



January 29, 2024

VIA EMAIL

Vincent A. Culotta, Jr., M.D.
Louisiana State Board of Medical Examiners
630 Camp Street
New Orleans, LA 70130
lsbme-prr@lsbme.la.gov

Re: Public Records Law Request

Dear Records Custodian:

Pursuant to the Louisiana Public Records Law, La. Rev. Stat. Ann. 44:1 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records within three business days:

1. All records reflecting any formal or informal guidance, directives, or recommendations prepared or received by the State Board of Medical Examiners regarding the implementation or enforcement of the Stop Harming Our Kids Act of 2023 (Act 466).
2. Records sufficient to identify all materials (including, but not limited to, medical literature, reports, analyses, recommendations, or guidance from internal or external entities) upon which the State Board of Medical Examiners relied in drafting any guidance, directives, or recommendations regarding the implementation or enforcement of the Stop Harming Our Kids Act of 2023 (Act 466).
3. All email communications (including emails, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the State Board of Medical Examiners officials listed below containing any of the key terms also listed below.

State Board of Medical Examiners Officials:

- a. Terrie Thomas, President
- b. Kim Sport, Vice President
- c. Rita Horton, Secretary/Treasurer
- d. Juzar Ali, Member
- e. Roderick Clark, Member



- f. Lester Johnson, Member
- g. Patrick O'Neill, Member
- h. James Taylor, Member
- i. Leonard Weather, Member
- j. Cheryl Hayes Williams, Member
- k. Vincent Culotta, Executive Director
- l. Jacintha Duthu, Executive Staff Officer
- m. Lawrence Cresswell, Director of Investigations
- n. Aloma James, Director of Licensing
- o. Susie Allen, Director of Research and Education

Key Terms:

- i. "HB 648"
- ii. "House Bill 648"
- iii. "gender-affirming"
- iv. "gender affirming"
- v. "gender transition"
- vi. Transgender
- vii. "puberty block"
- viii. "gender identity"
- ix. "gender dysphoria"
- x. "Stop Harming Our Kids"
- xi. SHOK
- xii. "gender reassignment"
- xiii. Hormone
- xiv. Hormonal
- xv. "biological sex"
- xvi. "sex reassignment"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part 3 of its request to emails sent by the listed officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a listed official's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

- 4. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the State Board of Medical Examiners officials listed above, and (b) any of the external entities or individuals listed below (including, but not limited to, anyone communicating from a listed email address or an email address ending in the listed domain(s)).

External Entities or Individuals:

- i. Alliance Defending Freedom (adfflegal.org)
- ii. America First Legal (aflegal.org)

- iii. American College of Pediatricians (acpeds.org)
- iv. American Family Association (afa.net)
- v. American Principles Project (americanprinciplesproject.org)
- vi. Child and Parental Rights Campaign (childparentrights.org)
- vii. Concerned Women for America (concernedwomen.org or cwfa.org)
- viii. Do No Harm (donoharmmedicine.org)
- ix. Eagle Forum (eagleforum.org)
- x. Ethics and Public Policy Center (eppc.org)
- xi. Family Policy Alliance (familypolicyalliance.com)
- xii. Genspect (genspect.org)
- xiii. Heritage Foundation (heritage.org or heritageaction.com)
- xiv. Independent Women’s Forum (iwf.org)
- xv. Liberty Counsel (lc.org)
- xvi. Parents of ROGD Kids (parentsofrogdkids.com)
- xvii. Ruth Institute (ruthinstitute.org)
- xviii. Society for Evidence Based Gender Medicine (segm.org)
- xix. Anyone communicating from an email address ending in ag.louisiana.gov
- xx. Anyone communicating from the Office of the Louisiana Governor

Please note that, in part 4 of this request, American Oversight does not seek, and this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a listed official received a mass-distribution news clip email from a listed external entity or individual, that initial email would not be responsive to this request. However, if the listed official forwarded that email to another listed entity or individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

For all parts of this request, please provide all responsive records from July 18, 2023, through the date the search is conducted.

Fee Waiver Request

In accordance with La. Rev. Stat. Ann. 44:32(C)(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request is appropriate, because American Oversight’s use of the requested records “will be limited to a public purpose.”

This request is made solely for a public purpose. The public has a significant interest in state regulations of gender-affirming care.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the

¹ Roby Chavez, *Trans Youth “Terrified” Of What Louisiana’s New Health Care Ban Will Mean*, PBS (Jan. 16, 2024), <https://www.pbs.org/newshour/nation/trans-youth-terrified-of-what-louisianas-new-health-care-ban-will-mean>.

government, including whether and to what extent state officials have discussed measures to implement and enforce restrictions on gender-affirming care. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Furthermore, this request is fundamentally made for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.²

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.³ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;⁴ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁵ posting records received as part of American

² American Oversight currently has approximately 16,000 followers on Facebook and 111,400 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 25, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Jan. 25, 2024).

³ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>.

⁵ See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight,

Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁶ and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.⁷

Accordingly, American Oversight qualifies for a fee waiver.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as

<https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

⁶ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

⁷ *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

personal email accounts or text messages. Public business communications conducted on private email accounts and devices are public records subject to the Public Records Law.⁸

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507. Also, if American Oversight's

⁸ La. Atty. Gen. Op. No. 01-155.

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Khahilia Shaw
Khahilia Shaw
on behalf of
American Oversight