

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

NEWSLETTER



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FROM THE DESK OF THE EXECUTIVE DIRECTOR



Dear Licensees:

I hope all of you began this month with an enjoyable celebration of Independence Day.

At the June meeting, new officers were elected to serve on the board. We congratulate Terrie Thomas, MD on her new role as President, Kim Sport, Esq. on her new role as Vice President, and Rita Horton, MD on her new role as Secretary-Treasurer. The Board wishes to express its profound thanks to Lester Johnson, MD, who is retiring as Board president but remaining on the board.

The 2023 regular session of the Louisiana legislative session is over; any resulting legislation or resolutions affecting the board and its licensees is described on page 4 of this issue of the newsletter.

Effective immediately, all new licensees will be required to take a Louisiana Laws and Rules course pertaining to their profession before their first renewal. (This requirement has been in effect for physicians for many years.) Those licensees who recently took such a course as a condition of licensure will not be required to take it again but must upload the certificate of completion from the course into their CE Broker account before renewing for the first time. And as always, new prescribers must also fulfil the CDS-CME requirement enacted by the legislature in 2017 before their first renewal.

As the practice of telehealth and telemedicine becomes more commonplace, we want to let our licensees know that because of the recently passed Act 322 of the legislature, the telemedicine/telehealth rules will be under revision and new rules will go into effect January 1, 2024. Copies of the proposed rules will be available for comment beforehand as part of our usual protocol and you are invited to participate in the process. In addition, we would like to remind you that only licensees with unrestricted licenses--either standard Louisiana Licensure or compact (IMLCC) -- or Telemedicine permits are permitted to practice telehealth or telemedicine. If your license is encumbered by probation or other restrictions, you may not treat patients via telehealth or telemedicine.

We would like to remind practitioners that all of you have CME or CE requirements that must be fulfilled yearly (except for Physicians Assistants whose reporting system is slightly different). To renew your license each year, proof of your continuing education efforts must be uploaded to CE Broker; if your CE Broker transcript does not reflect the correct number of hours for your licensee group, a hard stop on renewal will ensue until the requirement is met. Laws and Rules courses for most of our licensees are available for free on CE Broker if you are missing a few hours.

Stay cool out there.

Sincerely,

Vincent A. Culotta, Jr., MD

BOARD ELECTS NEW PRESIDENT AND OFFICERS

During the June meeting the Board elected new officers. See pictures below of newly elected officers, existing board, and departing board president.



Pictured: New Board officers: Vice-President Kim S. Sport, Esq., President Terrie R. Thomas, MD, Secretary-Treasurer Rita Y. Horton, MD.



New Officers with Departing President Lester W. Johnson, MD.

Members of the Louisiana State Board of Medical Examiners, July 2023

Pictured: Leonard Weather, Jr. RPh, MD, Roderick V. Clark, MD, Rita Y. Horton, MD, Kim S. Sport, Esq., Lester W. Johson, MD, Terrie R. Thomas, MD, Cheryl Hayes Williams, MD, Paul T. O'Neill, MD, Juzar Ali, MD. Absent: James A. Taylor, MD.

Final Observations of outgoing President Lester W. Johnson

The Board of Examiners since its inception has been at its best and deserved the most respect when it has operated as a group of scholarly professionals who cultivate understatement and are not dogmatically inclined nor excessively temperamental.

LEGISLATIVE UPDATE

The information below contains brief summaries of the legislation passed in the 2023 regular session of the Louisiana Legislature that is pertinent to licensees of the LSBME, or to the processes and procedures of the agency.

ACTS ENROLLED

SB 66 (Act 322) sponsored by Senator Fred Mills. Requires the change of the term telemedicine to telehealth and removes requirement for an in-person visit to establish a patient doctor relationship. Effective 01/01/2024.

SB 186 (Act 263) sponsored by Senator Peacock. Creates the OT/OTA compact law for Louisiana. The compact is still in its formation and not yet active. The compact is doing the technical design of process and computerization to become functional and active. This creates a compact privilege equivalent to a license, but it is not a license to practice. Effective 01/01/2024.

SB 201 (Act 393) sponsored by Senators Hewitt, Abraham, Barrows, Boudreaux et. al. Provides for electronic meetings of the board with regulations on anchor locations and advisory committees that assist the board on a regular basis. Legislation permits up to 30 percent of board meetings by electronic means. Permits disabled members of public bodies such as the board to participate via electronic means. Effective 08/01/2023.

HB 459 (Act 369) sponsored by Representative C. Travis Johnson. Creates a new exempt class for phlebotomists employed in certain settings. Phlebotomists practicing in licensed healthcare facilities such as hospitals or nursing homes, in CLIA certified laboratories or under the supervision of a licensed physician will no longer need to obtain a certificate from the LSBME. Effective 08/01/2023.

RESOLUTIONS

HCR 83 Sponsored by Representatives Echol and Thompson. Requests the Louisiana Department of Health create a task force to conduct research and make recommendations to address the current and future need of this state to maintain the necessary number and specialty type of physicians to provide health care for our citizens.

HCR 114 Sponsored by Representatives Cox, Boyd, Bryant, Carpenter et. al. Requests the LSBME study the potential outcomes of allowing sanctioned physicians to practice under supervision and its impact on the physician shortage.

SR 160 Sponsored by Senators Luneau and Barrow. Urges and requests the LSBME, the Louisiana State Board of Dentistry, and the Louisiana State Board of Nursing to verify and provide public access to collaborative practice agreements.

SCR 32 Sponsored by Senator Price. Creates the Task Force on Alopecia Awareness within the Louisiana Department of Health. Asks the LSBME to appoint two dermatologists to the task force.

STATISTICS ON BOARD LICENSEES

ACTIVE LICENSEES BY CATEGORY, END OF 2022	TOTAL (NEW LICENSEES)
Acupuncture Detoxification Specialist	17 (0)
Licensed Acupuncturist	70 (0)
Physician Acupuncturist	18 (-8)
Athletic Trainer	591 (-8)
Clinical Exercise Physiologist	54 (-3)
Clinical Laboratory Personnel	5,643 (-116)
Genetic Counselors	306 (66)
Licensed Midwives	31 (4)
Licensed Respiratory Therapist	3,671 (-74)
Medical Psychologist	114 (0)
Occupational Therapy/Assistant	3, 265 (67)
Perfusionist	92 (1)
Physician (MD/DO)	18,382 (-337)
Physician Assistant	1,710 (135)
Podiatrist (DPM)	199 (0)
Polysomnography/Technicians & Technologists	172 (-3)
Private Radiological Technologist	2 (-1)
Total	34,338 (-128)

Note: does not include temporary, emergency or trainee permits, permits for visiting physicians or telemedicine. In 2022, The board also newly licensed 964 physicians with compact (multistate) licenses. For more information go to:

<http://www.lsbme.la.gov/content/statistical-license-data>

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.lsbme.org/#/> and make the change to your record. (You may also go to the home page at 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.

RULES ADOPTED OR PROPOSED SINCE APRIL 2023 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. Over the coming months, the board will consider a number of proposed rule changes. 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, APRIL - JUNE, 2023

Below is a list of all licensees who were subject to a public board action, April-June 2023. (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. If you would like information on any other public order from the last 5 years, you may click [here](#).

[La Tania Akers-White, MD](#) – consent order for reprimand of license, 04/24/2023.
[Devin Licata Bautista, LRT](#) – summary suspension of license, 06/01/2023.
[Lisa M. Colon, MD](#) - order for reinstatement of unrestricted license, 06/26/2023.
[Meda Kaye Colvin, MD](#) – decision for letter of concern, 05/01/2023.
[Neil A. Delude, PA](#) - voluntary surrender of license, 04/24/2023.
[Jeffrey L. Evans, MD](#) - voluntary surrender of license, 06/26/2023.
[April Justine Fox, MD](#) – order for reinstatement of license off probation, 05/22/2023.
[Todd D. Gaddis, MD](#) – consent order for reprimand of license, 06/26/2023.
[Cade M. Hilton, CRT](#) – order for reinstatement of license off probation, 03/27/2023.
[James Daryl Knecht, MD](#) – voluntary surrender of license, 04/23/2023.
[Ramakrishnarao Kongara, MD](#) - voluntary surrender of license, 04/24/2023.
[Thomas A. Neumann, MD](#) - order for reinstatement of unrestricted license, 06/26/2023.
[Scott Mitchell Sodes, MD](#) - order for reinstatement of unrestricted license, 03/27/2023.

ANNOUNCEMENTS

LSBME is chosen as a Wellbeing First for Healthcare Champion!

We are proud to announce that the board has been recognized by the Lorna Breen Heroes Foundation as a Wellbeing First Champion.

The LSBME achieved this recognition by updating the questions on our initial and renewal applications for all licensees to remove any intrusive or stigmatizing language around mental health care and treatment. We made these changes to better support our healthcare workforce and to encourage you to seek the mental health care you may need without fear of losing your license or permit.

Supporting and protecting our healthcare practitioners' mental health is vital to your well-being and for the health of our entire community. While there is much more work to be done, we hope this will be a significant step to remove barriers to sustain and protect our workforce's mental health and well-being. Admitting that you might need help is the first step. Getting the help you need is next. We want you to know that you are not risking your licensure to do so. We encourage you to share this information with your colleagues and friends in your profession, so they know that it's safe to seek mental health care and that we are here to support you.

New Podiatry Laws and Rules Course Available

Podiatrists in the state of Louisiana must abide by the Podiatry Practice Act and any other laws enacted by the legislature and the rules passed by the Louisiana State Board of Medical Examiners.

Effective immediately, all new licensees must take a laws and rules course pertaining to their profession 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** podiatrists know that a new course is available. The course is titled "Laws and Rules for Louisiana Podiatrists" and it is free to complete on CE Broker. To find the course, go to CE Broker click on "find CE/CME." Or, the course can be found by clicking [here](#).

This course is available at no cost for any podiatrist 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 20-hour requirement.

The course will be updated as required by regulatory changes and can be taken annually.

Board of Pharmacy Reminders – Canceling pre-existing prescriptions if a new, updated prescription is written for a patient

The Board of Pharmacy wants to remind our prescribing licensees that if you adjust a patient's medication in terms of dose, or change their prescription to another medication, you must cancel the previous prescription if it is your intent that the patient should no longer be able to refill the previous prescription. Some EMRs will alert the prescriber to this situation, but many do not. It is important that you do this, by alerting the pharmacy where the prescription was originally filled that it should be cancelled.

Scam Alert - Be Aware

As a reader of this newsletter, you know that we periodically warn our licensees of fraudulent attempts by criminals. Most recently one of our physicians received a fraudulent fax and phone call purportedly from the LSBME. The person pretended to be an investigator, gave a badge number, and told the physician that that his license was in danger of being suspended, that he was going to be arrested for drug trafficking and money laundering. He was also told he could get a lawyer or use this person for his defense.

This is only one of a variety of stories that are told to physicians and others to extort money in one way or another. Many medical boards are reporting similar stories in their newsletters and alerts to their licensees.

Just to reiterate, anyone subject to an investigation by the LSBME is informed of this by mail, and there are certain procedures that are followed in every investigation. Second, while the LSBME does sometimes levy 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 the LSBME money as part of an active investigation. And finally, when anyone asks you to do something and not tell anyone, you know there is something wrong.

Unfortunately, these scammers are frequently very convincing, and very clever. If you ever receive any communication claiming to be from the Board pertaining to a potential action against your license, call our main number and ask to speak specifically to the person who the letter is from, or to an investigator. If you ever receive 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. In general, if you are ever worried about a possible scam related to this agency, please contact investigations@lsbme.la.gov.

The next few pages are a reprint of an opinion from the Attorney General from November 2022 that clarifies who signs a death certificate for a patient who dies while in a hospital.



Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

November 22, 2022
OPINION 22-0097

Hon. Ronald Coe, M.D.
Livingston Parish Coroner's Office
20355 Government Boulevard, Suite C
Livingston, LA 70754

13 CORONERS

La. R.S. 13:5713
La. R.S. 40:49

La. R.S. 40:34.10

Dear Dr. Coe:

The last attending physician may not refuse to sign the medical certification when that physician is present. However, when that physician is absent, the duty to complete the medical certification under the law falls to the coroner.

You have requested an opinion from this office asking the following question: "In regards to inpatient hospital patients over 24 hours and inpatient hospital hospice patients over 24 hours, who 'shall' be responsible for signing the death certificate in a natural death?" Based upon telephone conversations with you, we understand that this question arises from the following facts. When a patient dies as an inpatient in a hospital or a hospice facility, attending physicians often do not complete the required medical certification or the death certificate. Instead, these physicians are having coroners pick up the remains and complete the medical certifications and the death certificates.¹ With this factual background in mind, we provide the following response to your opinion request.

A review of the Louisiana Revised Statutes has revealed that only one statute contains mandatory language with regard to physicians other than coroners in the process of the completion of a death certificate: La. R.S. 40:34.10(19). This statute provides:

The medical certification of the physician, if any, last attending to the deceased, which certificate shall be made and signed by the physician within twenty-four hours after death with his name and address. In the absence of a physician, the parish coroner shall sign the certificate.

Thus, in answer to your question, within 24 hours after the death of an inpatient in a hospital or hospice facility, the last attending physician shall sign the death certificate or, "[i]n the absence of a physician, the parish coroner shall sign the certificate." The last attending physician may not refuse to sign the medical certification when the physician is not "absent." This statute must be read *in pari materia* with La. R.S. 40:49(B), which provides (in pertinent part) that:

(2) if the death occurred with medical attendance, present the certificate of death to the physician last in attendance upon the deceased, who shall certify over his signature within twenty-four hours the cause of death to his best knowledge and belief; or, if the spontaneous fetal death occurred with

¹ The "medical certification" is but one of 19 components required for the death certificate. La. R.S. 40:34.10.

any person in attendance, present the certificate of spontaneous fetal death to the physician, midwife, or other person in attendance at the spontaneous fetal death for the certification of the fact of spontaneous fetal death and such medical data pertaining to the spontaneous fetal death as the physician or midwife can furnish in his professional capacity.

* * *

(5) When death occurs more than ten days after the decedent was last treated by a physician, the case shall be referred to the coroner for investigation to determine and certify the cause of death.

(12) The medical certification shall be completed, signed, and returned to the funeral director, if applicable, within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when a coroner's inquiry is required. In the absence of the physician or with his or her approval the certificate may be completed and signed by his or her associate physician, the chief medical officer of the institution in which death occurred, the physician who performed an autopsy upon the decedent, or the coroner, provided such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

As with the medical certification required in La. R.S. 40:34.10(19), La. R.S. 40:49(B)(2) requires that, when a death occurred with medical attendance, the last attending physician shall certify the cause of death within 24 hours. Louisiana Revised Statute (B)(12) further describes this as "the physician in charge of the patient's care for the illness or condition which resulted in death." However, when the death occurs more than ten days after the decedent was last treated by a physician, the case is referred to the coroner, and it is the coroner who must determine and certify the cause of death. Louisiana Revised Statute 40:49(B)(3) also provides that, if the last attending physician, "refuses or for any reason fails to sign the certificate" the matter must be referred to the coroner for investigation and certification of the information required in La. R.S. 40:49(B)(2). However, the provision providing that the coroner shall sign in the absence of the last attending physician does not operate as a blanket excuse for the last attending physician to fail to complete the medical certification when that physician is present.

The remainder of the obligations related to a death certificate are contained within La. R.S. 13:5713. Each of these requirements provides only for the completion of the forms by the coroner.² It is thus our opinion that the last attending physician may not refuse to sign the medical certification when that physician is present. However, when that physician is absent, the duty to complete the medical certification under the law falls to the coroner. Moreover, when the death occurs more than ten days after the decedent was

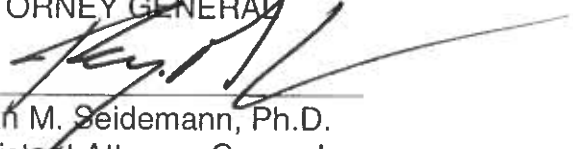
² La. R.S. 13:5713(C)(1)(c); La. R.S. 13:5713(C)(3); La. R.S. 13:5713(E)(1); La. R.S. 13:5713(E)(3); La. R.S. 13:5713(E)(4); La. R.S. 13:5713(G)(1).

last treated by the physician, the case is referred to the coroner for investigation to determine and certify the cause of death. Finally, in the absence of an attending physician, the coroner shall complete the "medical certification" required under La. R.S. 40:34.10(19).

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of further assistance, please do not hesitate to contact us.

With best regards,

JEFF LANDRY
ATTORNEY GENERAL

By: 
Ryan M. Seidemann, Ph.D.
Assistant Attorney General

JL/RMS/cw