

**MINUTES OF THE SPECIAL MEETING
OF THE
LOUISIANA STATE BOARD OF DENTISTRY
HELD AT ITS BOARD OFFICE
LOCATED AT
ONE CANAL PLACE-SUITE 2680-365 CANAL STREET
NEW ORLEANS, LOUISIANA 70130
BEGINNING AT 10:00 A.M. ON
FRIDAY, AUGUST 5, 2011**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, August 5, 2011, at the offices of the Louisiana State Board of Dentistry located at One Canal Place, Suite 2680, 365 Canal Street, New Orleans, Louisiana, 70130. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted. The meeting was called to order at 10:20 a.m. by Dr. Romell Madison, President.

At the request of Dr. Madison, a roll call was taken. Dr. Madison stated that a quorum of the Board was present.

PRESENT WERE:

Dr. Romell Madison, President
Dr. David Melancon, Vice-President
Dr. Dean Manning, Secretary-Treasurer
Dr. Aubrey Baudean, Member
Dr. H.O. Blackwood, Member
Mrs. Patricia Cassidy, R.D.H., Member
Dr. Wilton Guillory, Member
Dr. Frank Martello, Member
Dr. Rusty Mayer, Member
Dr. Conrad McVea, Member
Dr. James Moreau, Member
Dr. Lynn Philippe, Member
Dr. John Taylor, Member

ABSENT:

Dr. Samuel Trinca, Member

ALSO PRESENT BY BOARD INVITATION WERE:

C. Barry Ogden, Executive Director
Peyton "Pete" Burkhalter, Co-Executive Director

Brian Bégué, Board Counsel
Erin Conner, Director of Licensing
Diana Chenevert, Board Staff
Rachel Daniel, Administrative Assistant
John Roth, Board Staff
Alison Schenk
Camp Morrison, Board Investigator
Ward Blackwell, Executive Director, LDA
John C. Saunders, Attorney at Law
Dr. John Gallo, LSUSD
Suzanne Farrar, R.D.H., LDHA
Carrie Mason, R.D.H., LSUSD
Roberto Llopis, D.D.S.
Francis B. Mulhall, Attorney for Dr. Llopis
Wendy Llopis
Marlane Gaille
Dr. Robert Marier, Executive Director, LSBME
Philip Bergeron, Attorney at Law
Dr. Vincent L. DiLeo
Bradley R. Belsome, Attorney for Dr. DiLeo

Dr. Madison began the meeting by stating that he was quite satisfied with the progress being made by the LDA/LSBD Task Force. This group found many neutral agreements, shared some excellent ideas, and should continue.

Dr. Madison then asked for public comment wherein Mr. Ward Blackwell reiterated Dr. Madison's comments and stated that the Louisiana Dental Association was happy with the progress of the task force as well.

It should be noted that Mr. Fran Mulhall, attorney for Dr. Llopis, had a court reporter who took down the discussions of the meeting through Agenda item numbers 1 – 6(vii). When the board went into executive session to consider Agenda item number 6(viii), Mr. Mulhall left the premises with his court reporter.

Dr. Madison then referred to Agenda item number 4 wherein Dr. Blackwood made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that the minutes, as circulated, of the Special Board meeting of May 20, 2011 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

After the board voted unanimously in the affirmative, Dr. Madison declared the motion passed.

Next, Dr. Blackwood made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that the acts and decisions taken by the President, Vice-President, Secretary/Treasurer and Executive Director in the general conduct and transactions of Board business since May 20, 2011, be and they are hereby approved, adopted, and ratified in full by the board.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. Madison then referred to Agenda item number 6, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman.

Dr. Manning made the motion which was seconded by Dr. Mayer that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Lakica Amos, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Lakica Amos, her requested license to practice dental hygiene in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. Guillory that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Van Dien Nguyen, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Van Dien Nguyen, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. Mayer that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Spring Hatfield, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Spring Hatfield, R.D.H., her requested license to practice dental hygiene in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. Mayer that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Michelle Laurent, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Michelle Laurent, R.D.H., her requested license to practice dental hygiene in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. McVea that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Paulina Demos-Arne, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Paulina Demos-Arne, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. McVea that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Thomas Kennedy, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Thomas Kennedy, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that under the authority of R.S. 37:760 (A)(12), the Louisiana State Board of Dentistry hereby approves the issuance of restricted dental licenses to the following person:

DR. KENT ALLEN SABEY	LSU SCHOOL OF DENTISTRY
DR. JOAQUIN M. BERRON	LSU SCHOOL OF DENTISTRY
DR. KATHRYN LOUISE AASEN	LSU SCHOOL OF DENTISTRY
DR. MANRAT AMORNPORNCHAROEN	LSU SCHOOL OF DENTISTRY
DR. JENNIFER ROSE BODZIAK	LSU SCHOOL OF DENTISTRY
DR. WILLIAM JACOB BOGGESS	LSU SCHOOL OF DENTISTRY
DR. ALIYA CAROL CARTER	LSU SCHOOL OF DENTISTRY
DR. ADRIANA CORDERO	LSU SCHOOL OF DENTISTRY
DR. LUISANA M. ECHANDI	LSU SCHOOL OF DENTISTRY
DR. SUSAN FALLAHI	LSU SCHOOL OF DENTISTRY
DR. BEOMJUNE BENJAMIN KIM	LSU HOSPITAL
DR. BILLY B. LAUN, II	LSU SCHOOL OF DENTISTRY
DR. ZACHARY T. LEGAN	LSU HOSPITAL
DR. ASHLEY MARIE LESTRADE	LSU SCHOOL OF DENTISTRY
DR. PATTON MARK MINKIN	LSU SCHOOL OF DENTISTRY
DR. DAVID GORDON MINTO, JR.	LSU HOSPITAL
DR. AARON MIN MIYAI	LSU SCHOOL OF DENTISTRY
DR. AUNDRA LAMOND MURPHY	LSU SCHOOL OF DENTISTRY
DR. EARL P. PARK	LSU SCHOOL OF DENTISTRY
DR. WILLIAMSON TAYLOR RATLIFF	LSU HOSPITAL
DR. AUSTIN GORDON TEITELBAUM	LSU SCHOOL OF DENTISTRY
DR. JOSE DAVID VIQUEZ	LSU SCHOOL OF DENTISTRY
DR. JAMES MARCUS YAN LOONG YOUNG	LSU SCHOOL OF DENTISTRY
DR. ANTWAN DEVON BATES	LSU SCHOOL OF DENTISTRY
DR. KRYSTEL BRADY	LSU SCHOOL OF DENTISTRY
DR. JUSTIN THEODORE HASTINGS	LSU SCHOOL OF DENTISTRY
DR. MADEIRA MICHELLE HATCHER	LSU SCHOOL OF DENTISTRY
DR. PATRICK KEVIN KNOELL	LSU SCHOOL OF DENTISTRY
DR. SARA K. MONRAD	LSU SCHOOL OF DENTISTRY
DR. JYOTI PURI	LSU SCHOOL OF DENTISTRY

DR. SHEMIKA LATOYA SAMPLE	LSU SCHOOL OF DENTISTRY
DR. SUMMER CELESTE KETRON	LSU SCHOOL OF DENTISTRY
DR. KEVIN FAKHERI	LSU SCHOOL OF DENTISTRY
DR. KAMRAN DASTOURY	LSU SCHOOL OF DENTISTRY
DR. NINA JAYAKRISHNAN	LSU SCHOOL OF DENTISTRY
DR. MICHAEL JAMES MAHER	LSU SCHOOL OF DENTISTRY
DR. ELIAS MIGUEL RIVERA	LSU SCHOOL OF DENTISTRY

After voting unanimously in the affirmative, the motion was declared passed.

Discussion then ensued on the request from Dr. John Ritchie regarding admission of students who are seropositive for HIV and/or hepatitis B. The board noted that the medical school does not even ask these questions anymore of applicants for admissions to the medical school. Dr. Ritchie wanted something in the official minutes stating that applicants who may be seropositive may receive a dental license after successfully graduating from the Louisiana State University School of Dentistry. After some discussion, Dr. Blackwood made the motion which was seconded by Dr. Martello that it be:

RESOLVED, the Louisiana State Board of Dentistry has reviewed the correspondence from Dr. John Ritchie of LSUSD and hereby states that a person applying for a license in the state of Louisiana who may be seropositive for HIV or Hepatitis B may be granted a license provided they satisfy all other requirements for a license to practice in the state of Louisiana; and

BE IT THEREFORE RESOLVED, that all such seropositive persons are required to practice universal precautions at all times when treating patients.

After voting unanimously in the affirmative, the motion was declared passed.

Discussion then ensued on the utilization of the Dental Assisting National Board (DANB). After some discussion, Dr. Blackwood made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs its staff to get a copy of the examination from the Dental Assisting National Board (DANB) regarding their certified dental assistants status; and

BE IT THEREFORE RESOLVED, the licensing and credentials committee is to study this matter; compare their examination to the curriculum regarding expanded duty dental assistants; and to report back to the board at its December meeting.

After voting unanimously in the affirmative, the motion was declared passed.

At this point, Dr. Madison referred to Agenda item number 6(vi), regarding the temporary dental license and a petition for declaratory judgment from Dr. Robert Llopis. Again, it should be noted that this entire discussion was recorded by a court reporter on behalf of Mr. Mulhall. After some heated discussion between Mr. Mulhall and board counsel, the board provided an answer to Dr. Llopis' petition for declaratory judgment which is attached hereto and

made a part hereof. The board took each request by Dr. Llopis and answered each one individually. The answers will be noted in the order in which they were addressed in the petition.

Dr. Baudean then made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the answer to Question A should be “That statue was valid and applicable to Dr. Roberto Llopis in November of 2006.”

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Baudean made the motion which was seconded by Dr. Mayer that it be:

RESOLVED, that Question B is not within the scope of R.S. 49:962 or 963 and therefore the board declined to answer.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Baudean made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that in regard to Question C that board rule 120 is valid and applies to Roberto Llopis, D.D.S.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Blackwood made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, that the question posed under Question D of the petition is not within the scope of R.S. 49:962 or 963 and therefore the board declined to answer.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall made his objection to this response for the record.

Next, Dr. Baudean made the motion which was seconded by Dr. Guillory that be:

RESOLVED, in response to Question E, rule 116 does not apply to the request by Dr. Roberto Llopis for the issuance of a Louisiana Dental license of any kind.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall noted his objection to the answer for the record.

Next, Dr. Baudean made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, that the request in Question F does not fall within the scope of R.S. 49:492 or 963 and the board made no declaratory order or ruling.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall noted his objection to the answer for the record.

Next, Dr. Baudean made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, that the request in Question G is not within the scope of R.S. 49:962 or 963 and the board made no declaratory order or ruling.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall noted his objection to the answer for the record.

Next, Dr. Baudean made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, that the request in Question H is not within the scope of R.S. 49:962 or 963 and the board made no declaratory order or ruling.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall noted his objection to the answer for the record.

Next, Dr. Baudean made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, that the request in Question I is not within the scope of R.S. 49:962 or 963 and the board made no declaratory order or ruling.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall noted his objection to the answer for the record stating that the answer to this question is clearly contained within the Administrative Procedure Act and the Louisiana Dental Practice Act.

Next, Dr. Baudean made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, that the request in Question J is not within the scope of R.S. 49:962 or 963 and the board made no declaratory order or ruling.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Mulhall noted his objection to the answer for the record.

After more heated discussion, the board informed Mr. Mulhall that the board has never issued a temporary license to a dentist despite having the authority to do so. The board is of the opinion that to award a temporary license to dentist who has not been evaluated for licensure and has no supervision would not be in the best interest of the citizens of the state of Louisiana.

Discussion then ensued on the request of Dr. Vincent L. DiLeo for the reissuance of his Louisiana dental license. After much discussion and argument by Mr. Bradley R. Belsome, attorney for Dr. DiLeo, Dr. Moreau made the motion which was seconded by Dr. Melancon that it be:

RESOLVED, the Louisiana State Board of Dentistry has considered the petition for reinstatement of the dental license of Dr. Vincent L. DiLeo and hereby grants his requested reinstatement of his license to practice dentistry in the state of Louisiana.

All voted in the affirmative, except Drs. Blackwood, Manning, and Taylor. The president stated that the motion passed.

Dr. Guillory cautioned Dr. DiLeo that should he come before the board again, he would be facing a revocation of his dental license. Dr. DiLeo assured the board that they would never hear from him again.

Next, Mr. John C. Saunders, attorney for Dr. Erik Goodwin asked that the board address his request for licensure by credentials in Executive Session. At this point, Dr. Blackwood made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to go into Executive Session for the sole purpose of discussing the request for licensure by credentials from Dr. Erik Goodwin.

After voting unanimously in the affirmative, the motion was declared passed.

Upon returning from Executive Session, no votes were taken and Dr. Madison referred to Agenda item number 7, **Office Management Committee**, Dr. Lynn Philippe, Chairman. Dr. Philippe asked Mr. Burkhalter to discuss the compiled financial statements for the fiscal year ending June 30, 2011 as prepared by Sharp and Company, certified public accountants. Mr. Burkhalter advised the board that enforcement actions for the year totaled \$54,157. However, he noted that this figure is not totally accurate because it includes the recoupment of costs in addition to fines. It was his opinion that if they were broken down, it would show that fines accounted for approximately 1% of the board's total revenue as opposed to 5% as listed in the statement of revenue.

Mr. Burkhalter also noted that delinquencies were down as a result of the new online renewal system and that revenue from anesthesia permits had decreased because most dentists had already obtained enteral conscious sedation permits in the previous fiscal year.

Mr. Ogden advised that board that the rent would be going up approximately \$2,000 per year. However, this is still a huge cost saving over the rent prices in Benson Tower. The Louisiana State Board of Dentistry was excused from moving into the Benson Tower by the Division of Administration during this fiscal year. Mr. Ogden opined that this was a direct savings of approximately \$500,000 to the board over the course of its current lease with One Canal Place.

Mr. Ogden related that attorney's fees, expert witness fees, investigations, and transcripts accounted for 39% of all costs of the board during the fiscal year.

The board was satisfied with those answers and then turned its attention to the budget as prepared by Mr. Ogden. Mr. Ogden explained that the budget was in line with past budgets and

that he expected revenue from enforcement actions to increase in the next fiscal year having already expended \$280,000 on prosecuting several formal adjudications in fiscal year 2010-2011.

Mr. Ogden related that several licensees who were being prosecuted by the board had made the facetious argument that the board was prosecuting them for revenue purposes only, and that anyone reviewing the financial statements could easily recognize this as being false.

After some further discussion, Dr. Baudean made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby accepts, approves, and adopts the budget as prepared by the executive director for fiscal year 2011-2012.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Mayer made the motion which was seconded by Dr. Moreau that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to hear from Dr. Robert Marier, Executive Director of the Louisiana State Board of Medical Examiners (LSBME) and Mr. Phil Bergeron, General Counsel for the LSBME.

After voting unanimously in the affirmative, the motion was declared passed.

At this point, Dr. Robert Marier and Mr. Phil Bergeron appeared to address the issue regarding the Administration of Botox and Dermal Fillers as set forth in LAC 44:XXXIII.132 which had been repromulgated as a Notice of Intent on July 20, 2011. Dr. Marier and Mr. Bergeron then addressed the board regarding the concerns of the Medical Examiners especially the possible unintentional results of going forward with this rule. The discussion was cooperative, informative, and the board agreed to set up a task force with two members each from the Louisiana State Board of Dentistry, Louisiana State Board of Medical Examiners, and the Louisiana Dental Association to further discuss this rule to see if common ground can be found.

Dr. Madison thanked Dr. Marier and Mr. Bergeron and then returned to Agenda item number 7, **Office Management Committee** wherein discussion took place on Agenda item number 7(iv). After some discussion, Dr. Blackwood made the motion which was seconded by Dr. Mayer that it be:

RESOLVED, the Louisiana State Board of Dentistry has considered placing consent decrees and disciplinary orders on its website and hereby elects to do so and instructs its staff to post these disciplinary orders and decisions on the website.

All but Drs. Martello, Manning, Moreau, and Baudean voted in the affirmative. The president declared the motion passed.

No action was taken on Agenda item number 7(v).

Dr. Madison then referred to Agenda item number 8, **Impaired Dentist Committee**, Dr. H.O. Blackwood, Chairman. Dr. Blackwood reported that Dr. Jamie Manders had graciously agreed to assist the dental profession in her capacity as Chairperson of the Louisiana Dental Association Well-Being Committee for one more year. Dr. Blackwood also stated that the Louisiana Dental Association was willing to support any legislation which will help to fund a new Well-Being Program as Dr. Manders had been performing this service on a pro-bono basis for over twenty years.

The board reviewed the memorandum from Mr. Ward Blackwell of July 25, 2011, and heard from Mr. Brian Bégue regarding his research into the matter. It was determined that funding or managing a Well-Being Committee was not within the purview of the Louisiana State Board of Dentistry, and that this was an area for the Louisiana Dental Association to oversee.

Dr. Madison then referred to Agenda item number 9, **Examination Committee**, Dr. Samuel Trinca, Chairman. As Dr. Trinca was absent, Dr. McVea substituted in his place. Dr. McVea stated that the Counsel for Interstate Testing Agency (CITA) which is the approved testing agency for the Louisiana State Board of Dentistry has a time-frame of one year in which an applicant must successfully complete their examination or retake the entire examination again. He felt that if a junior year student did not successfully complete the manikin portion of the examination in his junior year, it could create serious problems for him to complete the CITA examination process in the one year timeframe. After some discussion, Dr. McVea made the motion which was seconded by Dr. Manning that it be:

RESOLVED, the Louisiana State Board of Dentistry has considered the issue as to whether a dental student in his junior year taking the manikin examination and whether such examination should be counted as a failure thereby limiting the number of retakes the applicant can attempt as well as shorten the timeframe for completion of the examination process; and

BE IT THEREFORE RESOLVED, the Louisiana State Board of Dentistry shall not take into consideration whether a junior dental student is unsuccessful in passing the manikin examination in his or her junior year and that this will not count toward the one year timeframe of CITA.

After voting unanimously in the affirmative, the motion was declared passed.

Discussion then ensued on why all regional testing agencies had been excluded by the board except for CITA. It was the concurrence of the board that the Louisiana State Board of

Dentistry has more control over the content of the CITA examination than any others and in order to ascertain the validity of other examinations, the board will on a continual basis reassess each regional licensing examination to determine whether they may be utilized for licensure in the state of Louisiana in the future.

Dr. Madison then referred to Agenda item number 10, **Legislative Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory stated that the Louisiana Dental Association Council of Government Affairs Committee will convene on Friday, September 9, 2011 at 1:00 p.m. at the offices of the Louisiana Dental Association. Their main concern was to address the oncoming issue of Mid-Level Practitioners in the state of Louisiana.

Mr. Bégué then explained the several proposed changes to the Louisiana Dental Practice Act which he had prepared and is attached hereto and made a part hereof. After some discussion, Dr. Blackwood made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed changes to the Louisiana Dental Practice Act as prepared by its attorney and hereby approves the proposed legislative changes and instructs its President, Legislative Committee, Executive Director, and Counsel to introduced this proposed legislation into the next regular session of the legislature to be held in 2012.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. Madison then referred to Agenda item number 11, **Anesthesia Committee**, Dr. Lynn Philippe, Chairman. Discussion then ensued on dental office inspections. After same, it was the conclusion of the board that when performing normal Centers for Disease Control Guideline Inspections, the board inspectors will also audit and inspect offices for the level of anesthesia permitted as well as making sure all necessary permits are properly posted.

Discussion then ensued regarding the anesthesia amendments in the Louisiana Dental Practice Act as prepared by Dr. Ben Record of Louisiana State University School of Dentistry. Dr. Philippe advised the board that he reviewed the suggestions and agreed with them. He noted that these changes are not substantive rather but more rhetorical in that they bring the nomenclature used the American Dental Association into the Louisiana Dental Practice Act thus making it more uniform with other states' regulations regarding anesthesia. At this point, Dr. Manning made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed changes to the anesthesia regulations of the Louisiana Dental Practice Act as prepared by Dr. Ben Record and hereby authorizes its President, Legislative Committee, and Counsel to enter this as legislation in the next regular session of the legislature of 2012.

After voting unanimously in the affirmative, the motion was declared passed.

Mr. Blackwell stated that the Louisiana Dental Association would be happy to present this bill as well.

Dr. Madison instructed Mr. Ogden to send a letter of gratitude to Dr. Record for his hard work on this issue.

Discussion then ensued on voluntary inspections. After some discussion, Dr. Moreau made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, the inspectors of the Louisiana State Board of Dentistry shall send a checklist to every licensee in the state of Louisiana with inspection notice letters; Dr. Madison shall discuss this checklist in his next Louisiana Dental Association Journal Article; this checklist shall be placed on the website and posted in the "Summer Update."

After voting unanimously in the affirmative, the motion was declared passed.

After some discussion, Dr. Philippe made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby authorizes its staff to issue office adult enteral conscious sedation permits to licensees who currently possess a personal adult enteral conscious sedation permit.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. Madison then referred to Agenda item number 12, **Rulemaking**, Dr. David Melancon, Chairman. Before bringing the board's attention to new rulemaking, Dr. Melancon went through rules which had previously been published since the last board meeting. The rules which became effective on May 20, 2011 and which were briefly reviewed here pertain to LAC 46:XXXIII.306, .313, .701, .712, .714, .720, .1511, .1709, and .1711.

Rules which became effective on July 20, 2011 were LAC 46:XXXIII.301, .415, .419, .1509, .1611, .1709, and .1711.

Dr. Melancon also brought the board's attention to LAC 46:XXXIII.132 "Administration of Botox and Dermal Fillers," which had been discussed earlier in the evening with representatives from the Louisiana State Board of Medical Examiners. He noted that we did have a full year from July 20, 2011 to finish promulgation of this rule.

Discussion then ensued on revisions to other possible rules as prepared by Dr. Blackwood. The first of which pertained to foreign trained dentists completing residency or fellowship at CODA approved schools which would amend Rule 306 "Licensure by

Credentials.” At this point, Dr. Blackwood made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, that revisions as proposed by Dr. Blackwood to LAC 46:XXXIII.306 be hereby adopted.

All but Drs. Blackwood and Taylor voted against the rule. The president declared the motion failed.

Dr. Philippe then made the motion which was seconded by Dr. Melancon that it be:

RESOLVED, the Louisiana State Board of Dentistry will revisit this rule at its December 2, 2011 board meeting.

After voting unanimously in the affirmative, the motion was declared passed.

Discussion then ensued on LAC 46:XXXIII.1709 “Examination of Dentists” and .1711 “Examination of Dental Hygienists.” These two rules effectively eliminate the Central Regional Dental Testing Service, Northeast Regional Board, Southern Regional Testing Agency, American Dental Examination, and the Western Regional Examining Board examinations to make one eligible for licensure in the state of Louisiana. At this point, Dr. Guillory made the motion which was seconded by Dr. Moreau that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to go forward with the amendments of LAC 46:XXXIII.1709, and .1711; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of these rules as soon as possible.

After voting unanimously in the affirmative, the motion was declared passed.

No action was taken on LAC 46:XXXIII.103 “Evidence of Graduation.”

Discussion then ensued on rule changes as prepared by Ms. Erin Conner, Director of Licensing. The particular rules pertain to LAC 46:XXXIII.306, .403, .409, and .415 which are attached hereto and made a part thereof. After this discussion, Dr. Manning made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to go forward with the amendments of LAC 46:XXXIII.306, .403, .409, and .415; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of these rules as soon as possible.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. Madison then referred to Agenda item number 13, **Continuing Education Committee**, Dr. John Taylor, Chairman. Dr. Taylor related that further revision to LAC

46:XXIII.1611 should be considered. It was noted that this section became a rule on July 20, 2011 but only pertained to an entity entitled “Donated Dental Services,” which has since changed their name to “Dental Lifeline Network.” After some discussion, Dr. Taylor made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby amends LAC 46:XXXIII.1611 as follows;

“Louisiana licensed dentists shall be eligible for three hours of clinical continuing education for treating a donated dental service patient (pro bono) from an Louisiana State Board of Dentistry approved agency. The maximum number of hours will be no more than six in any two year biennial renewal period, and verification of treatment from the agency is mandatory in order to obtain these continuing education credits.”

All but Drs. Guillory, Moreau, and Mayer voted in favor of this rule change and the president declared the motion passed.

At this point, Dr. Taylor made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to go forward with the amendments of LAC 46:XXXIII.1611; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of these rules as soon as possible.

Again, all but Drs. Guillory, Moreau, and Mayer voted in favor of motion which was declared passed.

Dr. Madison then referred to Agenda item number 14, **New business and any other business which may properly come before the board**. At this point,

Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Adam P. Cormier, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Adam P. Cormier, D.D.S., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Jana S. Cormier, D.D.S., via Containing Consent Decree by and between the Louisiana State Board of Dentistry and Jana S. Cormier, (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all

acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Thomas E. Foster, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Thomas E. Foster, D.D.S., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Walter S. Platt, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Walter S. Platt, D.D.S., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Dustin M. Kidder, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Dustin M. Kidder, D.D.S., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Niobe A. Joseph, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Niobe A. Joseph, D.D.S., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Julie Weir Snyder, R.D.H., via Consent Decree by and between the Louisiana State Board of Dentistry and Julie Weir Snyder, R.D.H., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Taylor then made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Wendy Howell Greene, R.D.H., via Consent Decree by and between the Louisiana State Board of Dentistry and Wendy Howell Greene, R.D.H., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

After voting unanimously in the affirmative, the motion was declared passed.

At this point, Dr. Guillory made the motion which was seconded by Dr. Martello that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Celia R. Cangelosi, Esq., Attorney at Law.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Manning made the motion which was seconded by Dr. Martello that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Donald P. Harris, D.D.S.

After voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Melancon made the motion which was seconded by Dr. Martello that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Continuum Technology Services, LLC.

After voting unanimously in the affirmative, the motion was declared passed.

At this point, Dr. Philippe stated that the Office Management Committee would like further oversight on purchases made by the Louisiana State Board of Dentistry and wish to be consulted on any purchases in excess of \$1,250. No action was taken on this matter but Mr. Ogden advised Dr. Philippe that he would be happy to provide him with any information regarding any purchase made on behalf of the Louisiana State Board of Dentistry.

Next, Dr. Manning made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Patrick Shannon Allison, D.D.S.

After voting unanimously in the affirmative, the motion was declared passed.

Discussion then ensued upon revising the disciplinary oversight internal procedures regarding Medicaid fraud violations. After some discussion, Dr. Blackwood made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby amends its disciplinary procedures regarding Medicaid violations by appointing five members to serve on a review panel regarding violations of the Medicaid fraud, rules, and regulations in the state of Louisiana; and

BE IT FURTHER RESOLVED, that the Medicaid violation review panel shall consist of Drs. John Taylor, H.O. Blackwood, Jim Moreau, Aubrey Baudean, and Dean Manning.

After voting unanimously in the affirmative, the motion was declared passed.

No action was taken on the issue of the president participating on regular disciplinary oversight committee panels.

It was decided not to seek an opinion from the Attorney General regarding inspection of Federally Qualified Healthcare Centers (FQHC). Rather, the board instructed its inspectors to begin inspecting FQHC's for compliance with the Louisiana Dental Practice Act and should our inspectors be refused access to these facilities, an Attorney's General opinion will then be sought.

No action was taken on whether or not the board should provide investigative services to the Department of Health and Hospitals investigating Medicaid fraud.

Discussion then ensued on the previously promulgated Notice of Intent requiring Automated External Defibrillator's to be utilized in dental offices effective January 1, 2012. The LDA/LSBD Task Force Agreed that this is a good idea, but the Louisiana Dental Association wanted another year so that it could seek tax credits for the purchase of these machines. The board agreed to wait until this could be accomplished.

Next, Dr. Taylor made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby authorizes and empowers Mr. Peyton "Pete" Burkhalter, Esquire to sign checks on the accounts of the Louisiana State Board of Dentistry.

After voting unanimously in the affirmative, the motion was declared passed.

The board then noted that there was an article describing new authorization being given to the North Carolina Dental board to review any and all dental contracts within their state. The board felt that this was a bad idea and overly burdensome on staff.

No action was taken on the discussion of Mid-Level providers. The matter was tabled for discussion until the LDA/LSBD Task Force could devote more time to this matter.

The board then reviewed the Louisiana Dental Association Peer Review Report covering the period from January – July 2011. The board was satisfied with the report.

Dr. Madison then stated that due to the fact that Mr. Pete Burkhalter had been hired to succeed Mr. Barry Ogden he was hereby eliminating the Executive Director Search Committee.

Dr. Madison then referred to Agenda item number 16, the **Yellow Page Review Ad Hoc Committee**, Dr. John Taylor, Chairman. Dr. Taylor noted that several board members had forgotten to bring yellow page advertising to the board meeting but were requesting them to do so again. In addition, Dr. Blackwood was added to the this Yellow Page Review Committee which consists now of Drs. Taylor, Baudean, Guillory, and Blackwood. A complete review of all dental yellow page advertising will be conducted over the next few months.

Dr. Madison then referred to Agenda item number 17, **Louisiana Dental Association/Louisiana State Board of Dentistry Task Force**, Dr. Madison, Chairman. Dr. Martello went through the minutes of the meeting held by the task force on July 22, 2011. All members were satisfied with the progress being made by the task force.

Dr. Madison then referred to Agenda item number 18, **Anxiolysis Task Force**, Dr. Lynn Philippe, Chairman. Dr. Philippe noted that discussion in this matter had already been taken up under the Anesthesia Committee portion of the meeting above. The board felt there was no further need for this Ad Hoc Committee and Dr. Madison dissolved the Committee.

Dr. Madison then asked for a resolution to go into Executive Session. Hearing none, he referred to Agenda item number 20, **Per Diem**, wherein Dr. Melancon made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, that the Louisiana State Board of Dentistry hereby authorizes and directs its Secretary-Treasurer to pay all per diem and authorized expenses to those board members in connection with the May 20, 2011 board meeting and hearings held in New Orleans, Louisiana; and

BE IT FURTHER RESOLVED, that the Secretary-Treasurer is authorized and directed to pay up to two additional travel days in per diem to board members requiring same in connection with their attendance at said meeting.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. Melancon made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, that the Louisiana State Board of Dentistry hereby authorizes and directs its Secretary-Treasurer to pay all per diem and authorized expenses to those Board members in connection with the July 22, 2011 Louisiana State Board of Dentistry and Louisiana Dental Association task force meeting held in Baton Rouge, Louisiana; and

BE IT FURTHER RESOLVED, that the Secretary-Treasurer is authorized and directed to pay up to two additional travel days in per diem to board members requiring same in connection with their attendance at said meeting.

After voting unanimously in the affirmative, the motion was declared passed.

At this point, Dr. Guillory made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of August 5, 2011.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. Madison then adjourned the meeting at 5:15 PM.

Dean L. Manning, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry