

# THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

---

## MINUTES OF MEETING

---

September 26, 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, September 26, 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  
Roderick V. Clark, MBA, M.D.  
Rita Y. Horton, M.D.  
Patrick K. O'Neill, M.D.  
Cheryl Williams, M.D.  
Leonard Weather, M.D., R.Ph

**Board Member(s) absent:**

Juzar Ali, M.D.  
Kim S. Sport, JD, Secretary-Treasurer  
James Taylor, M.D.

**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  
Jon Carmer, Jr., Investigative Counsel  
Aloma James, Director of Licensing  
Alan W. Phillips, IT Director  
LaKenya Collins, CPA, CFO  
Carol Chauvin, 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. 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 August 29, 2022;** The Board reviewed and discussed the minutes of its meetings held on August 29, 2022. On the motion of Dr. Clark, duly seconded by Dr. Weather and passed by unanimous voice vote, the Board approved the minutes of its August 29, 2022, with corrections.
- (3.) **Follow-up action; Cost Reduction Strategies;** The Board reviewed a proposed cost cutting strategies report.. The report was presented by LaKenya Collins, LSBME Chief Financial Officer as to the overview of cost reductions. The President directed the staff to further discuss the cost cutting proposal and for Ms. Collins to bring back specific bullet points and recommendations back to the board. No further action was needed or taken on this matter.
- (4.) **Follow-up action; Physician and Non-Physician Fee Comparison of Southern Licensure Fees;** The Board reviewed statistical data regarding a comparative analysis of the Southern region in regard to physician and non-physician fees for initial licensure and renewal cost. No further action was needed or taken on this matter.
- (5.) **Follow-Up Action; Fee Schedule Proposal; Fee Information on Physicians and Allied Health;** The Board reviewed the Proposed Fee Schedule and discussed the potential of raising fees for all licensing classes. No further action was taken or needed on this item at this time.
- (6.) **Communication and Information; FSMB Foundation Grant Information.** The Board reviewed the communication from FSMB regarding partnering with physician cooperation seeking a grant to hold primary source verification of an individual applicant to expedite licensing. Directed Ms. Peyton to review the grant information and develop a policy on how to move forward in the best interest of the agency and confidentiality and data sharing. No further action needed or taken on this matter.
- (7.) **General Administrative Matters; President's Report.**
  - The President informed the Board that he recently attended the Medical Society Delegation and received only positive feedback on the work of the Board.
  - The President thanked the staff for their initiative and hard work to progress the agency and practice of medicine. He looks to forward to any work that may be needed to prepare for the upcoming Legislative session.
- (8.) **General Administrative Matters; Executive's Director's Report;** The Executive Director informed the Board:
  - The agency hosted the Legislatively established healthcare workplace violence committee. I am a statutorily named member. The Board of Nursing and the LSBME along with other members continue to urge a reporting mechanism and the data points are being established.
  - We have been requested to partner with a physician corporation seeking a grant from the FSMB for a block chain wallet to hold primary source verification of an individual applicant that would expedite licensing. This would help us understand what other states are doing regarding licensing data points. I ask you approve this cooperation for this grant request.

- Have begun a dialogue with a local university and an urgent care provider to address the problem of a radiology tech shortage and reviewed the rules and laws for the private radiology techs. This is a potentially viable solution for the radiology tech shortage.
- The staff continues to work on the business partner portal, use of Parchment, and changes to our electronic payment system with our software developers.
- He continues to meet regularly and participate in the technology committee of the IMLCC.
- The staff and I attended the Athletic Trainers Advisory Committee meeting, this committee continues to work on revisions to the rules. We continue to work to expedite the licensing process and we shared data on the matter.
- The staff and I attended the Occupational Therapists Advisory Committee. This group is working hard and regularly to confect a rule change request. The proposed rules are being designed to update our rules to the current practice of OT.
- The PAs are still having difficulty having a quorum for a meeting. I am gently urging them to have a meeting and I am hopeful they will meet in October.
- He worked with Dr Clark in meeting with the Pharmacy Board representees to address their concerns especially changes to the CDTM rules. We will have a presentation during today's meeting.
- We are working with Dr Taylor and had our first meeting to address the rules for the Bridge to Residency rules. We have yet to have nominees to consult with as required by law. We are proceeding with rule language and hope the consultees will be named and be available to meet with us.
- He continues to meet with Dr Clark and Ms. Sport regarding opportunities to cut costs to the agency.
- He participated in a zoom conference on the matter of competency-based assessment in the medical education continuum and protentional aspects of and potential problems in licensing. This is an AMA initiative.
- He continues to participate on the tech committee of the FSMB in the development of an expansion of FSMB provided data. The FSMB data vault is expanding far beyond the current FCVS and has the potential to be a very useful tool to expedite Physician licensing. The block chain digital wallet is part of this agenda.
- The state is moving away for the traditional rates for travel and per diems to a US government rates. This will affect room rates, Meals, and mileage. These new rates take effect on October 1st. You will, for example, see an increase in your mileage rates, meals, and lodging, in most but not all circumstances as the state changes to this new system.
- Tomorrow there will be a required hearing on the proposed rules for recusal and this will happen here in the board's building.
- He observed that the Public Entity Remote Operations Task Force (SR 147) is holding meetings on the expansion of electronic meetings for all meetings covered by the open meetings law. We have previously considered the necessary changes to the board room such as cameras and additional video equipment to accommodate theses electronic meetings. We previously felt we did not want to do this at the time it was considered. If this gains more traction in the legislature, I advise we act swiftly to modify our systems so we can properly and effectively change our meeting format.

**(9.) General Administrative Matters; Financial.** The Board reviewed the Income Statements and Cash Balance Summary for the period ending July 2022. On the motion of Dr. Thomas, duly seconded by Dr. Horton, the Board voted unanimously to approve the Financial Reports.

**(10.) Future Board Meeting Dates.** The Board reviewed the future meeting dates for 2022. No further action was needed or taken. The Board also reviewed the proposed 2023

Board meeting dates, On the motion of Dr. Clark, duly seconded by Dr. Horton, the Board voted unanimously to approve the proposed meetings dates of January through June 2023 and will revisit the proposed 2023 dates in October or November to approve dates for the meetings in July through December 2023.

- (11.) Rules and Regulations. Rules/Amendments.** The Board reviewed the combined rules report. On the motion of Dr. Thomas, duly seconded by Dr. Weather, the Board voted unanimously to accept the Regulatory Report.
- [12.] Minutes of Executive Sessions.** Upon the motion of Dr. Thomas, duly seconded by Dr. Weather, the Board voted unanimously to convene in executive session pursuant to La. R.S. 42:17A to receive and review the minutes of the Board's August meeting executive session. Following review, the Board returned to public session. Upon the motion of Dr. Horton, duly seconded by Dr. Clark, the Board voted unanimously to approve the executive minutes of the August 26, 2022 meeting with corrections.
- [13.] Report on Pending Litigation.** Upon the motion of Dr. Thomas, duly seconded by Dr. Weather, 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, on the unauthorized practice of medicine cases assigned for injunction, and the status of proceedings for judicial review of prior Board decisions. Following review, the Board returned to public session and on the motion of Dr. Thomas, duly seconded by Dr. O'Neill, and passed by unanimous voice vote, the Board accepted the litigation report.

Vincent Joseph Bruno v. Cecilia Mouton and the LSBME, No. 12-5503  
(Civ.Dist.Ct.Orl.Par.Div."L").

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

Donovan v. LSBME, CDC Parish of Orleans, State of Louisiana, No. 2022-2964 Div. A-16

Fiaz Afzal, et al v. New Jersey BME, et al, No. 22-1609, U.S. Court of Appeals, 3d Circuit

- [14.] General Administrative Matters; Attorney Advice; Complaints and Investigations Process.** The Board convened in Executive Session pursuant to La. R.S. 42:17A(10), La. C.E. art. 508, and/or La. R.S. 44:4.1C for advice of counsel on the final draft of the Overview of the Board's Complaint and Investigation Process. On the motion of Dr. O'Neill, duly seconded by Dr. Williams, the Board voted unanimously to remove "An individual Board member may file a complaint, subject to laws and rules regarding Recusal" and accept the draft as final and place it on the LSBME website.
- [15.] General Administrative Matters; Attorney Advice; Licensing Procedure and Application; Oath of Affirmation.** The Board convened in Executive Session pursuant to La. R.S. 42:17A(10), La. C.E. art. 508, and/or La. R.S. 44:4.1C for advice of counsel with regard to the policy for Licensing regarding non-disclosure by applicant's on the Oath and Affirmation page. On the motion of Dr. Clark, duly seconded by Dr. Weather, the Board voted unanimously to approve and reaffirm the operational policy regarding an applicant's non-disclosure of information.

- [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 the request of licensee Agenda No. 05.00.01, for a waiver of examination attempts due to extenuating circumstances, exemplary recommendation from current employer and recommendation for full licensure from the Occupational Therapy Advisory Committee (OTAC). On the motion of Dr. Clark, duly seconded by Dr. Thomas, the Board voted unanimously to approve the OTAC recommendation for full licensure.
- [17.] **General Administrative Matters; Licensee'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 with regard to the Agenda No. 05.00.02 and the request of the licensee to waive all or part of the CME requirements for renewal of licensure. On the motion of Dr. Dr. Horton, duly seconded by Dr. O'Neill, the Board voted unanimously to deny the licensee's request to waive CME requirements.
- [18.] **General Administrative Matters; License Applicant's request.** The Board convened in executive session 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 with regard to the Agenda No. 05.00.03 request for approval of a short term residency in Allergy and Immunology. On the motion of Dr. O'Neill, duly seconded by Dr. Williams, the Board voted unanimously to approve the request for short term residency.
- [19.] **General Administrative Matters; 2019 Continuing Education Audit Update.** The Board convened in executive session pursuant to La. R.S. 42:17A (4), 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 regarding the most current list of licensees that remain non-compliant despite multiple efforts to contact each. On the motion of Dr. Clark, duly seconded by Dr. Weather, the Board voted unanimously to refer the audit results to the Investigations Department.
- [20.] **Attorney Advice; Independent Counsel Contract Interpretation.** The Board received advice of counsel on the contents of the contracts for both Independent Counsel. At the decision and direction of the Board, Ms. Peyton will notify the Independent Counsels when and if they are needed to attend the Board meetings. No further action was needed or taken on this matter.
- [21.] **Personal Appearances/Docket Calendar.** On the motion of Dr. Thomas, duly seconded by Dr. O'Neill, 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 needed or taken on this matter.
- [22.] **Investigative Reports.** On the motion of Dr. Thomas, duly seconded by Dr. O'Neill, 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: On the motion of Dr. Horton, duly seconded by Dr. Clark, the Board voted unanimously to approve the filing of an administrative complaint regarding the following matter:

Investigation No.	2019-I-003
-------------------	------------

- b. Board approved Psychiatric Provider: On the motion of Dr. Clark, duly seconded by Dr. Horton, the Board voted unanimously to approve adding Roger Timothy Brown, M.D., to the list of psychiatric providers list for evaluations.
- c. Commence Formal Investigation: On the motion of Dr. Horton duly seconded by Dr. Weather, the Board voted unanimously to approve commencing formal investigation in the following matters:

Investigation No.	2022-I-489
Investigation No.	2022-I-290
Investigation No.	2022-I-353

- d. Initiate Preliminary Review: On the motion of Dr. Thomas, duly seconded by Dr. Horton, the Board voted unanimously to approve commencing preliminary review on the following matter:

Agenda Item No.	07.04.04
-----------------	----------

On the motion of Dr. Horton, duly seconded by Dr. Thomas, the Board voted unanimously to approve commencing preliminary review on the following matter:

Agenda Item No.	07.04.05
-----------------	----------

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

Investigation No.	2021-1403
Investigation No.	2021- 1406
Investigation No.	2022- 29
Investigation No.	2022-31
Investigation No.	2022-33
Investigation No.	2022-175

Investigation No.	2022-177
Investigation No.	2022-184
Investigation No.	2022-254
Investigation No.	2022-272
Investigation No.	2022-263
Investigation No.	2022-479
Investigation No.	2022-480
Investigation No.	2022-481
Investigation No.	2022-532
Investigation No.	2022-541
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.	2019-1034
Investigation No.	2019-1091
Investigation No.	2019-631
Investigation No.	2020-246
Investigation No.	2020-454
Investigation No.	2020-603
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.	2022-10
Investigation No.	2022-35
Investigation No.	2022-36
Investigation No.	2022-37
Investigation No.	2022-53
Investigation No.	2022-62
Investigation No.	2022-71
Investigation No.	2022-180
Investigation No.	2022-289
Investigation No.	2022-454
Investigation No.	2022-468
Investigation No.	2022-474
Investigation No.	2019-993
Investigation No.	2020-215
Investigation No.	2020-337
Investigation No.	2020-504
Investigation No.	2020-715
Investigation No.	2020-812
Investigation No.	2021-312
Investigation No.	2021-314
Investigation No.	2021- 331
Investigation No.	2021- 439
Investigation No.	2021-440
Investigation No.	2021-447
Investigation No.	2021-1019
Investigation No.	2021-1022
Investigation No.	2021-1422
Investigation No.	2022-9
Investigation No.	2022-30
Investigation No.	2022-32
Investigation No.	2022-458
Investigation No.	2022-508
Investigation No.	2021-438
Investigation No.	2022-434
Investigation No.	2022-444
Investigation No.	2022-276
Investigation No.	2022-298
Investigation No.	2022-492
Investigation No.	2022-206
Investigation No.	2019-280



Investigation No.	2020-118
Investigation No.	2021-1392
Investigation No.	2022-213
Investigation No.	2022-216
Investigation No.	2022-259
Investigation No.	2022-292
Investigation No.	2022-431
Investigation No.	2022-451
Investigation No.	2022-456
Investigation No.	2022-469
Investigation No.	2022-478

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

Investigation No.	2000-I-065, 2004-I-008, 2022-I-401
Investigation No.	2022-I-225
Investigation No.	2022-I-275
Investigation No.	2022-I-224
Investigation No.	2021-I-1120
Investigation No.	2021-I-313

On the motion of Dr. Clark, duly seconded by Dr. Weather, the Board voted unanimously to approve the Consent Order in the following matter:

Investigation No.	2022-I-247 <sup>1</sup>
-------------------	-------------------------

- g. Close with a Letter of Concern: Upon motion of Dr. Horton, duly seconded by Dr. Williams, the Board voted unanimously to approve the proposed Letter of Concern in each of the respective following matters:

Investigation No.	2022-I-254
Investigation No.	2022-115

- h. Close with No Action: On motion of Dr. Horton, duly seconded by Dr. Weather, the Board voted unanimously to close the following matters with no action:

File No.	2022-461
File No.	2022-455
File No.	2020-454
File No.	2019-1034
File No.	2022-454
File No.	2022-515
File No.	2022-509

---

<sup>1</sup> Dr. Johnson is recused from any and all participation in this matter.

File No.	2022-417
File No.	2022-419
File No.	2022-439
File No.	2022-96
File No.	2022-195
File No.	2022-504
File No.	2022-527
File No.	2022-510
File No.	2022-349
File No.	2022-438 <sup>2</sup>
File No.	2022-8

i. Professional liability Report. The Board voted unanimously to convene in executive session<sup>3</sup> 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, duly seconded by Dr. Weather, the Board voted unanimously to accept the report.

j. Closed Case Report (s). Upon motion of Dr. Horton, duly seconded by Dr. Weather, the Board voted unanimously to approve the August 2022 closed case summary report.

k. Dismiss Administrative Complaint. The Board voted unanimously<sup>4</sup> to convene in executive session to consider dismissing the Administrative Complaint bearing No. 22-A-002, without prejudice. On returning to public session, and on the motion of Dr. Horton, duly seconded by Dr. Weather, the Board voted unanimously to dismiss the administrative complaint in the following matter:

<u>Administrative Complaint No.</u>	<u>22-A-002</u>
---	-----------------

**[23.] Probationary Matter; Request from Probationers.** The following matters are requests from licensees to end or modify the conditions of their probation and/or to be permitted to reinstate licensure:

With regard to Agenda No. 09.02.01, upon the motion of Dr. Horton duly seconded by Dr. Clark, the Board voted unanimously to deny the licensee's request for approval of her proposed practice setting.

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

---

<sup>2</sup> Drs. Clark and O'Neill are recused from any and all participation in this matter.

<sup>3</sup> Dr. Thomas was not present at this moment and is not included in the unanimous vote to enter executive session.

<sup>4</sup> Dr. Thomas was not present at this moment and is not included in the unanimous vote to enter executive session.

With regard to, Agenda No. 09.02.03, upon the motion of Dr. Horton, duly seconded by Dr. Clark, the Board voted unanimously to deny the licensee's requests to terminate probation early and obtain an unrestricted license

**[24.] PMP Compliance Report September 2022.** On the motion of Dr. Thomas, duly seconded by Dr. Clark, the Board voted unanimously to approve the September 2022 PMP Compliance Report for Suspended, Revoked, Inactive, and Voluntarily Surrendered Physicians.

**Next Meeting of the Board.** The President reminded the members that the next meeting of the Board is scheduled for October 24, 25, 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 September 26, 2022, and approved by the Board on the 24<sup>th</sup> day of October 2022.

---

Kim Sport, Esq.  
Secretary-Treasurer

---

Lester W. Johnson, M.D.  
President