Minutes of the
Louisiana State Medical Society
Board of Governors Meeting – March 8, 2023

Call to Order
John Noble, MD, President, called the meeting to order on Wednesday, March 8, 2023, at 8:05 A.M. at the Baton Rouge City Club. Dr. Noble led the board in reciting the Physician’s Prayer and the Pledge of Allegiance.

Verification of Quorum
Dr. Nunez verified the presence of a quorum.

Approval of Minutes
After reviewing the board minutes from December 14, 2022, a small editorial change was identified, and the following motion was made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS BOARD OF GOVERNORS MEETING ON DECEMBER 14, 2022 AS PRESENTED.

Financial Statements – December 31, 2022
Mr. Williams reminded board members that in December they were warned to be prepared for a significant loss for fiscal year 2022, which did materialize. The LSMS still finds itself struggling with the physician transition from private practice to employed status, which typically leads to a loss of members. This trend continues to accelerate as we exit the COVID-19 pandemic. At year end, the LSMS held assets across the society and its subsidiaries totaling approximately $4,391,786. However, the reserve portfolio was down -7.9% or -$353,285 for the year as a result of the financial markets poor performance for the year, along with near record levels of inflation. As such, the LSMS suffered an unrealized financial loss of -$645,389 for the year. The net cash loss was $182,389. Looking to 2023, Williams is hopeful the launch of Advantage Physicians Health Trust, changes to membership recruitment strategies, staffing changes, and the $50 dues increase approved by the House of Delegates in August 2022 will smooth things out financially.

Membership Report – December 2022
Ms. Tyrrell reviewed the membership changes between December 2021 and December 2022, which yielded an overall loss in membership of 1,373. The society went from 4,775 members in December 2021 to just 3,402 one year later. However, Ms. Tyrrell noted that 83% of the loss (1,140) was from medical student members who paid no dues in 2021 but were assessed $10 for 2022. Active/Academic membership also decreased by approximately 150. Additionally, some of our larger group members hired additional physicians who were added to the membership rolls but without any financial consideration. Mr. Williams noted this is an issue that will be addressed moving forward as the membership department will now set some parameters around group growth throughout the annual membership year. The board then requested that Ms. Tyrrell start breaking out our “active” member
category as private versus employed. It was noted that this information can be provided although it will
not be 100% accurate it will be reliable for informational and decision-making purposes.

2023 Elections for Board of Councilors and Council on Legislation
Ms. Watson noted that all odd numbered districts will be holding electronic elections in early June for
both the board of councilors and council on legislation. Additionally, all officer and section positions
will be holding elections in early August during the annual meeting of the House of Delegates. Mr.
Williams noted the LSMS Nominating and Leadership Development Committee would be meeting soon
to vet potential nominees for various elected positions. The committee shall select nominees for the
following positions: officers of the Society, except for district councilors; delegates and alternate
delegates to the American Medical Association to which the LSMS is entitled; and certain other
members of the Board of Governors as delineated per our Bylaws.

Advantage Physicians Health Trust
Mr. Williams stated that the health plan went live on February 2, 2023 and that the LSMS staff were the
first participants in the plan. The initial savings to the LSMS is approximately 17% or $11,000 for
2023. Mr. Williams stated there were other medical groups in various stages of receiving a quote of
their premium and that while slow, things were progressing. The plan will slowly start being rolled out
to other non-physician groups during the second quarter of the year.

Prior Authorization Issue
Dr. Noble and Mr. Williams highlighted two recent initiatives by the LSMS spotlighting the need for
prior authorization reform, which will be a priority for the LSMS during the 2023 legislative session.
First, Dr. Noble reviewed a letter from the American Medical Association addressed to the U.S.
Department of Health and Human services requesting significant changes in the prior authorization
process for Medicare, specifically Medicare Advantage plans. The letter was signed by approximately
seventy (70) national medical specialty and fifty (50) state medical associations. Next, Mr. Williams
reviewed a letter to the editor he submitted in conjunction with the president of the Louisiana Hospital
Association calling for prior authorization reform. Williams noted the letter was printed by the
Advocate in both its Baton Rouge and New Orleans editions.

HealthSYNC Update
Mr. Williams and Mr. Lapeyrouse updated board members on recent HealthSYNC initiatives. First, the
board was informed that HealthSYNC, through its partner Kansas Health Information Network, Inc.,
DBA Konza was recently recognized as one of five organizations onboarding to become a Qualified
Health Information Network (QHIN) under the Trusted Exchange Framework and Common Agreement
(TEFC) by the Office of the National Coordinator (ONC) for Health IT. The primary objective of
ONC is to develop a trusted exchange framework where QHINs enable national interoperability in a
network-of-networks approach. Also discussed, was the continued development of a pilot project within
the state’s Medicaid program where HealthSYNC would be utilized to collectively help small
independent practices qualify for bonus money they currently are not entitled to because of their small
patient base. Williams stated the contracts had been drafted and were currently being discussed by the
respective attorneys and that he was hopeful a signed agreement would be approved soon.
2024 Presidential Honorarium
Dr. Noble brought forward a financial issue whereby he believed the annual LSMS presidential honorarium should be reduced from its current level of $50,000. Dr. Noble stated that with the current level and continued development of technology, including virtual meetings, that the president didn’t travel as much, nor are they out of the office, as much as they used to be. Noble felt some of the funds could be redistributed to the Chair of the Council on Legislation for example. After many questions and much discussion, the following motion was made:

MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO DEVELOP AN ALTERNATIVE HONORARIUM AND/OR OUT OF OFFICE REIMBURSEMENT POLICY FOR OFFICERS AND OTHERS EXTERNALLY REPRESENTING THE SOCIETY AND PRESENT IT AT THE REGULARLY SCHEDULED JUNE 7, 2023 MEETING.

September Board Meeting Location
The board discussed whether to have its regularly scheduled September meeting in Baton Rouge or elsewhere around the state. After some discussion, the following motion was made:

MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS WILL HOLD ITS SEPTEMBER 2023 BOARD MEETING IN BATON ROUGE WITH THE EXACT LOCATION TO BE DETERMINED BY STAFF.

Open Seat - Physicians Foundation
Mr. Williams reminded board members that Larry Braud, MD, the current LSMS representative on the Physicians Foundation Board announced his retirement from the foundation in 2024. Additionally, back in December 2022 the board passed a motion directing the executive vice president to solicit interest from the LSMS Past Presidents Advisory Council regarding the open seat. Mr. Williams stated that he had communicated with the council members and that three potential nominees had been identified, they include: Susan Bankston, MD, Keith DeSonier, MD, and Bart Farris, MD. Dr. Noble stated this was not a pressing issue and suggested the board interview the potential candidates at a future meeting. Without any additional discussion, the following motion was made:

MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS WILL INTERVIEW THREE IDENTIFIED CANDIDATES AT ITS SEPTEMBER MEETING IN BATON ROUGE FOR POSSIBLE APPOINTMENT TO PHYSICIANS FOUNDATION BOARD IN 2024.
PH Jones Scholarship Program

As follow up to what has become an annual conversion, Mr. Williams suggested the current format of awarding one medical student a $12,000 scholarship from the fund is neither sustainable nor valuable to the LSMS Foundation. Mr. Williams stated the annual amount of the award far exceeds the interest earned on the current principal of approximately $130,000. In 2022 the LSMS Foundation awarded a $12,000 scholarship while simultaneously losing an additional $12,000 in unrealized losses based on a negative -7.9% rate of return. At the current rate the fund will be depleted within ten years. Additionally, the foundation does not receive any positive feedback internally or externally upon giving the annual award. Furthermore, interest has been almost nonexistent with just 11 applicants in 2022 out of over 1,300 medical student members, which equals less than 1% of eligible members applying for the scholarship. Now that medical students are assessed $10 in annual dues, membership dropped from 1,300 to approximately 200. Therefore, we should anticipate less than 2 applications for 2023 if the award is given. Mr. Williams suggested maybe transiting the program to multiple smaller awards that could be used for medical educational programs and training, specifically related to leadership skills and that the entire membership become eligible. After much discussion the following motion was made:

MOTION (PASSED)

THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO DEVELOP AN ALTERNATIVE P.H. JONES PROGRAM MODEL TO PRESENT AT THE REGULARLY SCHEDULED JUNE 7, 2023 MEETING.

Physician Union - Update

The LSMS held a Zoom meeting with interested members of the board on March 1, 2023 where they were joined by Joe Whatley, who is an attorney and considered a subject matter expert on the topic of physician unions. Mr. Williams summarized the Zoom call as informative and timely even though there is no action to take or pursue at the present. The biggest take away from the meeting was that medical associations as they exist today could not easily transition into unions because they do not have an employer/employee relationship, which is requirement for unionization. If the goal was to collective bargain on behalf of all physicians, Mr. Whatley stated there are better ways to accomplish that goal such as creating an independent physician association or an accountable care organization. However, Whatley stated a medical society could potentially create an AFL-CIO type model where the association served as a union of the various unions. Another plausible model would be similar to a professional sports league players association where the association negotiates high-level things like working conditions and hours but leaves each individual physician alone to negotiate their compensation agreements. At the end, board members were left with more questions than answers but better informed. Staff will monitor the national landscape and report back to the board, if and/or when applicable.

Elevance (Anthem) Purchase of BCBS of LA

Mr. Williams broached the subject of Blue Cross Blue Shield of Louisiana being acquired by Elevance Health, formerly Anthem, as the acquisition was announced in between board meetings. Members raised multiple concerns related to trading a not-for-profit local company for one that is publicly traded and laser focused on profits. There were concerns related to limiting access to care, increasing administrative burdens, and delaying payments as ways to increase the financial bottom line. After more conversation and many unanswered questions, the following motion was made:
MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS DIRECTS THE PRESIDENT
TO SEND A LETTER TO THE LOUISIANA COMMISSIONER OF
INSURANCE ASKING FOR PUBLIC INFORMATION ON HOW
THE ACQUISITION WILL WORK AND HOW IT WILL IMPACT
PATIENTS.

Update – Multiple Proposed Rules
The board received updates on proposed rules from the Federal Trade Commission (non-compete agreements), Drug Enforcement Agency (telemedicine), Louisiana State Board of Nursing (APRNs prescribing for chronic pain and obesity), and the Louisiana Board of Pharmacy (collaborative drug program and protocols).

FTC: Non-Compete Agreements – Ms. Bailey reviewed the proposed rule from the FTC to ban non-compete agreements, which included discussion on how the process would work, timeline, next steps, and possible legal challenges.

DEA: Telemedicine – Ms. Bowen summarized a proposed rule from the DEA to make permanent the prescribing of controlled medications via telemedicine, and expanding patient access to critical therapies, beyond the scheduled end of the COVID-19 public health emergency.

LSBN: Advanced Practice Registered Nurses prescribing for chronic pain and obesity – Ms. Bowen reviewed a set of proposed rules, which if approved, would allow all advanced practice registered nurses to prescribe opioids for chronic pain and weight loss, both of which they cannot do today. This policy would be in stark contrast to the numerous rules for both treatments required of physicians by the Louisiana State Board of Medical Examiners. Ms. Bowen stated the LSMS was already working on written comments in opposition to the rule, and she urged individual board members to do the same and submit them directly to the Louisiana State Board of Nursing.

LBP: Collaborative Drug Program – Ms. Bailey reviewed proposed rules from the Louisiana Board of Pharmacy that expand the state’s collaborative drug program, to which the LSMS is opposed. The rules expand a pharmacist’s scope of practice and would allow them to practice medicine. Ms. Bowen anticipates there will be legislation filed in 2023 on this topic.

2023 Legislative Session
Ms. Bowen informed the board that the LSMS Council on Legislation would be meeting on Saturday, April 15th, which is five days after the opening date of the 2023 legislative session. At the meeting, the COL will discuss and determine our position on bills for the upcoming legislative session. Ms. Bowen also stated the deadline to pre-file bills was still several weeks away and as such very few bills have been pre-filed as of the board meeting. Bowen anticipated the LSMS will be involved with legislation regarding scope of practice expansions from nurse practitioners, physician assistants and pharmacists. Additionally, the LSMS has requested two bills related to prior authorization. These bills would address hassle factor issues related to the prior authorization process in general, guarantee payments, and restrict who can participate in the peer-to-peer process. Dr. Broussard noted this would be an uphill battle with both Insurance Committees. After additional discussion, the following motion was made:
MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS APPROVES THE COUNCIL ON LEGISLATION HOSTING DINNER FOR THE SENATE AND HOUSE INSURANCE COMMITTEE MEMBERS AND ASKS THAT LAMPAC COVER HALF OF THE EXPENSES.

False Advertising & the Unauthorized Practice of Medicine
Dr. Noble stated that false advertising and the unauthorized practice of medicine by non MDs and DOs was rampant across his district. Several other board members echoed that sentiment in their own areas. As such, Dr. Noble felt it was important that the board meet with other stakeholders in the state regarding this issue and our public safety concerns. After hearing multiple examples, and discussing their impact across the state, the following motions were made:

MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO GATHER MULTIPLE EXAMPLES OF FALSE ADVERTISING AND/OR THE UNAUTHORIZED PRACTICE OF MEDICINE BY NON-MD’S AND DO’S.

MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO SCHEDULE A MEETING ON FRIDAY, AUGUST 4TH WITH REPRESENTATIVES FROM THE ATTORNEY GENERAL’S OFFICE, THE LOUISIANA DEPARTMENT OF HEALTH, AND THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS TO DISCUSS THIS ISSUE.

Additionally, Dr. Noble appointed an ad hoc committee to oversee this gathering or materials and presentation of the materials for this meeting. Appointed to the committee were Dr. Noble, Dr. Broussard, Dr. Williams, Dr. Paddock, and Dr. Giglia.

Public Safety Issue – Kratom
Several board members voiced concern over an herbal abstract known as Kratom, which at low doses acts as a stimulant. However, at high doses users experience sedative effects, which are often exaggerated with the introduction of additional drugs and/or alcohol. Kratom is readily available and most gas stations and convenience stores, which makes access and abuse easy. In many instances, Kratom has been marketed as a product for the treatment or cure of opioid addiction and withdrawal symptoms. However, the U.S. Drug and Enforcement Agency (DEA) has not approved Kratom for any medical use and in fact has listed it as a drug or chemical of concern. After more discussion, the following motion was made:
MOTION (PASSED)
The LSMS Board of Governors Directs the Executive
Vice President to formally request an advisory
opinion on the potential dangers and abuse of
Kratom from the Louisiana State Board of Medical
Examiners.

Adjournment
With no additional business to discuss, Dr. Noble adjourned the meeting at 3:00 PM.

Attending:
John Noble, MD, President
William Freeman, MD, Immediate Past President
Richard Paddock, MD, President-Elect
Reece Newsome, MD, Vice Speaker
David Broussard, MD, Chair, Council on Legislation
Amberly Nunez, MD, Secretary-Treasurer
Myra Kleinpeter, MD, First District Councilor
Luis Arencibia, MD, Second District Councilor
Allen Vander, MD, Third District Councilor
Gwenn Jackson, MD, Fifth District Councilor
Michael Roppolo, MD, Sixth District Councilor
Brian Gamborg, MD, Seventh District Councilor
Lance Templeton, MD, Eighth District Councilor
Nicholas Viviano, MD, Tenth District Councilor
John Bruchhaus, MD, Chair, Employed Physician Section
Katherine Williams, MD, Chair, Private Practice Section
Matt Giglia, MD, Young Physician Section
Susan Bankston, MD, Chair, LAMPAC (ex-officio)

Absent:
Steen Trawick, MD, Speaker
Rick Michael, MD, Fourth District Councilor
Andy Blalock, MD, Ninth District Councilor
Omar Leonards, MD, Resident/Fellow Section
Shavani Jain, Medical Student Section

Staff Attending:
Jeff Williams, Executive Vice President & CEO
Terri Watson, Vice President - Member Services and Administration
Maria Bowen, Vice President – Governmental Affairs
Lauren Bailey, Vice President – Legal Affairs
Amy Tyrrell, Director of Membership
Kristen Broussard, Manager, Medical Group Engagement
Megan Alfred, Membership Coordinator
Jeremy Lapeyrouse, Director HealthSYNC

Approved: 

Amberly Nunez, MD, Secretary-Treasurer

Date: 

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Minutes of the  
Louisiana State Medical Society  
Board of Governors Meeting – June 8, 2022

Call to Order
William Freeman, MD, President, called the meeting to order on Wednesday, June 8, 2022, at 9:00 A.M. at the Seed Center Business Incubator in Lake Charles. Dr. Freeman then led the board in reciting the Physician’s Prayer and the Pledge of Allegiance.

Verification of Quorum
Dr. Paddock verified the presence of a quorum.

Approval of Minutes
After reviewing the board minutes of March 16, 2022, the following motion was made: 7167

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS BOARD OF GOVERNORS MEETING ON MARCH 16, 2022, AS PRESENTED.

Review of Executive Committee Actions
The minutes and actions of the executive committee from April 30, 2022 were reviewed, and the following motion was made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS EXECUTIVE COMMITTEE MEETING ON APRIL 30, 2022 AS PRESENTED.

Financial Statements – April 30, 2022
Mr. Williams reviewed the LSMS income statement through April 30, 2022, with the board. Williams noted that net income year to date was a loss of $366,535 based on revenues of $139,139 and expenses of $505,675. Mr. Williams explained that the loss was being exaggerated by the current downward spiral of the financial markets and its effect on our reserve portfolio. With a small exception, gains and losses from our investments are not included in the LSMS revenue projections within our operating budget, however the monthly results are captured on our income statement per generally accepted accounting principles. Through April 30, 2022 our investment portfolio has a recorded loss of negative - $264,233, which has decreased total revenue by the same amount. Williams stated that looking purely at cash operations the LSMS had revenues of $403,373 and expenses totaling $505,675 for a loss of $102,302, which is typical for the first quarter plus of our fiscal year based on historic cash flow and expense patterns.
Membership Report – June 6, 2022
Ms. Watson reviewed the membership changes since the last board meeting in March. For the 3-month period between March 2022 and June 2022, overall membership was down a net of 128 members from 4,750 to 4,622 with the largest individual net change being among active members at minus eighty-seven (-87). These figures, while discouraging where reflective of normal attrition in the first half of the year as the super majority of LSMS members still renew between October and January each year, which means the non-renewals are being dropped between January and April with the latter being the traditional largest month activity wise.

Miscellaneous Administration
The board took no action on a request for the LSMS to be a sponsor for the upcoming LSU golf tournament. Additionally, due to rising prices and inflation, the board voted to increase the maximum travel reimbursement for LSMS board members from $150 to $200 per day plus mileage at the IRS published rate for those board members that qualify for travel reimbursement.

Peer-to-Peer Physician Wellness Program
Mr. Williams reminded the board that at its March 2022 meeting they directed staff to 1) engage outside legal counsel to determine if any personal liability can be eliminated or reduced by housing the peer-to-peer program within a 501c3 foundation, and 2) determine if the program volunteers would be covered under the LSMS’ Directors and Officers policy. As follow up to the two directives, the following is a summary of the written report provided to the board from LSMS General Counsel, Lauren Bailey. Pursuant to the board’s request, Ms. Bailey spoke with our insurance agent who confirmed that such volunteers would not and could not be covered under our current or any Directors and Officers liability policy. She then communicated with an outside attorney regarding the idea of eliminating and/or reducing risk by utilizing a 501c3 foundation and their response was that a situation did not exist where we could eliminate all risk for physician volunteers. However, they did state that implied risk with this program seemed quite limited. Furthermore, Dr. Freeman spoke at length with an Arizona physician serving as a volunteer in their peer-to-peer wellness program and she did not feel there was much risk either, simply based on the nature, timing, and context of the calls. She stated it’s simply two colleagues talking about shared experiences and is not a medical visit. Mr. Williams asked if that made the board more comfortable, which it did but they were not ready to move forward just yet. There is still a lot of concern related to utilization and the associated financial commitment. As such, after more discussion, the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO SURVEY THE MEMBERSHIP TO DETERMINE THE LEVEL OF PHYSICIAN INTEREST IN BECOMING A PEER-TO-PEER WELLNESS COACH.

Washington DC Mardi Gras
At the March 2022 meeting, the board directed staff to gather cost information related to LSMS participation in 2023 Washington Mardi Gras and report back at their June 8, 2022, meeting. Mr. Williams informed the board there was not much to share at this time and that he could provide an
update at the September board meeting if that was acceptable. Without any additional discussion, the following motion was made:

**MOTION (APPROVED)**
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO GATHER COST INFORMATION RELATED TO LSMS PARTICIPATION IN 2023 WASHINGTON MARDI GRAS AND REPORT BACK AT THE SEPTEMBER 14, 2022, MEETING.

**Continuing Medical Education Accreditation Program**
At the December 8, 2021 board meeting, the board directed staff to notify current accredited continuing medical education (CME) providers and the Accreditation Council for Continuing Medical Education (ACCME), at the appropriate time, that the LSMS will no longer serve as a CME accreditor on behalf of the ACCME beyond 2022. Ms. Vidrine and Mr. Williams let board members know that everyone has been formally communicated with and, if applicable, transitioned to a new accreditor. Additionally, the LSMS’ accreditation status with the ACCME expired on May 31, 2022.

**Covalent Logic Agreement**
Mr. Williams informed the board that the current arrangement of outsourcing our communications needs via Covalent Logic was not working as envisioned. It’s become abundantly clear that the LSMS needs an in-house communication staff with a primary focus on graphic design work. Williams stated that the funds budgeted for contract labor could easily be directed to a new employee for the remainder of 2022 and later incorporated into the 2023 budget. After a few questions, the following motion was made:

**MOTION (APPROVED)**
THE LSMS BOARD OF GOVERNORS SUPPORTS MR. WILLIAMS RECOMMENDATION TO CANCEL OUR AGREEMENT WITH COVALENT LOGIC AND HIRE AN IN-HOUSE COMMUNICATION STAFF.

**L.A. Champagne, LLC Engagement – 2021 Audit**
Mr. Williams presented the 2021 engagement agreement for the annual audit and tax filings for the LSMS and its subsidiaries for approval. Mr. Williams pointed out that the cost of the annual audit and filings has increased each of the last 3 years and now seems like it could be excessive. Prior to the meetings, Mr. Williams gathered information from other similarly sized organizations, who were all paying less, and noted it could be time for a change. However, with it being so late into 2022, several board members expressed concern that it was probably not wise to change CPA’s this late in the year. After additional discussion and questions, the following motions were made:

**MOTION (APPROVED)**
THE LSMS BOARD OF GOVERNORS APPROVES THE 2021 ENGAGEMENT AGREEMENT WITH LA CHAMPAGNE FOR FINANCIAL AUDITS AND TAX FILINGS.
MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO ISSUE
A REQUEST FOR PROPOSALS FOR THE 2022 AUDITS AND TAX
FILINGS AND PRESENT THEM AT THE DECEMBER 14, 2022
MEETING FOR CONSIDERATION.

Vacant District 2 Councilor Position
Terri Watson informed the board that Robert Chugden, MD had formally resigned as the district 2
Councilor due to work commitments. Ms. Watson reminded board members that there would not be any
councilor elections until 2023 and therefore Dr. Chugden’s resignation created a one-year unexpired
term that needs to be filled. Per LSMS Bylaws, the board fills any unexpired terms. Board members
asked staff to bring them a list of potential replacements to be discussed and voted upon by the board at
its abbreviated meeting that takes place in August 2022 immediately preceding the House of Delegates.

Advantage Physicians Health Trust – Medical/Dental Affiliates Membership
As the launch of the Advantage Physicians Health Trust gets closer, Mr. Williams reminded the board
that the House of Delegates passed a resolution in 2021 that creates a new LSMS membership category
that shall be known as Medical/Dental Affiliates. This new LSMS membership category shall be
defined as any medical professional licensed by the Louisiana State Board of Medical Examiners
(LSBME) or any dentist licensed by the Louisiana State Board of Dentistry (LSBD). The
Medical/Dental Affiliate membership category shall include all medical professionals not already
eligible to be members of the LSMS, but who are licensed by the LSBME or the LSBD. Lastly,
Medical/Dental Affiliates must pay an annual fee to be determined by the Board of Governors. After
some discussion and questions, the following motion was made:

MOTION (APPROVED)
LSMS MEDICAL/DENTAL AFFILIATE DUES WILL BE SET
AT 50% OF ACTIVE MEMBER DUES.

Louisiana State Board of Medical Examiners
Mr. Williams stated he had been contacted by the executive director of the Louisiana State Board of
Medical Examiners (LSBME) notifying the LSMS that the 2nd 4-year term for Dr. Rod Clark was set to
expire on June 30, 2022, and that Dr. Clark was eligible for one additional 4-year term before becoming
term limited. Mr. Williams stated that Dr. Clark has been an asset and ally to the society during his time
on the LSBME. Additionally, several board members expressed similar sentiments. In general,
everyone is very appreciative of Dr. Clark volunteering his time and serving Louisiana physicians and
patients as a board member and former LSBME president. After some additional discussion, the
following motion was made:

MOTION (APPROVED)
The LSMS Board of Governors nominates Roderick
Clark, MD to one additional and final term on the
Louisiana State Board of Medical Examiners.
LSMS – Louisiana Delegation AMA Directive

Dr. Jeff White of Shreveport, the author of a 2021 House of Delegates directive, was in attendance as he did not feel the delegation was being faithful to the LSMS and wanted to discuss the issue with the board. R121-21 directed the Louisiana Delegation to the AMA submit a resolution to the AMA House asking that our AMA withdraw its Organizational Strategic Plan to Embed Racial Justice and Advance Health Equity (Equity Strategic Plan) and rewrite the recommendations for correcting its past support for racially discriminating behavior with removal of the inflammatory rhetoric. However, that resolution was not submitted at the two AMA meetings after the LSMS meeting. The following letter was submitted to the board from Dr. White and several other members previously serving on the Louisiana Delegation to the AMA.

Dear Dr. Freeman:

At the 140th Annual Meeting of the House of Delegates of the Louisiana State Medical Society, on August 7, 2021, the LSMS House of Delegates adopted as amended Resolution R121-21, Repudiation of the American Medical Association Organizational Strategic Plan to Embed Racial Justice and Advance Health Equity. This resolution contained an explicit LSMS HOD directive to the LSMS Delegation to the American Medical Association:

RESOLVED, that the LSMS AMA Delegation submit the following resolution to the AMA House of Delegates.

RESOLVED, that our AMA withdraw its Organizational Strategic Plan to Embed Racial Justice and Advance Health Equity (Equity Strategic Plan) and rewrite the recommendations for correcting its past support for racially discriminating behavior with removal of the inflammatory rhetoric.

The AMA Special Meeting Handbook and Addendum from the November 2021 meeting of the AMA House of Delegates contained no such resolution from Louisiana, nor was such language moved during the AMA meeting. It is our understanding that the apparent non-compliance of the LSMS Delegation to the AMA related to confusion as to whether the Oklahoma Delegation to the AMA planned to introduce a materially similar resolution. Nonetheless, that resolution did not materialize and the LSMS HOD directive was not accomplished. It has come to our attention that in early May 2022, the LSMS Delegation to the AMA reportedly took a vote to not follow the LSMS HOD directive for the upcoming Annual Meeting of the American Medical Association House of Delegates to be held June 10-15, 2022. If this is so, then this second episode of non-compliance of the LSMS AMA Delegation to the LSMS HOD directive is no accident. Rather, it represents willful non-compliance to timely execution of an explicit directive from the House of Delegates of the Louisiana State Medical Society. This raises serious governance concerns for the Society. We are aware that the directive as adopted in R121-21 contained no time certain as to fulfillment. However, the delay in timely execution of the directive now for two AMA meeting cycles since the LSMS HOD action should merit review by the Board of Governors as to the accountability of the LSMS AMA Delegation to the authority of the LSMS HOD. We are requesting that the Board of Governors review this matter at its upcoming June 8, 2022, meeting. Likewise, as former AMA Delegates and Alternate Delegates, we request permission to present a slate of proposed resolutions to the Board of Governors at its June meeting in order to address this unfortunate series of events and to update and clarify governance of and within the LSMS AMA Delegation. It will be our ask that the Board of Governors endorse and submit these resolutions to the August 2022 meeting of the LSMS HOD. Copies are attached. The current situation represents a significant challenge to the authority of the LSMS House of Delegates. We urge the Board to address these matters and to endorse and submit to the LSMS HOD the enclosed resolutions.

Sincerely, Susan M. Bankston, MD; Anthony P. Blalock, MD; William Clark, MD; Frederick J. White, MD; and Katherine Williams, MD
Dr. Freeman, who is a member of the AMA Delegation, and recently elected Chair, summarized the activities of the delegation. Dr. Freeman shared that a resolution was drafted and ready for submission at the November 2021 AMA Interim meeting but was ultimately held back as Louisiana agreed to co-sponsor a similar resolution with Oklahoma. However, unbeknownst to Louisiana, Oklahoma decided at the last minute not to submit their resolution. Fast forward to May 2022 and the draft resolution is ready for submission once again. On May 10, 2022, a delegation meeting was called to discuss the possible ramifications to delegates and/or the entire delegation from submitting the directed resolution. However, the meeting quickly turned into a conversation about whether to submit the resolution at all. It was acknowledged that Claudette Dalton, MD, Immediate Past Chair of the Southeastern Delegation (SED) to the AMA had contacted at least two members of the delegation, as well as Mr. Williams with a request that Louisiana hold the resolution until the November 2022 meeting because the SED has a candidate from Maryland running for AMA President-elect and the SED leadership thinks the Louisiana resolution may hurt the candidate’s election chances. Several members expressed no interest in holding the resolution due to elections, while others felt it was a valid request and deserved some consideration. Additionally, it was noted that LSMS House of Delegates Reference Manual states that resolutions adopted by the House that direct an LSMS action are included in the LSMS Directives. The LSMS Councils review the directives annually to identify those that have been accomplished or are due for sunsetting. Directives are reviewed after two years for abandonment or upon completion. The LSMS Councils submit sunset resolutions to the House listing the directives to be abandoned. Directives may be extracted from the resolution for debate. Dr. Freeman, as LSMS President and AMA Delegate, urged the delegation to follow the will of the House and submit the resolution as directed. After some additional discussion, a motion was made to submit the resolution but failed by a 3-4 vote. Ultimately, the resolution was not submitted.

There was discussion surrounding whether the delegation had the ability to decide if/when to submit the resolution and if their actions were inappropriate and/or out of order. Ultimately a series of resolutions were proposed for board submission to the 2022 LSMS House of Delegates intended to ensure this type of situation does not occur again in the future. After many questions and much discussion, the following motion was made:

**MOTION (APPROVED)**

**THE LSMS BOARD OF GOVERNORS WILL SUBMIT A SERIES OF RESOLUTIONS AT THE 2022 LSMS HOUSE OF DELEGATES INTENDED TO STRENGTHEN THE LOUISIANA DELEGATION AND ITS ADHERENCE TO LSMS DIRECTIVES AND POLICIES.**

Possible Board Submitted Resolutions – 2022 House of Delegates

The board discussed submitting two additional resolutions in addition to the series of resolutions previously approved regarding the Louisiana Delegation’s adherence to LSMS directives and policies. First, it was brought to the board’s attention that in 2021 the House approved a resolution adding the medical students from the Edward Via College of Medicine (VCOM) as LSMS members and providing them representation in the House of Delegates. However, the resolution did not give the school itself a representative in the House. Therefore, a resolution to add one delegate member from VCOM to the House of Delegates was discussed. The following motion was made:
MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS WILL SUBMIT A RESOLUTION AT
THE 2022 LSMS HOUSE OF DELEGATES ADDING ONE DELEGATE FROM
THE EDWARD VIA COLLEGE OF MEDICINE TO THE HOUSE.

Additionally, staff informed the board that in 2021 it was the intent of the Board of Governors to submit
a resolution dissolving the senior physician section and removing them from the board to make room for
newly approved representation from the independent and employed physician sections. However, for
unknown reasons, that resolution was not submitted. The board was then asked if they wanted to submit
the resolution in 2022 and the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS WILL SUBMIT A
RESOLUTION AT THE 2022 LSMS HOUSE OF DELEGATES TO
DISSOLVE THE SENIOR PHYSICIAN SECTION.

Scope of Practice
Mr. Williams followed up on a statement made during the 2022 legislative update, which was related to
scope of practice. Essentially, the LSMS was effective this session in passing administrative relief bills
such as SB112 related to prior authorization or more importantly defeating SB276, which would have
retroactively exempted BCBS of Louisiana from the state’s antitrust laws, because we were not having
to waste time, energy, and resources fighting scope. Williams further stated that if our lobbyist and
physicians were spending their typical amount of time fighting scope of practice its very likely some of
these others billed would have been neglected. Williams stated that next year is an election year and
that a strong argument could be made that the legislature won’t take up controversial bills such as scope.
However, an equally compelling argument could be made that those legislators who are term limited or
not running for re-election could also pass a scope bill on their way out the door. Taking all of that into
consideration, i.e., the amount of resources scope battles consume and what gets ignored or delayed
because of them, Mr. Williams suggested we build off the momentum of Senator Peacock’s bridge
physician bill. Peacock’s bill created a new concept where medical students who don’t match to a
graduate training program may apply for a permit through the LSBME to temporarily (1 year) practice
medicine under the supervision of a fully licensed physician in designated health professional storage
areas. Williams stated the program would probably only be accessed by a handful of medical school
graduates each year. However, legislators saw this bill as 1) the silver bullet to solve our physician
storage and 2) a way to possible stave off hearing scope bills. As such, Williams reiterated that we
should consider building off this momentum and look for additional ways to entice and/or place
physicians in rural health care settings, even if it’s just for a few hours. For example, we should look at
financial incentives, tax incentives, allowing retired physicians to practice in a limited capacity, and all
other viable solutions no matter how outlandish they appear at this time. After a great deal of discussion
and multiple questions, the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS DIRECTS AN AD HOC
COMMITTEE BE CREATED TO ADDRESS THE ISSUE OF
PLACING PHYSICIANS IN RURAL LOCATIONS
THROUGHOUT THE STATE AS A STRATEGY TO ELIMINATE
SCOPE BATTLES AT THE CAPITOL.

Dr. Freeman, as president, asked Dr. Brian Gamborg to chair the committee and asked Dr. Myra Kleinpeter to participate as well. Furthermore, Dr. Freeman directed staff to provide him with additional names of individuals from around the state who may be added to the committee on a later date. Dr. Freeman asked Mr. Williams to provide a member of the LSMS executive staff to serve as the committee liaison to make sure the committee stays active and remains on target. Lastly, the ad hoc committee will be charged with presenting their ideas while also soliciting others from a much larger group of stakeholders by hosting a scope of practice summit, with details to still be determined.

Additional Ad Hoc Committees
Dr. Freeman established two additional ad hoc committees to review and make recommendations relative to 1) updating the LSBME and state’s guidance on the corporate practice of medicine, which was last updated in 2001, and 2) whether the medical malpractice cap can be increased while making additional changes to our system and thus doing so without increasing premiums. Dr. Katherine Williams is going to chair the committee looking at the corporate practice of medicine and Dr. Rick Michael will lead the efforts on medical malpractice.

Future 2022 Meeting Dates and Locations
The board discussed meeting dates and locations for their upcoming September and December meetings and ultimately approved the following:

MOTION (APPROVED)
The LSMS Board of Governors will meet on September 14, 2022 in Monroe and again on December 14, 2022 in Baton Rouge.

Potential 2023 Dues Increase
Dr. Nunez, Chair of the Budget and Finance Committee and Mr. Williams presented financial data detailing the last time the LSMS raised membership dues, which was in 2002. Since then, the purchasing power of $400 has decreased significantly. Today's prices are 1.65 times higher than average prices in 2002, according to the Bureau of Labor Statistics consumer price index. A dollar today only buys 64.71% of what it could buy back then. Additionally, the inflation rate through July 31st this year is 9.06% and expected to get worse before it gets better, which only underscores the necessity to raise additional revenue via increasing membership dues. After several questions and much discussion, the following motion was made:

MOTION (APPROVED)
The LSMS Board of Governors supports the Budget and Finance Committee recommendation to increase dues from $400 to $450 on January 1, 2023.
Adjournment
With no additional business to discuss, Dr. Freeman adjourned the meeting at 3:15 PM.

Attending:
William Freeman, MD, President
John Noble, MD, President-Elect
Richard Paddock, MD, Secretary/Treasurer
Steen Trawick, MD, Speaker
Reece Newsome, MD, Vice Speaker
David Broussard, MD, Chair, Council on Legislation
Myra Kleinpeter, MD, First District Councilor
Allen Vander, MD, Third District Councilor
Rick Michael, MD, Fourth District Councilor
Gwenn Jackson, MD, Fifth District Councilor
Brian Gamborg, MD, Seventh District Councilor
Lance Templeton, MD, Eighth District Councilor
Amberly Nunez, MD, Young Physician Section
Britney Wagner, Medical Student Section

Absent:
Katherine Williams, MD, Immediate Past President
George Ellis, MD, Vice President
Michael Roppolo, MD, Sixth District Councilor
Andy Blalock, MD, Ninth District Councilor
Nicholas Viviano, MD, Tenth District Councilor
Marcus Pittman, MD, Senior Physician Section
Matt Giglia, MD, Employed Physician Section
Vicki Steen, MD, Private Practice Section
Blake Denley, MD, Resident/Fellow Section

Guests:
Jeff White, MD, Former Board Member
Keith DeSonier, MD, Former LSMS President

Staff Attending:
Jeff Williams, Executive Vice President & CEO
Terri Watson, Vice President - Member Services and Administration
Sarah Vidrine, Operations and Special Projects Manager
Amy Tyrrell, Membership and Marketing Manager

Approved:  

Richard Paddock, MD, Secretary-Treasurer

Date: 

_________________________
Call to Order
William Freeman, MD, President, called the meeting to order on Friday, August 5, 2022, at 3:00 P.M. at the Hilton Capital Center in Baton Rouge. Dr. Freeman then led the board in reciting the Physician’s Prayer and the Pledge of Allegiance.

Verification of Quorum
Dr. Paddock verified the presence of a quorum.

Filling Vacant Seat – District 2 Councilor
Ms. Watson presented the board with the names and bios of four LSMS members who were interested in filling the remaining term for the vacant councilor position. Board members who knew the candidates spoke on their behalf, and after a ballet vote, the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS APPOINTS LUIS ARENCIBIA, MD TO THE VACANT DISTRICT TWO COUNCILOR POSITION.

June 2022 AMA House of Delegates Report
The 2022 Annual meeting of the American Medical Association’s (AMA) House of Delegates began on Friday, June 10th in Chicago, Illinois and ran through Wednesday, June 15th. The Louisiana delegation consisted of six delegates, one past AMA President, and two regional medical student delegates. Additionally, there were a couple of Louisiana physicians representing other specialty medical groups present at the meeting. Mr. Williams and Dr. Freeman provided a summary of resolutions, election results and key activities, approved by the House. The next meeting of the AMA House will be in November 2022 and will take place in Honolulu, HI.

Discussion of Potential Late Resolutions
On June 24, 2022 the Supreme Court of the United States overturned Roe vs Wade, and upon the decision of the Supreme Court, a trigger law, banning abortions and restricting other women’s health services went into effect immediately in Louisiana. The court ruling and new law(s) effectively outdated existing LSMS policy on abortion. Therefore, there was robust discussion amongst the board related to filing a series of late resolutions in light of the recent court ruling and trigger law. Many board members felt it was imperative that new language be introduced within the House so that delegates can robustly debate the issue and update LSMS policy if needed. After much discussion the board voted to submit the following three resolutions to the House.
MOTION (APPROVED)
The LSMS Board of Governors approved a late resolution sunsetting current LSMS abortion policy.

MOTION (APPROVED)
The LSMS Board of Governors approved a late resolution adopting the 2018 World Medical Association Principles for medically indicated abortions.

MOTION (APPROVED)
The LSMS Board of Governors approved a late resolution related to specialty and/or disciplinary boards taking adverse action against a physician for the dissemination of (mis)information.

2023 Meeting Dates
The board discussed meeting dates for 2023 and after some discussion, the following motion was made:

MOTION (APPROVED)
The LSMS Board of Governors approved meeting dates for 2023 as March 8th, June 7th, September 13, and December 13th.

Adjournment
With no additional business to discuss, Dr. Freeman adjourned the meeting at 5:10 PM.

Attending:
William Freeman, MD, President
John Noble, MD, President-Elect
Katherine Williams, MD, Immediate Past President
Richard Paddock, MD, Secretary/Treasurer
Steen Trawick, MD, Speaker
Reece Newsome, MD, Vice Speaker
David Broussard, MD, Chair, Council on Legislation
Myra Kleinpeter, MD, First District Councilor
Allen Vander, MD, Third District Councilor
Rick Michael, MD, Fourth District Councilor
Gwenn Jackson, MD, Fifth District Councilor
Michael Roppolo, MD, Sixth District Councilor
Brian Gamborg, MD, Seventh District Councilor
Marcus Pittman, MD, Senior Physician Section
Matt Giglia, MD, Employed Physician Section
Amberly Nunez, MD, Young Physician Section

Absent:
George Ellis, MD, Vice President
Lance Templeton, MD, Eighth District Councilor
Andy Blalock, MD, Ninth District Councilor
Nicholas Viviano, MD, Tenth District Councilor
Vicki Steen, MD, Private Practice Section
Blake Denley, MD, Resident/Fellow Section
Britney Wagner, Medical Student Section

Guests:
Jeff White, MD, Former Board Member

Staff Attending:
Jeff Williams, Executive Vice President & CEO
Terri Watson, Vice President - Member Services and Administration
Lauren Bailey, VP Legal Affairs & General Counsel

Approved: ________________________________________________
Richard Paddock, MD, Secretary-Treasurer

Date: _____________________________________________________
Minutes of the
Louisiana State Medical Society
Board of Governors Meeting – September 14, 2022

Call to Order
John Noble, MD, President, called the meeting to order on Wednesday, September 14, 2022, at 8:00
A.M. at the Edward Via College of Medicine in Monroe. Dr. Noble led the board in reciting the
Physician’s Prayer and the Pledge of Allegiance.

Verification of Quorum
Dr. Nunez verified the presence of a quorum.

Approval of Minutes
After reviewing the board minutes of June 8th and August 5th, 2022, the following motion was made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS BOARD OF GOVERNORS
MEETING ON JUNE 8, 2022, AND AUGUST 5, 2022, AS
PRESENTED.

The board also reviewed the minutes and actions from multiple meetings of the executive committee.
After reviewing their actions from June 14, June 20th, and August 26th, 2022, the following motion was
made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS EXECUTIVE
COMMITTEE ON JUNE 14, 2022, JUNE 20, 2022, AND AUGUST 26,
2022, AS PRESENTED.

Introductions and Overview
As this was the first meeting of 2022-2023 board after recent elections at the 2022 House of Delegates,
Dr. Noble asked everyone to introduce themselves. Afterwards, Mr. Williams provided a brief overview
of the duties and responsibilities for both the Board of Governors and key staff members.

Board Orientation
Mr. Williams and Ms. Bailey reviewed the LSMS confidentiality, conflict of interest, and anti-trust
statements with board members. Ms. Bailey informed board members they were required to
electronically sign and return all three documents. Ms. Bailey stated that original/signed copies will be
kept on file and will apply for all information discussed during the meetings for the twelve months
beginning August 2022. Ms. Bailey also noted that board members should check with her if there is
ever a question about what business can be shared with other members during meetings in their districts.
Lastly, she noted she would interrupt board proceedings if at any time during a meeting the discussion veered into confidential and/or antitrust areas.

**Future Meeting Locations**

Mr. Williams asked board members if they were comfortable moving the quarterly board meetings around the state given the reduced attendance figures for both the June and September meetings as compared to previous meetings in Baton Rouge. Dr. Noble stated while having the meetings throughout the state was appreciated, moving them to Baton Rouge is probably best overall for both attendance and costs. Many board members shared similar sentiments. After much discussion the following motion was made:

**MOTION (APPROVED)**

ALL LSMS BOARD OF GOVERNORS MEETINGS WILL BE HELD IN BATON ROUGE WITH THE EXCEPTION OF THE SEPTEMBER MEETING, WHICH WILL BE HELD ELSEWHERE AROUND THE STATE.

Upcoming meeting dates are as follows:

- December 14, 2022: Baton Rouge (Christmas Party)
- March 8, 2023: Baton Rouge (Legislative Dinner)
- June 7, 2023: Baton Rouge
- August 4, 2022: Baton Rouge (HOD)
- September 13, 2023: TBD
- December 13, 2023: Baton Rouge (Christmas Party)

**Financial Statements – July 31, 2022**

Mr. Williams reviewed the LSMS income statement through July 31, 2022, with the board. Williams noted that net income year to date was a loss of ($546,717) based on revenues of $277,048 and expenses of $823,765. Mr. Williams explained that the loss was being exaggerated by the current downward spiral of the financial markets and its effect on our reserve portfolio. With a small exception, gains and losses from our investments are not included in the LSMS revenue projections within our operating budget, however the monthly results are captured on our income statement per generally accepted accounting principles. Through July 31, 2022 our investment portfolio has a recorded loss of negative -268,901, which has decreased total revenue by the same amount. Williams stated that looking purely at cash operations the LSMS had revenues of $585,949 and expenses totaling $823,765 for a loss of $237,816, which is typical for the first half of our fiscal year based on historic cash flow and expense patterns.

**Membership Report – September 2022**

Ms. Watson reviewed the membership changes since the last board meeting in June. For the 3-month period between June 2022 and September 2022, active membership was down a net of 4 members from 2,446 to 2,442. However, overall membership was down sharply (-1,065) because of medical students
now paying dues. Dr. Noble and other noted this was not unexpected. Total membership remained at 3,606.

**Peer-to-Peer Physician Wellness Program**
As follow up from March 2022, Mr. Williams updated the board on survey responses related to interest in utilizing and/or participating as a volunteer in a LSMS sponsored peer-to-peer program. Williams stated the survey was sentelectronically multiple times to approximately 3,500 practicing physicians and statistically had a zero-response rate. Eleven physicians were possibly interested in using the program and zero wanted to volunteer. As such, Williams reminded board members that the program cost approximately $20,000 to start and that the LSMS Foundation would be covering all the expenses if they decided to move forward. After several questions, lots of discussion, and reviewing any possible return on investment, the board chose to take no further action on developing a peer-to-peer wellness program at this time.

**Ad hoc Committee on Scope of Practice**
Dr. Gamborg and Mrs. Bowen updated the board on recent activities related to scope of practice. Ms. Bowen reviewed rumors of possible scope legislation from the nurse practitioners, physician assistants, and pharmacies in 2023. Additionally, proactive legislation from the LSMS and others was also discussed, specifically the LSMS filing legislation in 2023 related to the creation of a “super board”. Dr. Noble asked that staff get a speaker on this topic for the December meeting. Lastly, a long conversation was had related to term limits and elections, and how both may impact any scope of practice legislation in 2023. Dr. Noble asked the group to keep working as this issue remains a top priority for the society.

**Ad hoc Committee on Medical Malpractice Reform**
Mr. Williams updated the board on recent activities related to medical malpractice and any attempts to raise the current caps by the trial bar or by others. Again, term limits and elections may play a significant role in 2023 should any legislation be filed as controversial legislation is typically frowned upon and avoided during an election year. However, Williams stated that he had met with a handful of other key stakeholders and discussed how to address this issue proactively if necessary. Additional meetings will continue as necessary leading up to the 2023 legislative session.

**Ad hoc Committee on the Corporate Practice of Medicine**
Ms. Bailey updated the board on recent activities related to the corporate practice of medicine, which mostly consisted of gathering data and reviewing what other states are doing to update and/or revise their laws on this topic. Of specific interest is Texas who has a very different approach to defining both the practice of medicine as well as the corporate practice of medicine. The board all agreed that the corporate practice of medicine and scope of practice issues are now intertwined as pharmacies, equity funds and others buy physician practices. Everyone also agreed that the rules, laws, and associated fines and penalties surrounding the unauthorized practice of medicine need to be strengthened and the Louisiana State Board of Medical Examiners needs to crack down on those violating the practice act, whether individuals or corporate entities.

**Status of HOD Resolutions**
Mr. Williams presented a status report detailing the action(s) taken on resolutions passed in August 2022 by the House of Delegates, which included bylaw, policy, and administrative updates. Williams stated
action had been taken on all resolutions except R403 (expand healthcare access for sex workers) and R406 (protecting children from gun violence), which were referred to the board for further action.

HOD Resolutions Referred to the Board
Mr. Williams shared two resolutions that were referred to the Board of Governors for action during the 2022 House of Delegates, they included: R403-22 Expand Healthcare Access for Sex Workers Without Criminalization or Decriminalization; and R406-22 Support of Evidence-based Policies and Programs to Protect Children from Gun Violence. Williams noted that both resolutions were from the medical student section. Dr. Noble then presented each resolution to the board for discussion.

R403-22 Expand Healthcare Access for Sex Workers Without Criminalization or Decriminalization – the medical student representative on the board could not attend the meeting. Therefore, prior to any dialog, the following motion was made:

MOTION (FAILED)
THE LSMS BOARD OF GOVERNORS MOVES TO DEFER DISCUSSION OF R403-22 UNTIL THE DECEMBER BOARD MEETING WHEN A MEDICAL STUDENT REPRESENTATIVE(S) CAN BE PRESENT.

The motion failed by a 2-11 vote. The board then engaged in robust discussion related to health care access for all and didn’t see the need to differentiate any one group from the other. Many board members sited policy 120.01, which states the LSMS supports the concept of health care coverage for all Americans. After more discussion the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS REAFFIRMS POLICY 120.01 HEALTH CARE COVERAGE FOR ALL AMERICANS AND TAKES NO ACTION ON RESOLUTION R403-22.

R406-22 Support of Evidence-based Policies and Programs to Protect Children from Gun Violence - the medical student representative on the board could not attend the meeting. Therefore, prior to any dialog, the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS MOVES TO DEFER DISCUSSION OF R406-22 UNTIL THE DECEMBER BOARD MEETING WHEN A MEDICAL STUDENT REPRESENTATIVE(S) CAN BE PRESENT.

2022 Active Directives
Mr. Williams noted that the recent House of Delegates, two directives were reaffirmed as follows:

R102-22: Physician Non-Compete Contracts - directs the LSMS seek and/or support legislation to prohibit the enforceability of physician non-compete agreements in Louisiana; and
R102-22: Uniformity of medication placement on Medicaid formulary tiers - directs the LSMS to urge the Louisiana Department of Health to require that all companies administering Louisiana Medicaid plans be required to uniformly place drugs in the Medicaid formulary on a specific Tier when requiring a prior authorization. For example, drug XYZ would be on Tier 1 for all companies’ Prior Authorizations, while drug ABC might be on Tier 2 for all companies.

Williams stated the two directives have a sunset date of August 2024 and would be added to the ongoing list of active directives, which includes eight (8) items scheduled to sunset in 2023.

Legal Update

Ms. Bailey provided a legal update on Welsh v United Medical Healthcare, which is a case that the LSMS submitted an amicus brief with the Fifth Circuit Court of Appeal asking that the immunity provisions set forth within the Louisiana Health Emergency Powers Act (LHEPA) be upheld. On August 24, 2022, the Court issued a favorable ruling stating that LHEPA “provides that during a state of public health emergency, no health care provider shall be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct. La. R.S. 29:771(B)(2)(c). Our review of the record reveals shows that United Medical met its burden and proved beyond a preponderance that the alleged negligence committed by Appellees occurred during a state of public health emergency but did not rise to the level of gross negligence, thus triggering the immunity provided by LHEPA.”

LSMS – The Physicians’ Foundation (open seat)

Mr. Williams notified the board that Larry Braud, MD, long time Physicians Foundation board member for the LSMS had announced his plans to retire from the foundation during 2023. Williams provided a summary of the foundation’s activities and the time requirements and commitment for a replacement. Dr. Noble directed staff to invite Dr. Braud to the December board meeting to share more details so that the board can better make any decisions related to a replacement.

Proposed Updates to the Interstate Medical Compact

Mr. Williams shared proposed updates to the Interstate Medical Compact, which included relaxing the reciprocity regulations between states that participate in the compact. Williams further stated that this idea that you could be disciplined in multiple states for an action or inaction in another state was one of the Society’s biggest concerns when the concept of an interstate medical compact was first proposed. Everyone agreed the proposed changes were favorable for those who choose to participate in the compact.

LSBME Update

Mr. Williams shared with the board draft legislation from the LSBME requiring hospitals and others to report any actions taken against a physician. Williams stated that the LSBME did not intend to have the proposed changes drafted into legislation but intended to facilitate a change via their rule-making process. However, many board members pointed out that once legislation is drafted, the drafter can lose control of the process. Dr. Noble asked staff and others to remain vigilant when it comes to this issue as there are a lot of potential unintended consequences. Additionally, the board made it clear that they preferred this issue be addressed via rules as opposed to legislation in order to avoid any public fight.
Adjournment
With no additional business to discuss, Dr. Noble adjourned the meeting at 2:10 PM.

Attending:
John Noble, MD, President
William Freeman, MD, Immediate Past President
Steen Trawick, MD, Speaker
Reece Newsome, MD, Vice Speaker
David Broussard, MD, Chair, Council on Legislation
Amberly Nunez, MD, Secretary-Treasurer
Luis Arencibia, MD, Second District Councilor
Rick Michael, MD, Fourth District Councilor
Gwenn Jackson, MD, Fifth District Councilor
Brian Gamborg, MD, Seventh District Councilor
Lance Templeton, MD, Eighth District Councilor
Nicholas Viviano, MD, Tenth District Councilor
John Bruchhaus, MD, Chair, Employed Physician Section

Absent:
Richard Paddock, MD, President-Elect
Myra Kleinpete, MD, First District Councilor
Allen Vander, MD, Third District Councilor
Michael Roppolo, MD, Sixth District Councilor
Andy Blalock, MD, Ninth District Councilor
Matt Giglia, MD, Young Physician Section
Omar Leonards, MD, Resident/Fellow Section
Shavani Jain, Medical Student Section
Katherine Williams, MD, Chair, Private Practice Section
Susan Bankston, MD, Chair, LAMPAC (ex-officio)

Staff Attending:
Jeff Williams, Executive Vice President & CEO
Terri Watson, Vice President - Member Services and Administration
Maria Bowen, Vice President – Governmental Affairs
Lauren Bailey, Vice President – Legal Affairs

Approved: _______________________
     Amberly Nunez, MD, Secretary-Treasurer

Date: _______________________


Minutes of the
Louisiana State Medical Society
Board of Governors Meeting – September 14, 2022

Call to Order
John Noble, MD, President, called the meeting to order on Wednesday, September 14, 2022, at 8:00
A.M. at the Edward Via College of Medicine in Monroe. Dr. Noble led the board in reciting the
Physician’s Prayer and the Pledge of Allegiance.

Verification of Quorum
Dr. Nunez verified the presence of a quorum.

Approval of Minutes
After reviewing the board minutes of June 8th and August 5th, 2022, the following motion was made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS BOARD OF GOVERNORS
MEETING ON JUNE 8, 2022, AND AUGUST 5, 2022, AS
PRESENTED.

The board also reviewed the minutes and actions from multiple meetings of the executive committee.
After reviewing their actions from June 14, June 20th, and August 26th, 2022, the following motion was
made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS EXECUTIVE
COMMITTEE ON JUNE 14, 2022, JUNE 20, 2022, AND AUGUST 26,
2022, AS PRESENTED.

Introductions and Overview
As this was the first meeting of 2022-2023 board after recent elections at the 2022 House of Delegates,
Dr. Noble asked everyone to introduce themselves. Afterwards, Mr. Williams provided a brief overview
of the duties and responsibilities for both the Board of Governors and key staff members.

Board Orientation
Mr. Williams and Ms. Bailey reviewed the LSMS confidentiality, conflict of interest, and anti-trust
statements with board members. Ms. Bailey informed board members they were required to
electronically sign and return all three documents. Ms. Bailey stated that original/signed copies will be
kept on file and will apply for all information discussed during the meetings for the twelve months
beginning August 2022. Ms. Bailey also noted that board members should check with her if there is
ever a question about what business can be shared with other members during meetings in their districts.
Lastly, she noted she would interrupt board proceedings if at any time during a meeting the discussion veered into confidential and/or antitrust areas.

**Future Meeting Locations**
Mr. Williams asked board members if they were comfortable moving the quarterly board meetings around the state given the reduced attendance figures for both the June and September meetings as compared to previous meetings in Baton Rouge. Dr. Noble stated while having the meetings throughout the state was appreciated, moving them to Baton Rouge is probably best overall for both attendance and costs. Many board members shared similar sentiments. After much discussion the following motion was made:

**MOTION (APPROVED)**
**ALL LSMS BOARD OF GOVERNORS MEETINGS WILL BE HELD IN BATON ROUGE WITH THE EXCEPTION OF THE SEPTEMBER MEETING, WHICH WILL BE HELD ELSEWHERE AROUND THE STATE.**

Upcoming meeting dates are as follows:

- December 14, 2022  Baton Rouge (Christmas Party)
- March 8, 2023  Baton Rouge (Legislative Dinner)
- June 7, 2023  Baton Rouge
- August 4, 2022  Baton Rouge (HOD)
- September 13, 2023  TBD
- December 13, 2023  Baton Rouge (Christmas Party)

**Financial Statements – July 31, 2022**
Mr. Williams reviewed the LSMS income statement through July 31, 2022, with the board. Williams noted that net income year to date was a loss of ($546,717) based on revenues of $277,048 and expenses of $823,765. Mr. Williams explained that the loss was being exaggerated by the current downward spiral of the financial markets and its effect on our reserve portfolio. With a small exception, gains and losses from our investments are not included in the LSMS revenue projections within our operating budget, however the monthly results are captured on our income statement per generally accepted accounting principles. Through July 31, 2022 our investment portfolio has a recorded loss of negative - $268,901, which has decreased total revenue by the same amount. Williams stated that looking purely at cash operations the LSMS had revenues of $585,949 and expenses totaling $823,765 for a loss of $237,816, which is typical for the first half of our fiscal year based on historic cash flow and expense patterns.

**Membership Report – September 2022**
Ms. Watson reviewed the membership changes since the last board meeting in June. For the 3-month period between June 2022 and September 2022, active membership was down a net of 4 members from 2,446 to 2,442. However, overall membership was down sharply (-1,065) because of medical students
now paying dues. Dr. Noble and other noted this was not unexpected. Total membership remained at 3,606.

**Peer-to-Peer Physician Wellness Program**
As follow up from March 2022, Mr. Williams updated the board on survey responses related to interest in utilizing and/or participating as a volunteer in a LSMS sponsored peer-to-peer program. Williams stated the survey was sent electronically multiple times to approximately 3,500 practicing physicians and statistically had a zero-response rate. Eleven physicians were possibly interested in using the program and zero wanted to volunteer. As such, Williams reminded board members that the program cost approximately $20,000 to start and that the LSMS Foundation would be covering all the expenses if they decided to move forward. After several questions, lots of discussion, and reviewing any possible return on investment, the board chose to take no further action on developing a peer-to-peer wellness program at this time.

**Ad hoc Committee on Scope of Practice**
Dr. Gamborg and Mrs. Bowen updated the board on recent activities related to scope of practice. Ms. Bowen reviewed rumors of possible scope legislation from the nurse practitioners, physician assistants, and pharmacies in 2023. Additionally, proactive legislation from the LSMS and others was also discussed, specifically the LSMS filing legislation in 2023 related to the creation of a “super board”. Dr. Noble asked that staff get a speaker on this topic for the December meeting. Lastly, a long conversation was had related to term limits and elections, and how both may impact any scope of practice legislation in 2023. Dr. Noble asked the group to keep working as this issue remains a top priority for the society.

**Ad hoc Committee on Medical Malpractice Reform**
Mr. Williams updated the board on recent activities related to medical malpractice and any attempts to raise the current caps by the trial bar or by others. Again, term limits and elections may play a significant role in 2023 should any legislation be filed as controversial legislation is typically frowned upon and avoided during an election year. However, Williams stated that he had met with a handful of other key stakeholders and discussed how to address this issue proactively if necessary. Additional meetings will continue as necessary leading up to the 2023 legislative session.

**Ad hoc Committee on the Corporate Practice of Medicine**
Ms. Bailey updated the board on recent activities related to the corporate practice of medicine, which mostly consisted of gathering data and reviewing what other states are doing to update and/or revise their laws on this topic. Of specific interest is Texas who has a very different approach to defining both the practice of medicine as well as the corporate practice of medicine. The board all agreed that the corporate practice of medicine and scope of practice issues are now intertwined as pharmacies, equity funds and others buy physician practices. Everyone also agreed that the rules, laws, and associated fines and penalties surrounding the unauthorized practice of medicine need to be strengthened and the Louisiana State Board of Medical Examiners needs to crack down on those violating the practice act, whether individuals or corporate entities.

**Status of HOD Resolutions**
Mr. Williams presented a status report detailing the action(s) taken on resolutions passed in August 2022 by the House of Delegates, which included bylaw, policy, and administrative updates. Williams stated
action had been taken on all resolutions except R403 (expand healthcare access for sex workers) and R406 (protecting children from gun violence), which were referred to the board for further action.

HOD Resolutions Referred to the Board
Mr. Williams shared two resolutions that were referred to the Board of Governors for action during the 2022 House of Delegates, they included: R403-22 Expand Healthcare Access for Sex Workers Without Criminalization or Decriminalization; and R406-22 Support of Evidence-based Policies and Programs to Protect Children from Gun Violence. Williams noted that both resolutions were from the medical student section. Dr. Noble then presented each resolution to the board for discussion.

R403-22 Expand Healthcare Access for Sex Workers Without Criminalization or Decriminalization – the medical student representative on the board could not attend the meeting. Therefore, prior to any dialog, the following motion was made:

MOTION (FAILED)
THE LSMS BOARD OF GOVERNORS MOVES TO DEFER DISCUSSION OF R403-22 UNTIL THE DECEMBER BOARD MEETING WHEN A MEDICAL STUDENT REPRESENTATIVE(S) CAN BE PRESENT.

The motion failed by a 2-11 vote. The board then engaged in robust discussion related to health care access for all and didn’t see the need to differentiate any one group from the other. Many board members sited policy 120.01, which states the LSMS supports the concept of health care coverage for all Americans. After more discussion the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS REAFFIRMS POLICY 120.01 HEALTH CARE COVERAGE FOR ALL AMERICANS AND TAKES NO ACTION ON RESOLUTION R403-22.

R406-22 Support of Evidence-based Policies and Programs to Protect Children from Gun Violence - the medical student representative on the board could not attend the meeting. Therefore, prior to any dialog, the following motion was made:

MOTION (APPROVED)
THE LSMS BOARD OF GOVERNORS MOVES TO DEFER DISCUSSION OF R406-22 UNTIL THE DECEMBER BOARD MEETING WHEN A MEDICAL STUDENT REPRESENTATIVE(S) CAN BE PRESENT.

2022 Active Directives
Mr. Williams noted that the recent House of Delegates, two directives were reaffirmed as follows:

R102-22: Physician Non-Compete Contracts - directs the LSMS seek and/or support legislation to prohibit the enforceability of physician non-compete agreements in Louisiana; and
**R102-22: Uniformity of medication placement on Medicaid formulary tiers** - directs the LSMS to urge the Louisiana Department of Health to require that all companies administering Louisiana Medicaid plans be required to uniformly place drugs in the Medicaid formulary on a specific Tier when requiring a prior authorization. For example, drug XYZ would be on Tier 1 for all companies’ Prior Authorizations, while drug ABC might be on Tier 2 for all companies.

Williams stated the two directives have a sunset date of August 2024 and would be added to the ongoing list of active directives, which includes eight (8) items scheduled to sunset in 2023.

**Legal Update**

Ms. Bailey provided a legal update on Welsh v United Medical Healthcare, which is a case that the LSMS submitted an amicus brief with the Fifth Circuit Court of Appeal asking that the immunity provisions set forth within the Louisiana Health Emergency Powers Act (LHEPA) be upheld. On August 24, 2022, the Court issued a favorable ruling stating that LHEPA “provides that during a state of public health emergency, no health care provider shall be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct. La. R.S. 29:771(B)(2)(c). Our review of the record reveals shows that United Medical met its burden and proved beyond a preponderance that the alleged negligence committed by Appellees occurred during a state of public health emergency but did not rise to the level of gross negligence, thus triggering the immunity provided by LHEPA.”

**LSMS – The Physicians’ Foundation (open seat)**

Mr. Williams notified the board that Larry Braud, MD, long time Physicians Foundation board member for the LSMS had announced his plans to retire from the foundation during 2023. Williams provided a summary of the foundation’s activities and the time requirements and commitment for a replacement. Dr. Noble directed staff to invite Dr. Braud to the December board meeting to share more details so that the board can better make any decisions related to a replacement.

**Proposed Updates to the Interstate Medical Compact**

Mr. Williams shared proposed updates to the Interstate Medical Compact, which included relaxing the reciprocity regulations between states that participate in the compact. Williams further stated that this idea that you could be disciplined in multiple states for an action or inaction in another state was one of the Society’s biggest concerns when the concept of an interstate medical compact was first proposed. Everyone agreed the proposed changes were favorable for those who choose to participate in the compact.

**LSBME Update**

Mr. Williams shared with the board draft legislation from the LSBME requiring hospitals and others to report any actions taken against a physician. Williams stated that the LSBME did not intend to have the proposed changes drafted into legislation but intended to facilitate a change via their rule-making process. However, many board members pointed out that once legislation is drafted, the drafter can lose control of the process. Dr. Noble asked staff and others to remain vigilant when it comes to this issue as there are a lot of potential unintended consequences. Additionally, the board made it clear that they preferred this issue be addressed via rules as opposed to legislation in order to avoid any public fight.
Adjournment

With no additional business to discuss, Dr. Noble adjourned the meeting at 2:10 PM.

Attending:

John Noble, MD, President
William Freeman, MD, Immediate Past President
Steen Trawick, MD, Speaker
Reece Newsome, MD, Vice Speaker
David Broussard, MD, Chair, Council on Legislation
Amberly Nunez, MD, Secretary-Treasurer
Luis Arencibia, MD, Second District Councilor
Rick Michael, MD, Fourth District Councilor
Gwenn Jackson, MD, Fifth District Councilor
Brian Gamborg, MD, Seventh District Councilor
Lance Templeton, MD, Eighth District Councilor
Nicholas Viviano, MD, Tenth District Councilor
John Bruchhaus, MD, Chair, Employed Physician Section

Absent:

Richard Paddock, MD, President-Elect
Myra Kleinpete, MD, First District Councilor
Allen Vander, MD, Third District Councilor
Michael Roppolo, MD, Sixth District Councilor
Andy Blalock, MD, Ninth District Councilor
Matt Giglia, MD, Young Physician Section
Omar Leonards, MD, Resident/Fellow Section
Shavani Jain, Medical Student Section
Katherine Williams, MD, Chair, Private Practice Section
Susan Bankston, MD, Chair, LAMPAC (ex-officio)

Staff Attending:

Jeff Williams, Executive Vice President & CEO
Terri Watson, Vice President - Member Services and Administration
Maria Bowen, Vice President – Governmental Affairs
Lauren Bailey, Vice President – Legal Affairs

Approved: ___________________________________________________________________

Amberly Nunez, MD, Secretary-Treasurer

Date: ________________________________________________________________________
Call to Order
John Noble, MD, President, called the meeting to order on Wednesday, December 14, 2022, at 8:00 A.M. at the Baton Rouge Marriott. Dr. Noble led the board in reciting the Physician’s Prayer and the Pledge of Allegiance.

Verification of Quorum
Dr. Nunez verified the presence of a quorum.

Approval of Minutes
After reviewing the board minutes from September 14, 2022, the following motion was made:

MOTION (APPROVED)
ACCEPT THE MINUTES OF THE LSMS BOARD OF GOVERNORS MEETING ON SEPTEMBER 14, 2022 AS PRESENTED.

Financial Statements – October 31, 2022
Mr. Williams stated the society, and its affiliates, currently held assets totaling $4.2M with the bulk ($3.5M) in reserves. Next, Williams reviewed the LSMS income statement through October 31, 2022, with the board. Williams noted that net income year to date was a loss of ($737,211) based on revenues of $437,769 and expenses of $1,174,980. Mr. Williams explained that the loss was being exaggerated by the current downward spiral of the financial markets and its effect on our reserve portfolio, which accounted for $406,249 of the total loss. Williams stated that from a cash perspective total income was $844,000 which still contributed to a loss of -$330,961. Typically, gains and losses from our investments are not included in the LSMS revenue projections within our operating budget, however the monthly results are captured on our income statement per generally accepted accounting principles. Through October 31, 2022 our investment portfolio has a recorded loss of -$366,249. Williams reminded board members that the LSMS collects most of its dues revenue in November and December each year so total revenue will increase significantly before the end of the year. However, Williams warned board members to brace for a significant financial loss as membership still has not recovered from the COVID-19 pandemic. As such, many physician members were forced to retire or sell their practice and transition to hospital employment; a trend which has a negative effect on membership. Additionally, Ochsner Health System choose not to renew their resident membership agreement, which was more than $18,000 annually. Furthermore, the rollout of a LSMS sponsored health plan has been delayed by the Department of Insurance and non-medical affiliate membership failed to materialize. Williams believes the society is looking at a cash loss of $200,000 for the year, with a paper loss of more than $600,000. Looking to 2023, Williams is hopeful the health plan, changes to membership recruitment strategies, staffing changes, and the $50 dues increase approved by the House of Delegates will smooth things out financially.
Membership Report – December 2022
Ms. Watson reviewed the membership changes since the last board meeting. For the 3-month period between September 2022 and December 2022, active membership was up a net of 29 members from 2,442 to 2,471. However, overall active membership was down (-109), plus there were 153 suspended members scheduled to be dropped in early 2023. Total membership on October 31st was 3,505.

Report of the Budget and Finance Committee
The LSMS Budget and Finance Committee, chaired by James Christopher, MD, met on December 5th and developed a series of recommendations to present to the board. Mr. Williams presented the recommendations of behalf of the committee.

Recommendation 1
The LSMS FY2023 proposed budget be approved with estimated revenues of $1,516,500 and projected expenses of $1,511,835.

Recommendation 2
Annual dues for FY2023 remain unchanged at:

<table>
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<th>Membership Type</th>
<th>Annual Dues</th>
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</thead>
<tbody>
<tr>
<td>Active Member</td>
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</tr>
<tr>
<td>Service Member</td>
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<tr>
<td>Academic Member</td>
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</tr>
<tr>
<td>Part-time Member</td>
<td>$225</td>
</tr>
<tr>
<td>Affiliate Member</td>
<td>$100</td>
</tr>
<tr>
<td>Resident Member</td>
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</tr>
<tr>
<td>Medical Student Member</td>
<td>$10</td>
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<tr>
<td>Dues Exempt – Licensed</td>
<td>$90</td>
</tr>
<tr>
<td>Emeritus</td>
<td>$0</td>
</tr>
</tbody>
</table>

The non-deductible portion of 2023 dues for lobbying activities will be 50%.

Recommendation 3
Dues for first and second year in practice members will be set to 50% and 75% of full Active Member dues, respectively.

After some questions and discussion, the following motion was made:

**MOTION (APPROVED)**
THE BOARD OF GOVERNORS APPROVES THE 2023 LSMS OPERATING BUDGET, AS PRESENTED, WITH ESTIMATED REVENUES OF $1,516,500 AND ESTIMATED EXPENSES OF $1,511,835.

2021 Audit Results and Financial Statements
Mr. Williams introduced Jonathon Clark, CPA of LA Champagne, and Co., LLP to review the 2021 audit of the LSMS and its subsidiaries. Mr. Clark explained the audit contains the consolidated financial statements of the LSMS, as of December 31, 2021. Mr. Clark informed the board that the audit
confirmed all standard accounting procedures were properly followed and documented throughout the
year. The auditing firm gave the LSMS an unqualified opinion. This opinion means there are no
qualifications associated with the findings of the audit, e.g., a clean opinion. Following some
discussion, a motion was approved without objection:

MOTION (APPROVED)
ACCEPT AND FILE THE 2021 AUDIT REPORTS OF THE LSMS AND ITS
SUBSIDIARIES AS PREPARED BY LA CHAMPAGNE AND CO., LLC.

Physicians Foundation Update
Larry Braud, MD, who currently represents the LSMS on the Physicians Foundation Board announced
his retirement from the foundation in 2024. Dr. Braud explained that board members are appointed by
their state, county, or regional society. While serving on the board, board members actively work
together to serve the common mission and strategic plan of the Foundation and support grants and
programs in the interests of all physicians in the United States. Board member responsibilities include
serving for a three-year term, with possible renewal for two additional 3-year terms. Attending quarterly
board meetings, which take place over the course of 3 days, including a reception and dinner, full day of
committee meetings, and half-day board meeting. These meetings take place from Thursday evening -
Saturday afternoon, when possible, to accommodate work schedules and travel time. Meetings take
place in different centrally located cities, generally in a state where at least one board member resides.
Dr. Braud then fielded questions from board members and after some discussion, the following motion
was made:

MOTION (FAILED)
The LSMS Board of Governors Directs Staff to
Solicit Interest from the LSMS Past Presidents
Advisory Council Regarding an Open Seat on the
Physicians Foundation Board in 2024 and Report Back
In March 2023.

LAMPAC Update
Susan Bankston, MD, Acting Chair for LAMPAC stated that a strong political action committee, or
PAC, is critical to maintaining a legislative climate that is favorable to physicians, their teams, and
patients. Contributions to LAMPAC substantially enhance advocacy efforts, help develop positive
relationships with legislators, and allow physicians to retain a voice in Louisiana politics. LAMPAC
strives to support and elect pro-medicine candidates, who help maintain the viability of the LA Medical
Malpractice Act, increase physician reimbursements, remove administrative burdens, expand patient
access to care, and prevent scope of practice expansions, just to name a few. Historically, LAMPAC has
been a big PAC, which means it has at least 250 unique contributors and this allows it to donate a
maximum of $5,000 to a candidate running for a state office. Dr. Bankston stated that LAMPAC was
far short of 250 contributors for 2022 and that in recent weeks thousands of letters, emails, and social
media posts have gone out but are falling upon deaf ears. This means that for the 2023 elections, if
LAMPAC is a small PAC, the most it can contribute to a political campaign will be $2,500. Dr.
Bankston stated that LAMPAC currently had fewer than 100 contributors but maintain in excess of $120,000 in funds.

**Peer-to-Peer Physician Wellness Program**
As follow up from June 2022, Mr. Williams updated the board on two existing peer-to-peer wellness programs, Vital Signs and Lifebridge. Vital Signs is a self-awareness program developed by the Physicians Foundation, and Vital Signs is a program administered by several county medical societies across the country, including two in Louisiana. Williams reminded the board that earlier this year a survey had been conducted among the membership looking for volunteers for a LSMS sponsored wellness program and that statistically we had a zero-response rate. Additionally, that program will cost approximately $20,000. As such, the board voted in June not to pursue a LSMS program. However, Williams stated that the LSMS could promote the Vital Signs program and others on the LSMS Website. After some additional discussion, the following motion was made:

**MOTION (PASSED)**
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO IDENTIFY AND SHARE PHYSICIAN WELLNESS PROGRAMS ON THE LSMS WEBSITE.

**HOD Resolutions Referred to the Board**
Dr. Noble introduced a medical student section resolution (R406-22), which had been referred to the Board of Governors for action by the 2022 House of Delegates. Dr. Noble also noted that discussion of this resolution had been deferred at the September meeting as the medical student member of the board was not in attendance. R406-22 calls for the LSMS to support evidence-based policies and programs to protect children from gun violence. There was limited discussion on the issue, including the fact that no medical student was present at this meeting for the second time in a row. As such, the following motion was made:

**MOTION (FAILED)**
THE LSMS BOARD OF GOVERNORS MOVES TO DEFER DISCUSSION OF R406-22 UNTIL ITS MARCH 2023 BOARD MEETING WHEN A MEDICAL STUDENT REPRESENTATIVE(S) CAN BE PRESENT.

No further action was taken on this issue.

**Cancel Rx within Surescripts**
Ms. Bailey briefed the board relative to the CancelRx program currently available within the Surescripts platform. There was some discussion about the process of receiving notifications, enrollment, and utilization by pharmacists as well as physicians. Ms. Bailey was instructed to request further information from the representatives of the Board of Pharmacy who had identified the program during their last meeting to determine whether this was a product the board believed should be promoted.

**Board of Pharmacy Update**
Ms. Bailey updated the board as to the progress made over the last two years in working with the Board of Pharmacy to address ownership of prescriptions, auto refills and transferring of prescriptions. The
board’s latest revisions to their rules specify: the prescription may be refilled when requested by the patient, or his caregiver” to prevent the inadvertent refill of medications which have been previously discontinued but remain on an automated refill protocol. The board also adopted language which provides that a patient can request to have a prescription transferred to the pharmacy of their choice without contacting the physician’s office and “any transferring pharmacy shall comply with that request as soon as possible, but no later than the end of the next business day.”

Ms. Bailey reviewed potential legislation being discussed by the Board of Pharmacy to broaden the collaborative drug therapy management practice which would seek to allow pharmacist to collaborate with practitioners pursuant to agreed upon protocols.

**Advantage Physicians Health Trust (APHT)**

Mr. Williams and Ms. Bailey were proud and happy to announce that APHT had been fully approved by the Louisiana Department of Insurance and that we had our operating certificate/license in hand. As such, APHT would begin signing up groups to the plan with an entry date of February 1, 2023.

**LSBME Update**

Staff shared with board members updates on three on-going LSBME issues, which included duty to report, bridge year physicians, and medical marijuana. First, Mr. Williams reminded the board that in September they discussed possible draft legislation from the LSBME requiring hospitals and others to report any actions taken against a physician, i.e., duty to report. Williams stated that the LSBME did not intend to have the proposed changes drafted into legislation but intended to facilitate a change via their rule-making process. However, many board members pointed out that once legislation is drafted, the drafter can lose control of the process. Dr. Noble asked staff and others to remain vigilant when it comes to this issue as there are a lot of potential unintended consequences. Williams reported that the draft legislation and rulemaking were both subsequently abandoned and replaced with a new attestation and reporting requirement upon the annual renewal of their medical license. Physicians will now attest to a series of questions within their annual renewal and must update the LSBME within thirty (30) days from notification if there is a change to any of their original answers as opposed to the next renewal cycle. This only applies to a limited number of questions. Next, Mr. Williams reported that the final rules for the bridge year physician program were being finalized and that the LSBME hoped to have the program operational prior to residents’ match day in spring 2023. Lastly, the LSBME has recently been caught in the crosshairs of several legislators who believe they are blocking access to medical marijuana by requiring an in-person visit prior to a physician making a medical marijuana recommendation via telemedicine. The LSBME has been told this was not the intent of the legislature, meanwhile the LSBME claims its process is well within the law and their rulemaking ability. Williams stated that the issue has been directed to the Attorney General’s office for a legal opinion.

**Update from LSMS Private Practice Section**

Katherine Williams, MD, Chair, updated the board on the recent activities of the section, which included reviewing the 2022 work of the ad hoc committee, reviewing previously identified issues and current/on-going activities such as non-compete contracts or restrictive covenants suppressing the secondary employment market, lack of leverage when it comes to negotiating contracts, purchasing equipment, supplies, etc., encroachment by large health systems, creating an anti-competitive environment, diverting of patients so that they remain in the health system, anti-trust issues, and hassle factors such as electronic medical records that create inefficiencies. Additional issues were also
identified; highlights included but were not limited to removing the federal ban on physician owned
hospitals, further refining/fixing the No Surprises Act, and creating economies of scale via an “informal
network”. The sections next steps will be to identify vendors that can offer their professional products
and/or services to LSMS members to help with identified issues; survey LSMS private physicians
seeking additional information and/or validation of identified issues that impact their ability to practice
effectively, efficiently, and/or independently; and host online and in-person educational activities on
identified topics important to independent physicians.

Update from LSMS Employed Physician Section
John Bruchhaus, MD, Chair, updated the board on the recent activities of the section, which included
reviewing the 2022 work of the ad hoc committee, which included: reviewing the definition of an
employed physician, reviewing the charge of the section, and reviewing previously identified issues and
current/on-going activities such as: eliminating non-compete contracts or restrictive covenants, erosion
of physician autonomy, changing the public face of a practice that converts from private to employed,
and the shared decision making in the delivery of care, and physician input into business decisions. The
section’s next steps include meeting with the new Ochsner Health System CEO and determine if their
position(s) on non-compete agreements has changed with their recent leadership changes; survey
employed LSMS physicians seeking additional information on the issues that impact their ability to
practice medicine effectively and efficiently and review the current corporate practice of medicine
LSBME opinion and determine if any changes should be recommended.

AMA House of Delegates
Will Freeman, MD, Chair of the AMA Delegation briefed the board on the activities at the November
2022 AMA House of Delegates. Dr. Freeman stated that will all recent AMA meetings, the outcome
was a mixed bag. Of importance to Louisiana physicians were approved resolutions related to
addressing on-going issues with the prior authorization process, and scope of practice concerns. On the
other hand, many non-medical social justice issues and policies were adopted as well. Freeman noted
that the LSMS’ resolution asking the AMA to withdraw its organizational strategic plan to embed racial
justice and advance health equity died in reference committee and was not recommended for adoption
by the House. Only delegates from South Carolina joined Louisiana Delegates in supporting the
resolution.

AMA Litigation Center
Dr. Noble asked the board if the LSMS should continue to financially support the AMA Litigation
Center based on the social justice and other issues they are currently involved with that are not
supported by LSMS policy or Louisiana physicians. Mr. Williams stated the LSMS pays $1 for each
active member of the LSMS to the Litigation Center for legal support. However, Williams further stated
the LSMS has never engaged the services of the center. In fact, Williams stated the exact opposite that
in recent years the AMA Litigation Center intervened in Louisiana court cases that were contrary to the
LSMS position/policy on the issues. After much discussion, the following motion was made:

MOTION (PASSED)
THE LSMS BOARD OF GOVERNORS DIRECTS STAFF TO
NOTIFY THE AMA LITIGATION CENTER THAT THE LSMS
WILL NOT FINANCIALLY SUPPORT THE CENTER FOR 2023.
Health Law Podcast
Mr. Williams stated the LSMS had been approached by Conrad Meyer, host of a health care law podcast, regarding our future participation. The podcast, Health Law Talk, presented by Chehardy Sherman Williams, a law firms in the Greater New Orleans area, is a regular podcast focusing on the expansive area of healthcare law. Each episode, hosted by Conrad Meyer and Rory Bellina, addresses various legal issues and current events surrounding healthcare topics. The attorneys are here to answer your legal questions, create a discussion on various healthcare topics, as well as bring in subject matter experts and guests to join the conversation. Mr. Meyer was interested in the LSMS participating in an episode or two focusing on the 2023 legislative session and non-compete agreements. Mr. Williams stated that he viewed our participation as a positive thing as well as a member benefit. After some discussion the board agreed the LSMS should participate.

Adjournment
With no additional business to discuss, Dr. Noble adjourned the meeting at 3:00 PM.

Attending:
John Noble, MD, President
William Freeman, MD, Immediate Past President
Richard Paddock, MD, President-Elect
Steen Trawick, MD, Speaker
Reece Newsome, MD, Vice Speaker
David Broussard, MD, Chair, Council on Legislation
Amberly Nunez, MD, Secretary-Treasurer
Myra Kleinpeter, MD, First District Councilor
Luis Arencibia, MD, Second District Councilor
Allen Vander, MD, Third District Councilor
Rick Michael, MD, Fourth District Councilor
Michael Roppolo, MD, Sixth District Councilor
Brian Gamborg, MD, Seventh District Councilor
Lance Templeton, MD, Eighth District Councilor
Andy Blalock, MD, Ninth District Councilor
Nicholas Viviano, MD, Tenth District Councilor
John Bruchhaus, MD, Chair, Employed Physician Section
Katherine Williams, MD, Chair, Private Practice Section
Matt Giglia, MD, Young Physician Section
Omar Leonards, MD, Resident/Fellow Section
Susan Bankston, MD, Chair, LAMPAC (ex-officio)

Absent:
Gwenn Jackson, MD, Fifth District Councilor
Shavani Jain, Medical Student Section

Staff Attending:
Jeff Williams, Executive Vice President & CEO
Terri Watson, Vice President - Member Services and Administration
Lauren Bailey, Vice President – Legal Affairs
Amy Tyrrell, Director of Membership
Kristen Broussard, Manager, Medical Group Engagement
Megan Alfred, Membership Coordinator
Jeremy Lapeyrouse, Director HealthSYNC

Approved: ____________________________
Amberly Nunez, MD, Secretary-Treasurer

Date: ________________________________
On June 14, 2022, the LSMS Executive Committee voted unanimously to submit an amicus brief to the Louisiana Supreme Court in the matter of George Raymond Williams, M.D., Orthopaedic Surgery, et al vs. Bestcomp Inc., et al, which addresses the same issues as the amicus we submitted in May 2022 relative to the appropriate prescriptive period under Louisiana’s PPO Act, which places requirements on silent PPOs in Louisiana. The question is whether the prescriptive period is 1 year (tort law) or 10 years (contract law). We worked with Louisiana Hospital Association and others several years ago to pass legislation prohibiting the silent PPO practice, i.e., the leasing of PPOs and the lack of transparency in the process. There was no cost to the LSMS. A copy of the amicus is attached.
On June 20, 2022, the LSMS Executive Committee voted unanimously to approve a $500 grant for Ashley Ingolia, MD to attend Leadership Tangipahoa and report back at a future board meeting.

Mr. Williams received a request from Dr. Ingolia, who is one of the physicians that attended the LSMS Legislative Bootcamp back in February. That event was hosted specifically for member physicians potentially interested in running for political office. Dr. Ingolia reached out because her local community has a leadership program, and she is interested in participating and wanted to know if the LSMS offered any type of grant or reimbursement for these types of things. Mr. Williams told her that we do not have anything in the budget but that we would ask the executive committee. The cost to participate in the program is $1,000 and Dr. Ingolia asked if the LSMS could cover half ($500) of the cost and the executive committee approved the expenditure.
On August 26, 2022, the LSMS Executive Committee voted unanimously to submit an amicus brief in the matter of Walter George and Janie George v. Progressive Waste Solutions of La, Inc and ABC Insurance Company, in which the defendants have applied for writs to the La. Supreme Court.

The issue before the court relates to medical factoring agreements and assignment of rights that a healthcare provider entered with a third-party medical factoring company. Mr. George’s medical provider transferred and assigned all rights to bill and collect payment for the medical treatment and services it provided to Mr. George to Ascendant Healthcare, LLC. The rights transferred to Ascendant expressly included all the healthcare provider’s lien rights for the full amount of medical charges against Mr. George’s recovery. The trial court’s ruling disregarded the medical provider’s assignment of those lien rights and prohibits introduction of evidence of the full amount billed and owed, undermining the validity and enforceability of the assignment of the receivable lien by Mr. George’s medical provider impinging on the practical collectability of the medical provider’s receivable asset.

During the Regular Session of the La Legislature in 2020 the LSMS was actively involved in responding to legislative efforts directed at changes to the collateral source rule that could have negatively impacted medical receivables. We worked to ensure that La. R.S. § 9:2800.27 addressed the very issues of this matter. The current law protects Louisiana medical providers concerning recoverable past medical expenses and the collateral source rule. If this ruling is not reversed medical receivables would be of much less value. The idea that someone can only collect what they paid for a bill would mean they won't be able to buy them at all. As a staunch defender of the right of healthcare providers to enter private contracts, including contracts that define the arrangements pursuant to which medical services are provided and funded and contractual agreements regarding the disposition of a healthcare provider’s assets and receivables, it is my recommendation that we submit an amicus brief urging of reversal of the ruling of the trial court in this matter.

A copy of the amicus is attached.