens during this crisis.
- (2.) **Minutes of February 21, 2022.** The Board reviewed and discussed the minutes of its meeting held February 21, 2022. On the motion of Dr. Horton, duly seconded by Ms. Sport and passed by unanimous voice vote, the Board approved the minutes of its February 21, 2022.
- (3.) **Follow-Up Agenda Items; Rules and Laws Course.** The Board reviewed and discussed the information for the Rules and Laws Course. On the Motion of Dr. O'Neill and duly seconded by Dr. Clark the Board voted by majority roll call voted as detailed below to approve the following motion:

Motion to require a policy change and, if needed, a rule change to operationalize the following concepts.

1. Amend the initial and renewal application for all license classes to include the language attached, which we discussed at the last meeting.
2. Require the taking and passing of the rules and law course for Physicians before the first renewal after licensing (with the exception of IMLC which occurs just after renewal).
3. All physicians may take the law and rules course at any time and any year for three hours of CME toward the requirement of 20 hours per year. (NO cost to the physician).
4. After renewal and initial applications, all licensees get a link to a PDF of the current applicable rules posted on our website.
5. All other licensee classes will take the applicable license-specific law and rules course before first renewal and any additional time as recommended by the respective advisory committee and approved by the board.

NOTICE LANGUAGE FOR APPLICATIONS

This notice will be placed near the top of the applications. It will be in prominent color, size, and font.

READ CAREFULLY AND TAKE NOTICE: This application and any subsequently issued license, permit, certificate, or other authority to practice in the State of Louisiana are subject to all Louisiana laws and administrative rules governing the practice of medicine and allied health. A copy of the laws and rules can be found on the LSBME website. All applicants are hereby PLACED ON NOTICE that they are responsible for knowing the laws and rules and for complying with them. By submitting this application, you expressly acknowledge and agree that you are responsible for knowing and complying with the laws and administrative rules governing the practice of [license category].

This notice will be placed at the bottom of the applications before the final submission. It will be in prominent color, size, and font.

By submitting this application, I expressly acknowledge that I understand and agree I am responsible for knowing and complying with the laws and administrative rules governing the practice of [license category], a copy of which are available for my review on the LSBME website

YAYS	NAYS	ABSENT
Dr. Clark		Dr. Batson
Dr. Horton		Dr. Weather

Dr. Johnson		
Dr. O'Neill		
Ms. Sport		
Dr. Taylor		
Dr. Thomas		

- (4.) Follow-Up Agenda Items; Rulings and Advisory Opinion; Request for Advisory Opinion regarding PA Rules.** The Board reviewed the request of Robbie Marcantel, LaSalle General Hospital for an Advisory Opinion regarding PA Rules concerning treatment of chronic pain with non-opioid and neuropathic medication (non-controlled) agents and joint injections. On the motion of Dr. Valentine, duly seconded by Ms. Sport, the Board voted by majority roll call vote as detailed below to approve further research to write the advisory opinion:

YAYS	NAYS	ABSENT
Dr. Clark		Dr. Batson
Dr. Horton		Dr. Weather
Dr. Johnson		
Dr. O'Neill		
Ms. Sport		
Dr. Taylor		
Dr. Thomas		

- (5.) Communication and Information; Cost of Testing for Medical Students.** Dr. Clark asked Dr. Culotta to inform the Board of the cost of taking the USMLE for medical students. No further action was needed or taken on this matter.

- (6.) General Administrative Matters; President's Report. The President informed the Board:** The President informed the Board:

- The Board office has recently had lighting installed around the outside of the building in the walking areas
- LSMS' work on the peer to peer help program is still in process as they work on liability issues
- Duty to Report – Ms. Wilton will work on developing salient features based on best practices with agency personnel and two board members (Sport and Weather) to meet with stakeholders (rural hospital associations, state medical societies, hospitals, LDH, insurers) with standardized questions. Thereafter they will report to the board on the results with the hope that by November 2022, we will have a list of items for legislation.

- (7.) General Administrative Matters; Executive's Director's Report.** The Executive Director informed and described to the Board:

- The following pending bills that the Board's staff is watching, including but not limited to: SB 22, SB 158, HB 705, HB 793, HB 555, HB 448, HB 711, HB 597, HB 639, SB 303, SB 183, SB 34, HB 299, HB 117, HB 253, SB 136, HB 332

- (8.) General Administrative Matters; Financial Reports.** The Board reviewed the Income Statement and Cash Balance Summary for the period ending January 2022. Upon the motion of Dr. Thomas, duly seconded by Dr. Taylor, the Board voted unanimously to

accept the Financial Report.

(9.) Future Board Meeting Dates. The Board reviewed the future meeting dates for 2022. No further action was needed or taken.

(10.) Rules and Regulations. Rules/Amendments. The Board reviewed the combined rules report. On the motion of Dr. Thomas duly seconded by Ms. Sport the Board voted unanimously to accept the Regulatory Report.

[11.] Minutes of Executive Sessions. Upon the motion of Dr. Valentine, duly seconded by Dr. O'Neill, the Board voted unanimously and convened in executive session pursuant to La. R.S. 42:17A to receive and review the executive session minutes of the February meeting. Upon the motion of Dr. Valentine, duly seconded by Dr. O'Neill, the Board voted unanimously to approve the minutes of the February 21, 2022 meeting.

[12.] Report on Pending Litigation. Upon the motion of Dr. Valentine, duly seconded by Dr. O'Neill, the Board voted unanimously and convened in executive session to receive and review the report of legal counsel on pending litigation to which the Board is a party 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 Dr. Valentine, duly seconded by Dr. Taylor and passed by unanimous voice vote, the Board accepted the litigation report regarding the following matters with the recent edit by Mrs. Wilton:

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

[13.] General Administrative Matters; Licensee request. 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, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed the request of licensee, Agenda No. 06.00.01 for waiver of examination attempts. On the motion of Dr. Taylor, duly seconded by Dr. Clark, the Board voted 6 YEAS and 2 NAYS to deny the licensee request.

[14.] General Administrative Matters; Licensee request. 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, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed the request of licensee, Agenda No. 06.00.02, for sponsorship of an additional attempt at the USMLE. On the motion of Dr. Valentine, duly seconded by Ms. Sport, the Board voted by majority roll call vote as detailed below to approve the

licensee request.

YAYS	NAYS	ABSENT
Dr. Clark		Dr. Batson
Dr. Horton		Dr. Weather
Dr. Johnson		
Dr. O'Neill		
Ms. Sport		
Dr. Taylor		
Dr. Thomas		
Dr. Valentine		

[15.] General Administrative Matters; Licensee request. Licensee request. 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, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed the request of licensee, Agenda No. 06.00.03, for an educational waiver and substitution. On the motion of Dr. Taylor, duly seconded by Dr. Clark, the Board voted unanimously to extend the licensee's temporary permit for 120 days for completion and successfully passing of the required exam.

[16.] General Administrative Matters; Licensee request. 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, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed the request of licensure applicant, Agenda No. 06.00.04¹, for a waiver of the SPEX exam in order to practice medicine in Louisiana. On the motion of Dr. Valentine, duly seconded by Ms. Sport, the Board voted unanimously to approve the licensee's request.

[17.] General Administrative Matters; Licensee request. 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, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed and discussed the request of licensure applicant, Agenda No. 06.00.05, for exception of a temporary permit received after the deadline. On the motion of Dr. Clark, duly seconded by Ms. Sport, the Board voted by majority roll call vote as detailed below to send a letter to the applicant informing the applicant that the program applied for is no longer available.

YAYS	NAYS	ABSENT
Dr. Clark		Dr. Batson
Dr. Horton		Dr. Weather
Dr. Johnson		
Dr. O'Neill		
Ms. Sport		
Dr. Taylor		
Dr. Thomas		
Dr. Valentine		

¹ Dr. Taylor is recused from any and all participation in this matter.

[18.] Compliance Counsel: The Board convened in executive session to receive advice of counsel pursuant to La. R.S. 42:17A (4 & 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. On the motion of Dr. O'Neill, duly seconded by Dr. Valentine, the Board voted unanimously to approve the Compliance Counsel report.

[19.] Personal Appearances/Docket Calendar. On the motion of Dr. Horton, duly seconded by Dr. Valentine, 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. Horton, duly seconded by Dr. Valentine, 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. Administrative Complaints: Upon the motion of Dr. Clark, duly seconded by Ms. Sport, the Board voted unanimously to accept the following Administrative Complaints as filed:

File No. 2020-I-479

File No. 2021-I-655

- b. Commence Formal Investigation: Upon the motion Dr. Clark, duly seconded by Ms. Sport, the Board voted unanimously to commence formal investigation on the following matter:

File No. 19-I-968

- c. Initiate Preliminary Review: Upon motion of Dr. Clark, duly seconded by Ms. Sport, the Board unanimously voted unanimously to initiate preliminary review of the following matter:

Agenda No. 07.04.02

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

Investigation No.	2022-156
Investigation No.	2021-1402

Investigation No.	2022-18
Investigation No.	2022-20
Investigation No.	2022-29
Investigation No.	2022-31
Investigation No.	2022-33
Investigation No.	2022-22
Investigation No.	2022-56
Investigation No.	2022-58
Investigation No.	2022-103
Investigation No.	2022-43
Investigation No.	2018-723
Investigation No.	2018-834
Investigation No.	2018-809
Investigation No.	2018-764
Investigation No.	2018-928
Investigation No.	2019-317
Investigation No.	2019-295
Investigation No.	2019-342
Investigation No.	2019-451
Investigation No.	2019-298
Investigation No.	2019-548
Investigation No.	2019-703
Investigation No.	2019-721
Investigation No.	2019-902
Investigation No.	2020-112
Investigation No.	2019-903
Investigation No.	2019-1033
Investigation No.	2019-1034
Investigation No.	2019-1060
Investigation No.	2019-1091
Investigation No.	2019-631
Investigation No.	2020-213
Investigation No.	2020-246
Investigation No.	2020-454
Investigation No.	2020-603
Investigation No.	2020-846
Investigation No.	2020-848
Investigation No.	2020-859
Investigation No.	2021-144
Investigation No.	2021-192

Investigation No.	2020-449
Investigation No.	2021-385
Investigation No.	2021-413
Investigation No.	2021-298
Investigation No.	2021-903
Investigation No.	2021-110
Investigation No.	2021-1174
Investigation No.	2021-1131
Investigation No.	2021-1212
Investigation No.	2022-8
Investigation No.	2022-1
Investigation No.	2022-10
Investigation No.	2022-35
Investigation No.	2022-36
Investigation No.	2022-37
Investigation No.	2022-53
Investigation No.	2022-62
Investigation No.	2022-66
Investigation No.	2022-71
Investigation No.	2019-993
Investigation No.	2020-215
Investigation No.	2020-337
Investigation No.	2020-411
Investigation No.	2020-416
Investigation No.	2020-417
Investigation No.	2020-504
Investigation No.	2020-645
Investigation No.	2020-700
Investigation No.	2020-715
Investigation No.	2020-737
Investigation No.	2020-766
Investigation No.	2020-812
Investigation No.	2020-860
Investigation No.	2021-9
Investigation No.	2021-149
Investigation No.	2021-191
Investigation No.	2021-312
Investigation No.	2021-314
Investigation No.	2021-331
Investigation No.	2021-438

- e. Consent Orders: On the motion of Dr. Valentine, duly seconded by Dr. Taylor, the Board voted unanimously to approve the proposed Consent Order in the following matter:

Investigation No.	2021-I-538
-------------------	------------

On the motion of Ms. Valentine, duly seconded by Dr. Thomas, the Board voted unanimously to approve the proposed Consent Order in the following matter:

Investigation No.	2020-I-406
-------------------	------------

On the motion of Ms. Sport, duly seconded by Dr. Valentine, the Board voted by majority roll call vote as detailed below to deny the proposed Consent Order in the following matter:

Investigation No.	2020-I-165
-------------------	------------

YAYS	NAYS	ABSENT
Dr. Clark		Dr. Batson
Dr. Horton		Dr. Weather
Dr. Johnson		
Dr. O'Neill		
Ms. Sport		
Dr. Taylor		
Dr. Thomas		
Dr. Valentine		

On the motion of Dr. Taylor, duly seconded by Ms. Sport, the Board voted unanimously to approve the proposed Consent Order in the following matter:

Investigation No.	2021-I-408
-------------------	------------

On the motion of Dr. Valentine, duly seconded by Dr. Thomas, The Board voted unanimously to approve the proposed Consent Order in the following matter:

Investigation No.	2021-I-450
-------------------	------------

- f. Close with a Letter of Concern: Upon motion of Dr. Taylor, duly seconded by Dr. Thomas, the Board voted unanimously to approve closing the following matter with a Letter of Concern:

Investigation No.	2019-774
-------------------	----------

Upon motion of Dr. Valentine, duly seconded by Ms. Sport, the Board voted 7 YAYS 1 NAY to approve closing the following matter with a Letter of Concern:

Investigation No.	2022-018
-------------------	----------

g. Close with No Action: Upon motion of Dr. Clark, duly seconded by Dr. O'Neill, the Board voted unanimously to close the following matters with no action:

File No. 2022-049
File No. 2022-136
File No. 2022-139
File No. 2022-149
File No. 2022-138
File No. 2021-I-1329
File No. 2021-1288
File No. 2022-173
File No. 2021-549
File No. 2022-021
File No. 2022-022
File No. 2022-056
File No. 2022-058
File No. 2021-1296 ²
File No. 2021-1382
File No. 2022-0011 ³
File No. 2022-066
File No. 2020-796
File No. 2022-059
File No. 2022-171
File No. 2021-1093
File No. 2021-1147
File No. 2021-1123
File No. 2021-1275 ⁴
File No. 2021-1136
File No. 2021-1226
File No. 2021-1348
File No. 2022-170
File No. 2022-168
File No. 2021-1221
File No. 2021-1216
File No. 2021-I-892
File No. 2021-1178
File No. 2022-167
File No. 2022-074 ⁵
File No. 2022-143

² Ms. Sport is recused from any and all participation in this manner.

³ Dr. Johnson and Horton are recused from any and all participation in this matter.

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

⁵ Dr. Thomas is recused from any and all participation in this matter.

h. Professional liability Report. 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). Upon motion of Dr. O'Neill, duly seconded by Dr. Thomas, the Board voted unanimously to accept the report.

i. Closed Case Report (s). Upon motion of Dr. Thomas, duly seconded by Dr. Valentine, the Board voted unanimously to approve the February 2022 closed case summary report.

[21.] Monitoring Report February 2021- February 2022. The board convened in Executive Session to review the PMP monitoring report licensees who are suspended or revoked. On the motion of Dr. O'Neill duly seconded by Dr. Valentine, the Board voted unanimously to accept the monitoring report.

Next Meeting of the Board. The President reminded the members that the next meeting of the Board was scheduled for April 25, 26 2022.

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 March 28, 2022 and approved by the Board on the 25th day of April 2022.

Kim Sport, Esq.
Secretary-Treasurer

Lester W. Johnson, M.D.
President