

THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

MINUTES OF MEETING

July 24, 2023

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, July 24, 2023, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present:

Terrie R. Thomas, M.D., President
Kim S. Sport, JD, Vice President
Rita Horton, M.D., Secretary-Treasurer
Juzar Ali, M.D.
Roderick V. Clark, MBA, M.D.
Lester W. Johnson, M.D.
Patrick K. O'Neill, M.D.
James Taylor, M.D.
Cheryl Williams, M.D.

Leonard Weather, M.D., R.Ph – Absent

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
Aloma James, Director of Licensing
Alan W. Phillips, IT Director
LaKenya Collins, CPA, CFO
Susie Allen, DrPH, MBA, Director of Education and Research
Carol Chauvin, Compliance Officer
Maya Ladmirault, Compliance Officer
Patricia Dufrene, 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. Thomas

opened the meeting with the Pledge of Allegiance. Avion Turner, Accounting Supervisor, read the mission statement of the LSBME. Dr. Thomas thanked Dr. Johnson as the past President for his wisdom, guidance, and leadership. Dr. Thomas thanked her current Administration, Ms. Sport, and Dr. Horton, for their vision and work that has already begun. Dr. Thomas thanked the Board staff for their hard work on a daily basis. She also asked that everyone say a prayer for all licensees for the job they do every day.

- (2.) **Minutes of June 26, 2023;** The Board reviewed and discussed the minutes of its meetings held on June 26, 2023. On the motion of Dr. Horton, duly seconded by Dr. Johnson, the Board voted unanimously to approve the minutes of its June 26, 2023, meeting, with corrections.

- (3.) **New Business Items; Feasibility Analysis;** The Board reviewed the data of the Feasibility Analysis for cost-cutting by creating alternative work patterns to reduce cost and possibly reduce the size and location of our office. The exploration of cost-cutting measures to evaluate all aspects of budget reduction before asking for a rate increase of LSBME fees and charges. On the motion of Dr. Ali, duly seconded by Ms. Sport, the Board voted as follows to aggressively seek out an effective way of adopting a hybrid model of working within the agency to include phases B and C of the analysis:

YEA	NAY	ABSENT
Dr. Williams	Dr. O'Neill	Dr. Weather
Dr. Taylor	Dr. Clark	
Dr. Horton		
Dr. Thomas		
Dr. Johnson		
Ms. Sport		
Dr. Ali		

- (4.) **Follow-Up Action Items; Ratification of Legal Contract;** The Board reviewed the approval of the Stanley Reuter Contract for ratification. On the motion of Dr. Johnson, duly seconded by Ms. Sport, the Board voted unanimously to ratify the contract.

- (5.) **General Administrative Matters; President's Report;** The President informed the Board that she was very impressed with her recent visit to the agency and all the staff she was able to meet including; long-term team members who deal with very sensitive and often stressful matters.

The President also informed the Board that the agency is eagerly awaiting LDH's analysis of the agency finances. If the data indicates a need for a fee increase, the Board will begin developing the strategic process for the next legislative session.

The President informed the Board of her recent meeting with Dr. Chaney, and that there will be additional meetings in the near future to include all Executive staff.

At this time, the President asked the Board to add a matter of Attorney Advice to the Executive Session Agenda. On the motion of Dr. Johnson, duly seconded by Ms. Sport, the Board voted unanimously to add this matter to the executive session agenda.

(6.) General Administrative Matters; Vice President's Report; The Vice President informed the Board that she, Mrs. Wilton, Dr. Culotta, Dr. Cresswell, Dr. Clark, and Mr. Carmer researched certain criminal convictions and created uniform sanctions. She provided a report on pending issues and follow-up items. This list will be made into a spreadsheet that will be ongoing and available at every Board meeting to show the progress of pending issues and to add additional issues as they arise.

(7.) General Administrative Matters; Executive's Director's Report; The Executive Director informed the Board:

- The Advisory Committees continue to meet, and we have advised the Chairpersons of the new law regarding their meetings effective AUG 1, 2023.

The Occupational Therapy Advisory Committee met and continues to address new rules and the dry needling topic.

The Podiatry Advisory Committee met and the Board will need to approve a new member for this advisory committee.

The Genetic Counselors Advisory Committee met and discussed issues relative to collaborative practice agreements.

- The LAPA and staff continue to meet regarding a proposal for new rules for PAs. Ultimately, the PA advisory committee will have to approve and recommend to the Board a rules proposal.
- We are working with the FSMB to fully integrate the FCVS information automatically into our licensing system. The possibilities exist to shorten our payment to issuance time. Additionally, we are looking at additional electronic verification systems the FSMB can supply to expedite licensing in the PA area as well.
- I attended the July 20th meeting of the HCR44 committee to improve access to care.
- The agency has won an award from the Dr. Lorna Breen Foundation as a WellBeing First Champion for our modifications to the mental health licensing questions on our applications.
- I have been confirmed as The OT COMPACT (OTCC) commissioner for Louisiana. It is hoped the first Practice privileges will be issued in 2024. Data, data collection, and data-sharing issues are being addressed and finalized at the current time. The next general meeting is in October and will probably be virtual. The next executive committee meeting is August 14, 2023, by ZOOM.

- We have begun the process to augment our telephone answering service with a contracted live answering system in lieu of one FTE in licensing. If successful we may be able to transfer additional personnel to analyst positions within the agency for more effective use of funds.

FSMB Information on Scholarships

“For the Annual Meeting, all State medical boards are eligible to receive up to 2 scholarships to assist in offsetting the costs for board members and staff to participate in the conference. The scholarships that are available are as follows:

- 1 scholarship for the **Voting Delegate**: Usually this is the SMB President/Chair or alternate board member, but a state may also select a Staff Fellow or other senior staff member to serve as voting delegate.
- 1 scholarship for **Senior Staff**: If a Staff Fellow is designated as the Voting Delegate, this would be available for another member of the Member Medical Board Staff.

*This year, we also offered every board one (1) **Member Medical Board Scholarship** which could be used at the board’s discretion for either a board member or staff member to attend the meeting. At this time, I am not sure if the Member Medical Board scholarship will be offered for the 2024 Annual Meeting. Our board of directors will be deciding on that soon, I believe.*

*In addition to the above scholarships, the FSMB also awards a limited number of scholarships for member medical board **Public Members** to attend the Annual Meeting. To be eligible for this scholarship, the recipient must be a public member of a Member Medical Board who has never attended an FSMB Annual Meeting and is not a recipient of any other scholarship. Only one public member per state board may receive the award, and scholarships will be awarded on a first come, first served basis.*

In 2023, all scholarships were in the amount of \$2,000.00 and were used to cover travel, lodging and meals. The registration fee for the Annual Meeting is also waived for scholarship recipients and does not count towards the \$2,000.00 amount.

We generally do not post the scholarship packages on the website. In the late fall, we will send this information to all board chairs/presidents and executive directors and ask them to start identifying their scholarship recipients and voting delegates.

The scholarships do not usually change. The only thing that might change is the amount awarded. For example, this year we increased the amount of the scholarship due to increased hotel & travel costs.

As of right now, the main criteria for the public member scholarship is that the recipient has never attended an FSMB Annual Meeting before. Most likely, that won’t change. “

(8.) Advisory Committee; Podiatry Advisory Committee (PAC) Appointment; The Board reviewed the CVs of the candidates for the vacant Podiatry Advisory Committee vacancy. On the motion of Dr. Ali, duly seconded by Ms. Sport, the Board voted unanimously to appoint Henry Hilario to the PAC.

(9.) General Administrative Matters; DRAFT July Newsletter; The Board reviewed the draft of the July 2023 Newsletter. On the motion of Dr. Clark, duly seconded by Ms. Sport the Board voted unanimously to accept the July Newsletter

(10.) Financial Report. The Board reviewed the May 2023 financial and cash flow projection of July 2023 through December 2023. On the motion of Dr. Clark, duly seconded by Ms. Sport the Board voted unanimously to approve the financial report.

(11.) Future Board Meeting Dates. The Board reviewed the future meeting dates for 2023. No further action was needed or taken.

(12.) Rules and Regulations. Rules/Amendments. The Board reviewed the July 2023 Rules and Regulation report. On the motion of Dr. Ali, duly second by Ms. Sport, the Board voted unanimously to accept the report.

[13.] Minutes of Executive Sessions. Upon the motion of Dr. Williams, duly seconded by Dr. Ali, the Board voted unanimously to convene in executive session pursuant to La. R.S. 42:17A to receive and review the executive minutes of the Board's June 26, 2023 meeting. Following review, the Board returned to public session. Upon the motion of Dr. Horton, duly seconded by Dr. Ali, the Board voted unanimously to approve the June 26, 2023, executive session minutes.

[14.] Report on Pending Litigation. Upon the motion of Dr. Ali, duly seconded by Dr. Williams, the Board voted unanimously to convene in executive session pursuant to La. R.S. 42:17A(2, 4 and 10), La. C.E. art. 508, and/or La. R.S. 44:4.1C, to receive and review the report of legal counsel on pending litigation to which the Board is a party, the unauthorized practice of medicine cases assigned for injunction, and the status of proceedings for judicial review of prior Board decisions. Upon return to public session and the motion of Dr. Taylor, duly seconded by Dr. Horton, the Board voted unanimously to accept the litigation report.

Ford v. LSBME and Dr. Valentine, in her official capacity only, Eastern District of Louisiana,
Case No. 18-4149
Donovan v. LSBME, CDC Parish of Orleans, State of Louisiana, No. 2022-2964 Div. A-16

[15.] General Administrative Matters; H-1-B Visa Proposed Language. The Board convened in executive session pursuant to La. R.S. 42:17A(1), and to receive advice of counsel under La. R.S. 42:17A (10), La. C.E. art. 508, La. R.S. 44:4(7) and/or La. R.S. 44:4.1C. The Board reviewed the proposed language changes regarding H-1-B Visas. On the motion of Dr. Williams, duly seconded by Dr. O'Neill, the Board voted unanimously to proceed with proposed language changes.

[16.] General Administrative Matters; License Applicant's request. The Board convened in executive session pursuant to La. R.S. 42:17A(1), and to receive advice of counsel under La. R.S. 42:17A (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 Agenda No. 05.00.01. Upon the motion of Dr. Taylor, duly seconded by Dr. O'Neill, the Board voted unanimously to deny the licensee's request for a waiver of education requirements.

[17.] Personal Appearances/Docket Calendar. On the motion of Dr. Clark, duly seconded by Ms. Sport, 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.

[18.] Investigative Reports. On the motion of Dr. Clerk, duly seconded by Ms. Sport, 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. Summary Suspension: On the motion of Dr. Williams, duly seconded by Ms. Sport, the Board voted unanimously to approve ratifying the summary suspension in the following matter:

Docket No. 2023-I-226

- b. Commence Formal Investigation: On the motion of Dr. Williams, duly seconded by Ms. Sport, the Board voted unanimously to approve commencing formal investigation in the following matters:

Case No.	2022-I-788
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- c. Initiate Preliminary Review: On the motion of Dr. Williams, duly seconded by Ms. Sport, the Board voted unanimously to approve initiating preliminary review in the following matters:

Agenda Item No.	07.04.02
Agenda Item No.	07.04.03

- d. Extend Time for Preliminary Review: On the motion of Dr. Williams, duly seconded by Ms. Sport, and passed by unanimous voice vote, the Board approved granting a 90-day extension to continue preliminary review/investigation in the following matters and to authorize the DOI to request Executive Counsel to proceed with measures to enforce compliance with Board subpoenas where no response had been received within 90 days of issuance:

Investigation No.	2023-426
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Investigation No.	2023-143
Investigation No.	2023-290
Investigation No.	2023-444
Investigation No.	2023-445
Investigation No.	2023-455
Investigation No.	2022-151
Investigation No.	2022-177
Investigation No.	2022-184
Investigation No.	2023-79
Investigation No.	2023-153
Investigation No.	2023-291
Investigation No.	2023-331
Investigation No.	2023-362
Investigation No.	2023-368
Investigation No.	2023-371
Investigation No.	2023-378
Investigation No.	2023-458
Investigation No.	2023-59
Investigation No.	2023-429
Investigation No.	2023-83
Investigation No.	2023-95
Investigation No.	2023-102
Investigation No.	2023-107
Investigation No.	2023-121
Investigation No.	2023-285
Investigation No.	2023-305
Investigation No.	2023-326
Investigation No.	2023-342
Investigation No.	2023-359
Investigation No.	2023-369
Investigation No.	2023-374
Investigation No.	2023-389
Investigation No.	2020-381
Investigation No.	2020-577
Investigation No.	2021-309
Investigation No.	2021-1180
Investigation No.	2022-10
Investigation No.	2022-273
Investigation No.	2022-176
Investigation No.	2022-458

Investigation No.	2022-522
Investigation No.	2022-741
Investigation No.	2021-71
Investigation No.	2023-287
Investigation No.	2023-310
Investigation No.	2023-345
Investigation No.	2023-363
Investigation No.	2023-367
Investigation No.	2023-370
Investigation No.	2020-387
Investigation No.	2020-890
Investigation No.	2021-453
Investigation No.	2021-454
Investigation No.	2021-508
Investigation No.	2021-509
Investigation No.	2021-510
Investigation No.	2021-511
Investigation No.	2021-512
Investigation No.	2021-526
Investigation No.	2021-531
Investigation No.	2021-544
Investigation No.	2021-546
Investigation No.	2021-553
Investigation No.	2021-1058
Investigation No.	2021-1059
Investigation No.	2021-1060
Investigation No.	2021-1099
Investigation No.	2021-1274
Investigation No.	2021-1369
Investigation No.	2021-1335
Investigation No.	2022-107
Investigation No.	2022-141
Investigation No.	2022-325
Investigation No.	2022-338
Investigation No.	2022-345
Investigation No.	2022-366
Investigation No.	2022-373
Investigation No.	2022-519
Investigation No.	2022-544
Investigation No.	2022-833

Investigation No.	2022-699
Investigation No.	2022-750
Investigation No.	2023-94
Investigation No.	2023-108
Investigation No.	2023-156
Investigation No.	2023-364
Investigation No.	2023-365
Investigation No.	2023-373
Investigation No.	2023-384
Investigation No.	2021-947
Investigation No.	2020-734
Investigation No.	2021-1128
Investigation No.	2022-444
Investigation No.	2022-729
Investigation No.	2023-217
Investigation No.	2023-325
Investigation No.	2023-358
Investigation No.	2020-141
Investigation No.	2023-293
Investigation No.	2023-294
Investigation No.	2023-351
Investigation No.	2023-376
Investigation No.	2023-377
Investigation No.	2023-380

e. Consent Orders: On the motion of Ms. Sport, duly seconded by Dr. Ali, the Board voted unanimously to accept the proposed Consent Order in the following matter:

Investigation No.	2023-I-163
Investigation No.	2023-I-051
Investigation No.	2022-I-911
Investigation No.	2022-I-043 ¹

On the motion of Ms. Sport, duly seconded by Dr. Ali, the Board voted unanimously to accept the Voluntary Surrender in the following matter:

Investigation No.	2022-I-940
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¹ Dr. O'Neill is recused from any and all participation in this matter.

f. Close with a Letter of Concern: On the motion of Ms. Sport, duly seconded by Dr. Ali, the Board voted unanimously to close the following matters with a letter of concern:

Investigation No.	2023-21
Investigation No.	2023-445
Investigation No.	2020-381

g. Close with No Action: On the motion of Ms. Sport, duly seconded by Dr. Ali, the Board voted unanimously to close the following matters with no action:

File No.	2023-198 ²
File No.	2021-331
File No.	2022-458
File No.	2022-273
File No.	2023-166
File No.	2023-436 ³
File No.	2023-384
File No.	2023-365
File No.	2023-203
File No.	2023-228
File No.	2023-368
File No.	2023-362
File No.	2023-234
File No.	2023-264
File No.	2023-310
File No.	2023-446
File No.	2023-460 ⁴
File No.	2023-404
File No.	22-I-761
File No.	2023-420
File No.	2023-171

h. Professional Liability Report: The Board voted unanimously to convene 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 returning to public session, on the motion of Dr. Williams,

² Dr. Johnson is recused from any and all participation in this matter.

³ Dr. O'Neill is recused from any and all participation in this matter.

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

duly seconded by Dr. Ali, the Board voted unanimously to accept the July report.

- i. Closed Case Report: The Board voted unanimously to convene in executive session to review allegations of misconduct pursuant to La. Rev. Stat. § 42:17A(4), as part of the closed case report. The Board returned to public session and upon the motion of Dr. O'Neill, duly seconded by Dr. Ali, the Board voted unanimously to approve the June 2023 closed case summary report.

[19.] Probationary Matter; Request from Probationers. The Board voted unanimously to convene in executive session to review the following requests from licensees to end or modify the conditions of their allegations of misconduct probation and/or to be permitted to reinstate licensure, pursuant to La. Rev. Stat. § 42:17A(1), (4) & (10), La. C.E. art. 508, and/or La. R.S. 44:4.1C. After returning to public session, the Board took the following action:

With regard to Agenda Item No. 09.01.01, upon the motion of Dr. Taylor, duly seconded by Ms. Sport, the Board voted unanimously to approve the licensee's request for termination of probation.

With regard to Agenda Item No. 09.01.02, upon the motion of Dr. Taylor, duly seconded by Dr. Horton, the Board voted unanimously to deny the licensee's request and to have licensee provide information of a successful N Cog and KStar evaluation.

With regard to Agenda Item No. 09.02.01, upon the motion of Ms. Sport, duly seconded by Dr. Taylor, the Board voted unanimously to deny the licensee's request to end the Allied Heath Monitoring Agreement.

With regard to Agenda Item No. 09.02.02, upon the motion of Dr. Horton, duly seconded by Dr. Ali, the Board voted unanimously to deny the licensee's request for early termination of probation.

[20.] Quarterly Compliance PMP Report. The Board reviewed the details of the July 2023 Compliance PMP report. On the motion of Dr. Taylor, duly seconded by Dr. Ali, the Board voted unanimously to accept the report.

Next Meeting of the Board. The President reminded the members that the next meeting of the Board is scheduled for August 28, 29, 2023.

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, conducted therein, held on July 24, 2023, and approved by the Board on the 28th day of August 2023.

Rita Horton, M.D.
Secretary-Treasurer

Terrie R. Thomas, M.D.
President