

**THE LOUISIANA STATE  
BOARD OF MEDICAL EXAMINERS**

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**MINUTES  
OF  
MEETING**

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**JANUARY 12, 2015  
NEW ORLEANS, LOUISIANA**

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A meeting of the Louisiana State Board of Medical Examiners, pursuant to lawful notice, was duly convened and called to order at 8:30 a.m., Monday, January 12, 2015, by order of the President, at the offices of the Board, 630 Camp Street, New Orleans, Louisiana.

Board Members present as follows:

Mark Henry Dawson, M.D., President  
John Michael Burdine, M.D., Vice-President  
Kweli J. Amusa, M.D., Secretary-Treasurer  
Joseph D. Busby, Jr., M.D.  
Roderick V. Clark, M.D.  
Christy Lynn Valentine, M.D.

Board Member absent as follows:

Kenneth Barton Farris, M.D.

The following members of the Board's staff were present:

Cecilia Ann Mouton, M.D., Executive Director  
Emily Diane Eisenhauer, M.D., Assistant Director of Investigations  
Thania Elliott, RN, Investigator  
Grace Hammons, Administrative Manager  
Lilly Rodgers, Administrative Program Specialist A  
Merian Gasper, Director of Licensure  
Rita L. Arceneaux, Executive Assistant

Legal counsel to the Board was present as follows:

Judge Frederick S. Ellis

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John W. Greene  
Philip O. Bergeron

1. **Minutes of December 8, 2014 Meeting.** The Board reviewed the minutes of its meeting held on Monday, December 8, 2014. On the motion of Dr. Busby duly seconded by Dr. Burdine and passed by unanimous voice vote, the Board approved the minutes of the meetings with all necessary corrections.
2. **Status Report on Action Items of Prior Board Meetings; Report on Assignments to Counsel.** The Board noted the action items as assigned to staff and counsel from previous meetings.
3. **Communication and Information; Lisa Shin, O.D., The Optometric Society.** The Board reviewed correspondence received from Lisa Shin, O.D., and Members of the Optometric Society Board of Directors, expressing their concerns over the use of optervative, "an online refractive eye exam" stating they do not support the use of online eye exams without an accompanying ocular health exam. Following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Valentine, and passed by unanimous voice vote, the Board voted to provide guidance on this matter on the Board's website and to advise Dr. Shin that inasmuch as optometrists are under the jurisdiction of the Louisiana State Board of Optometric Examiners their correspondence would be better directed to them.
4. **Communication and Information; Integrative or Complementary Medicine Advisory Committee.** The Board reviewed correspondence received from Cheryl Driscoll regarding the Board's Committee on Integrative or Complementary Medicine. Following review and discussion, it was the consensus of the Board to advise Ms. Driscoll that it will take this matter under advisement to study the matter further and will inform her of the outcome.
- [5.] **Personal Appearance/Docket Calendar; Oral Arguments;** On the motion of Dr. Valentine, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session for oral arguments, as a matter relating to allegations of misconduct and the character and professional conduct of a licensee, La.Rev.Stat §42:17A(4) and (10)<sup>1</sup>
6. **General Administrative Matters; President's Report.** *Notice for Intent; Physician Collaboration with Advanced Practice Registered Nurses.* The Board received the report of its President on his activities since the last meeting. Dr. Dawson reported that he and Dr. Valentine met with Drs. Lyon and Porche of the Louisiana State Board of Nursing ("BON") to discuss the proposed rules on physician collaboration with nurse practitioners. Dr. Lyon had given most of the information from the BON at the public

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1 Dr. Burdine did not participate in this matter.

hearing. Dr. Dawson noted that following his departure, Dr. Burdine also met with Drs. Lyon and Porche to discuss issues of mutual interest. Dr. Dawson reported the outcome of the meeting was for the Board and the BON to work together towards the development of joint guidance on physician/nurse practitioner collaboration. Following discussion, on the motion of Dr. Clark, duly seconded by Dr. Busby, and passed by unanimous voice vote, the Board voted to defer the rulemaking effort and notify the legislative oversight committees of the Board's intent.

**7. General Administrative Matters; Executive Director's Report.** The Board received the report of its Executive Director on her activities since the last meeting of the Board. Dr. Mouton reported on a number of concerns with the advisory committees which she would present to the Board at the appropriate time. She further reported that a meeting with the Louisiana State Board of Physical Therapy Examiners was scheduled for later in the month.

**8. General Administrative Matters; Physician Assistants Advisory Committee.** The Board noted the appointments of Mitchell L. Martin, PA and John C. Hendrick, PA by the Governor to the Physician Assistants Advisory Committee. No further action was required or taken on this matter.

**9. Rules and Regulations; Personal Appearance; Lena Osborne, PA, Louisiana Academy of Physician Assistants, Peter Stevens, PA; Co-Signature by Supervising Physician.** Lena Osborne, PA, and Peter B. Stevens, PA, appeared before the Board to finalize the proposed rule amendments to eliminate the requirement of the review and countersignature of the physician assistant's written entry in the patient's medical record for prescriptions and medical devices. Following several revisions, on the motion of Dr. Clark, duly seconded by Dr. Amusa, the Board voted to accept the final revision and move forward with publication of a *Notice of Intent* to adopt the rule amendments in the *Louisiana Register*.

**10. Rules and Regulations.**

- a. Final Rules/Amendments: None published since the last meeting of the Board.
- b. Rules/Amendments – Noticed of Intent - **Physicians and Surgeons – Collaborating Physicians**: The Board expressed a desire to consider the development of rules relative to physicians who collaborate with advanced practice registered nurses. A draft was prepared by staff for initial consideration at its October 2013 meeting. A revised draft incorporating comments and suggestions was considered by the Board at its December 2013 meeting. Following review and discussion, it was the consensus of the Board to preview the draft to several professional organizations (the Louisiana State Medical Society, the Louisiana Medical Association and the Louisiana Academy of Family Physicians) and the Louisiana State Board of Nursing. Revised drafts incorporating suggestions were reviewed by the Board at its March 2014 meeting at which time the Board voted to approve the draft pending the receipt of suggestions for

one organization yet to respond. Additional revisions were offered by the Board during its May 2014. The Board reviewed the suggested changes offered at the May 2014 meeting along with suggestions of staff. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board approved publication of a *Notice of Intent* to adopt the rules in the *Louisiana Register*. Said *Notice of Intent* appeared in the August 2014 issue of the *Louisiana Register*. A number of written comments were received during the comment period and a public hearing was held on Wednesday, September 24, 2014 to receive comments, view, arguments and data on the proposed rules. **Physicians and Surgeons – Unprofessional Conduct:** During its April 2013 meeting, the Board expressed a desire to consider the development of rules correlating a physician representing himself/herself as a specialist in a particular field of practice without appropriate formal training in that field. Pursuant to the Board's directions, a draft was submitted for initial review and discussion at its August and September 2013 meeting. The draft also includes a prohibition against physician prescribing of controlled substances to one's self or immediate family members in the absence of an emergency. At its October 2013 meeting, the Board decided to defer that part of the proposed rule dealing with self-prescribing and to provide *Notice of Intent* to adopt the rules. Staff presented additional information concerning physician's self/immediate family prescribing of controlled substances. Following consideration and discussion of the latest revised draft at its June 2014 meeting, the Board approved publication of a *Notice of Intent* to adopt the rules in the *Louisiana Register*. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. Comments received during the comment period were included for the Board's consideration. The Board reviewed the comments received during the comment period and following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board voted to accept certain of the comments and make the necessary changes to the proposed rules. Inasmuch as the changes were considered substantive, a *Notice of Intent* was required and scheduling of a public hearing. The substantive changes will appear in the January edition to the *Louisiana Register* noting a public hearing is scheduled for February 26, 2015. **Occupational Therapy:** The Occupational Therapy Advisory Committee has proposed a number of amendments to the Board's rules respecting occupational therapists. Following review by staff and a number of revisions to conform the rules to the law, a revised draft was returned to the Committee Chair for review. Minor substantive suggestions for revision or modification were received and incorporated into the draft. In sum, the proposed amendments update the rules generally, insert additional language provided in the law, update definitions and practice standards, rearrange various provisions and delete others that are no longer needed. The initial draft was presented for Board consideration at its July 2014 meeting. A revised draft incorporating additional changes was presented at the August 2014 meeting at which time the Board approved providing a *Notice of Intent* in the *Louisiana Register*. Such *Notice of Intent* appeared in the October 2014 edition of the *Louisiana Register*. Comments received during the

comment period were included for the Board's consideration. Following a review of the comments received, on the motion of Dr. Amusa, duly seconded by Dr. Valentine, the Board voted to forward the comments to the OT Advisory Committee for their input. **Telemedicine:** Act 442 of the 2014 Legislative Session, which amended R.S. 37:1271 of the Medical Practice Act, necessitates various changes to the Board's existing Telemedicine Rules. Preliminary suggestions were presented to the Board at its July 2014 meeting and a revised draft was presented at its August 2014 meeting at which time the Board authorized publication of a *Notice of Intent* to adopt the amendments. Said *Notice of Intent* appeared in the October 2014 edition of the *Louisiana register*. The Board reviewed the comments received during the comment period and following review and discussion, on the motion of Dr. Amusa, duly seconded by Dr. Farris and passed by unanimous voice vote, the Board voted to accept certain of the comments and make the necessary changes to the proposed rules. Inasmuch as the changes were considered substantive, a *Notice of Intent* was required and scheduling of a public hearing. The substantive changes will appear in the January edition to the *Louisiana Register* noting a public hearing is scheduled for February 26, 2015.

- c. **Rules/Amendments Under Development:** **Midwifery:** The Board reviewed the initial draft of rule amendments to the existing rules governing licensed midwife practitioners. The amendments incorporate changes made to the Louisiana Midwifery Practice Act during the 2012 session of the Legislature, update the rules generally and rearrange sections for easier of reference. **Physician Assistants:** During the October 2014 meeting, the Board elected to undertake a rulemaking effort to remove the co-signature requirement for PA services from its existing rules and replace it with alternative methods of physician oversight (e.g., chart review) based on experience and changes in a PA's major area of practice. The Board reviewed suggestions for a form of amendment based on comments received during the October 2014 meeting and direction from the Board's President and suggestions offered by the Louisiana Academy of Physician Assistants. Following discussion at its December 2014, further amendments were incorporated into the draft and presented to the Board for consideration. (See item 9 above)

**11. General Administrative Matters; House Concurrent Resolution ("HCR") 99; Overprescribing of Pain Medication to Physician.** The Board noted that HCR 99 of the 2014 Legislative Session urged the Board to study the problem of over-prescribing of pain medications by physicians and report findings and recommendations with the input of the Louisiana State Board of Pharmacy. A draft of the report was presented to the Board for initial review and consideration for submittal to the Legislative Committee on Health and Welfare.

**12. General Administrative Matters; Statement of Position ("SOP"), "Medical Records of Physician Upon Departure from a Group/Practice".** The Board reviewed the draft Statement of Position, "Medical Records of Physician Upon Departure from a Group/Practice," in response to the inquiry received from Michelle K. Buford, J.D., R.H.I.A., Sullivan Stolier Knight LC, requesting guidance and technical advice on the ownership of the medical records of the patient,

specifically for a rural health clinic or physician group practice. Following review and discussion, on the motion of Dr. Burdine, duly seconded and passed by unanimous voice vote, the Board approved the SOP.

**13. Communication and Information; Louisiana State Board of Pharmacy; Emergency Rules; Compounding.** The Board reviewed the emergency rules passed August 8, 2014 which prohibits the preparation of a compounded medication by a pharmacist without a patient specific prescription. It was noted that the rule could affect physicians who may compound medication in their office or allowed pharmacists to compound in bulk for office use. Following review and discussion, it was the consensus of the Board to undertake a rule making effort in order that physicians who compound medications are consistent with federal and state laws and regulations and in the interim to notify physicians of the emergency rule in the Newsletter and on the website.

**14. Communication and Information; Federation of State Medical Boards (“FSMB”); Scholarship.** The Board noted receipt of information from the FSMB for a call for the voting delegate at its annual meeting scheduled for April 23-25, 2015 in Fort Worth, Texas. Following discussion, it was determined that Dr. Dawson would serve as the voting delegate this year.

**15. General Administrative Matters; Financial Reports.**

a. Financial Statement- The Board reviewed a statement on the revenue and expenses for the period ending October 31, 2014 and approved all expenditures as noted therein. The Board also reviewed the status of investments as of October 31, 2014. The Board also reviewed a balance sheet and income statement for Clinical Laboratory Personnel for the period ending October 31, 2014 and approved all expenditures as noted therein. The Board also reviewed the status of investments for Clinical Laboratory Personnel as of October 31, 2014.

b. Travel Expenses. Motion was made by Dr. Amusa, duly seconded and passed by unanimous voice vote authorizing the Executive Director to approve routine and special travel for Board Members, Board staff, Board consultants and legal counsel for calendar year 2015, including but not limited to the following:

- 1) Travel expenses in connection with attendance at all Board meetings and Board Committee meetings.
- 2) Travel expenses in connection with appearances at appropriate private or state entities on behalf of or to represent the Board.
- 3) Travel expenses in connection with investigations conducted by the Board, to include travel expenses of witnesses.

- 4) Travel expenses in connection with any court or deposition appearance for the purpose of providing testimony on behalf of the Board.
- 5) Travel expenses for attending the annual meetings of the Louisiana State Medical Society and the Louisiana State Medical Association, with payment of per diem for any member giving an annual report to said organizations.
- 6) Travel expenses in connection with meetings of the following national organizations and any committee thereof on which a member of the Board or a member of the Board's staff serves on behalf of the Board, for including, but not limited to the Federation of State Medical Boards, Administrators in Medicine and National Board of Medical Examiners, and authorized meetings for educational purposes.

**[16.] Minutes of December 8, 2014; Executive Sessions.** On the motion of Dr. Busby, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to review the minutes of its executive sessions conducted during the meeting of December 8, 2014. Following review and discussion, the Board resumed in open session and on the motion of Dr. Busby, duly seconded by Clark, and passed by unanimous voice vote, approved the minutes of the executive sessions conducted during its meeting of December 8, 2014 with any necessary corrections.

**[17.] Report on Pending Litigation.** On the motion of Dr. Burdine, duly seconded by Dr. Busby, the Board convened in executive session to receive the report of legal counsel on pending litigation to which the Board was a party and the status of proceedings for judicial review of prior Board decisions, La. Rev. Stat. § 42:17A(2). No further action was required or taken on this matter.

**[18.] Personal Appearances/Docket Calendar.** Continuing in executive session, the Board reviewed the calendar of personal appearances and docketed hearings, as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. 42:17 A(1), (4). No further action was required or taken on this matter.

**[19.] Investigative Reports.** On the motion of Dr. Valentine, duly seconded by Dr. Burdine, the Board convened in executive session, to consider the investigative reports as matters relating to the character and professional conduct of a licensee, and allegations of misconduct, La. Rev. Stat. §42:17A(1) and (4). Following review and discussion the Board resumed in open session. Upon motion made, duly seconded and passed by unanimous voice vote, the Board approved the following:

- a. Administrative Complaints: The following Administrative Complaints were accepted and scheduling of a formal hearing:

Docket No., 13-I-984  
Docket No., 14-I-675

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- b. Consent Orders: The following Consent Orders were accepted:

Sean Everett Stanton, ATH, Docket No., 14-I-834  
Debra D. Lockwood, CLP, Docket No., 14-I-852  
Jack Anthony Hurst, M.D., Docket No., 12-I-446

- c. Close/Dismissed: The following matter was closed/dismissed with a Letter of Concern:

Docket No., 14-I-854

- d. Closed Complaint Cases: The Board reviewed the Closed Complaint Cases Reports for November and December 2014.

- e. Interim Actions: The Board approved the Interim Actions that had been handled by the President:

Docket No., 14-I-675  
Docket No., 14-I-732  
Docket No., 14-I-572

**[20.] Physicians Health Program.** On the motion of Dr. Amusa, duly seconded by Dr. Busby and passed by unanimous voice vote, the Board convened in executive session to receive the report of Louis Cataldie, M.D., Medical Director, Physicians' Health Foundation ("PHP") and Julie Alleman, M.Ed., LPC, LMFT, LAC, Administrative Director, Physicians' Health Foundation ("PHP") on the participants in the Physicians' Health Program who were either appearing before the Board or had matters before the Board for review and discussion, as matters relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). It was noted that Ms. Alleman would be leaving the PHP as the full-time Administrative Director. The Board expressed sincere appreciation for her services over the last 10 years. No further action was required or taken on this matter.

**[21.] General Disciplinary Matters; Personal Appearance; Robert A. Brocato, M.D.** On the motion of Dr. Burdine, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session, for the personal appearance of Robert A. Brocato, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). Dr. Brocato, accompanied by Gregory D. Lord, M.D., appeared before the Board in connection with the request for reinstatement of his license to a full, unrestricted status, off probation. Following his dismissal, the Board resumed in open session and a motion was made to grant the request for reinstatement of the license of Dr. Brocato failed to pass.

**[22.] Investigative Reports; Personal Appearance; Jack Anthony Hurst, M.D.** On the motion of Dr. Amusa, duly seconded by Dr. Burdine, the Board convened in executive session for the personal appearance of Jack Anthony Hurst, M.D., as a matter relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). Dr. Hurst appeared before the Board in connection with the acceptance of his Superseding Order for Reinstatement of Medical License on Probation. No further action was required or taken on this matter.

**[23.] General Disciplinary Matters.** On the motion of Dr. Valentine, duly seconded by Dr. Burdine, the Board convened in executive session to consider the requests relating to the execution or modification of a Decision and/or Consent Order as matters relating to the character and professional conduct of licensees, pursuant to La. Rev. Stat. §42:17A(1) and (4). Following review and discussion, the Board resumed in open session and on the motion of Dr. Busby, duly seconded by Dr. Clark and passed by unanimous voice vote, approved reinstatement of the following, off probation in accordance with the terms of their Consent Orders:

Cefalu, Nicholas Jr., M.D.  
Gray, Sidney Bruce, M.D.

Slaydon, Kayla Jean, CLP  
Sondes, Scott Mitchell, M.D.

**[24.] Professional Liability Report.** On the motion of Dr. Burdine, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the report of Dr. Eisenhauer, on professional liability cases reviewed since the last meeting of the Board as matters relating to the character and professional conduct of a licensee and allegations of misconduct, La. Rev. Stat. § 42:17A(1) and (4). No further action was required or taken on these matters.

**[25.] General Disciplinary Matters; Show Cause Hearing.** On the motion of Dr. Amusa, duly seconded by Dr. Valentine, the Board convened in executive session to consider the disciplinary report relating to the character and professional conduct and allegations of misconduct of a licensee, La .Rev. Stat.§ 42:17A(1) and (4). Following review and discussion, the Board resumed in open session and on the motion of Dr. Busby, duly seconded and passed by unanimous voice vote, the Board voted to accept the Rule to Show Cause and scheduling of a show cause hearing in the following matter:

Docket No., 14-I-572

**[26.] Licensure and Certification; Clinical Laboratory Personnel.** Upon the motion of Dr. Burdine, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competency, or physical or mental health of an applicant pursuant to La. Rev. Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following for licensure provided all requirements has been met:

Generalist

Ellis, Charlisa Jade

**[27.] Licensure and Certification; Podiatry; Advanced Practice; Surgical Treatment of the Ankle.** On motion of Dr. Clark, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following provided all requirements had been met:

Podiatry Advanced Practice – Surgical Treatment of the Ankle

Green, Tyson Ellis, DPM

**[28.] Licensure and Certification; Physicians and Surgeons; U.S./Canadian Medical Graduates.** On motion of Dr. Busby, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the following non-routine applicants for licensure provided all requirements had been met:

Califano, John Anthony

Skidmore, Kimberly Lynn

**[29.] Licensure and Certification; Physicians and Surgeons; Foreign Medical Graduates.** On motion of Dr. Busby, duly seconded by Dr. Clark and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine applications for licensure as a matter of the character, professional competence, or physical or mental health of an applicant, pursuant to La.Rev.Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote approved the following for licensure provided all requirements had been met:

Lock, Steven Shmuel  
Selim, Niazy Mahmoud

Sharapov, Andrei

**[30.] Licensure and Certification; Other Licensure Matters; Reinstatement/Relicensure.** Upon the motion of Dr. Busby, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to consider the non-routine application for reinstatement as a matter of the character, professional competency, or physical or mental health

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of an applicant pursuant to La. Rev. Stat. 42:17A(1). Following review and discussion, the Board resumed in open session, and upon motion made, duly seconded and passed by unanimous voice vote, approved the application of the following for reinstatement:

Jean-Charles, Nadine Carmel

**[31.] General Administrative Matters; Personal Appearance; Susan H. Allen, MBA, MPH, Dr.Ph.; Educational Resources.** Upon the motion of Dr. Clark, duly seconded by Dr. Valentine and passed by unanimous voice vote, the Board convened in executive session to receive the report of Susan H. Allen, MBA, MPH, Dr.Ph., on the statistical analysis of disciplinary matters following her research as a matter of the character, professional competency, or physical or mental health of an applicant pursuant to La. Rev. Stat. 42:17A(1). Dr. Allen gave a presentation on the statistical analysis of disciplinary matters following her research. Dr. Allen reported that her analysis supported a rule change to require three-years of post graduate training as a prerequisite to licensure. Following her dismissal, the Board resumed in open session and on the motion of Dr. Burdine, duly seconded by Dr. Amusa and passed by unanimous voice vote, the Board voted to accept the report and to study the matter further.

**31. Next Meeting of Board.** The President reminded the members that the next meeting of the Board was scheduled for February 9, 10, 2015.

Upon motion made, duly seconded and passed by unanimous voice vote, the meeting adjourned at 4:30 p.m., on Monday, January 12, 2015.

**I HEREBY CERTIFY** that the foregoing is a full, true and correct account of the proceedings of the meeting of the Louisiana State Board of Medical Examiners, save for executive session of the Board conducted therein, held on January 12, 2015 as approved by the Board on the 9<sup>th</sup> day of February, 2015.

Witness my hand and seal of the Louisiana State Board of Medical Examiners this 9<sup>th</sup> day of February, 2015.

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Kweli J. Amusa, M.D.  
Secretary-Treasurer

Attest:

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Mark Henry Dawson, M.D.  
President