

**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 10:30 A.M. ON
FRIDAY, MAY 7, 2010**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, May 7, 2010, 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 10:30 a.m. by Dr. Charles McCabe, President.

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

PRESENT WERE:

Dr. Charles McCabe, President
Dr. Romell Madison, Vice-President
Dr. David Melancon, Secretary-Treasurer
Dr. Wilton Guillory, Member
Dr. H.O. Blackwood, Member
Christine Guillaume, R.D.H., Member
Dr. Lynn Philippe, Member
Dr. Dean Manning, Member
Dr. Frank Martello, Member
Dr. James Moreau, Member
Dr. Sam Trinca, Member
Dr. Conrad McVea, Member
Dr. John Taylor, Member
Absent: Dr. Marija LaSalle, Member

ALSO PRESENT BY BOARD INVITATION WERE:

C. Barry Ogden, Executive Director
Brian Begue, Board Counsel
Linda Foto, Director of Licensing

Erin Conner, Board Staff

Diana Chenevert, Board Staff

John Roth, Board Staff

John Gallo, D.D.S., LSUSD

Ward Blackwell, Executive Director, LDA

Suzanne Farrar, R.D.H., LSUSD, LDHA

Michael Andry, ExcelTH, LPCA

Chris Brown, LDA

Renee Ford, Catahoula Parish Hospital District #2

Angela Sheffie

Beth Butler, DHH, Bureau of Primary Care and Rural Health

Dorie Tschudy, DHH, Bureau of Primary Care and Rural Health

Carrie Mason, R.D.H., LSUSD

Liz Mangham

Dr. McCabe opened the meeting by greeting all guests. He stated that the board staff and its attorney, Brian Begue together had a total of 158 years of experience and he was grateful for that. He asked if there was any public comment.

Hearing none, Dr. Moreau then made the motion which was seconded by Ms. Guillaume that it be:

RESOLVED, that the minutes, as circulated, of the Special Board meeting of March 5, 2010, in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Next, Ms. Guillaume made the motion which was seconded by Dr. Moreau 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 March 5, 2010, 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. McCabe then referred to Agenda item number 6, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman. At this point, Dr. Manning made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by the persons named below, the Louisiana State Board of Dentistry hereby approves said application and awards said named persons, their requested license to practice dentistry in the State of Louisiana, granting them all the privileges, duties, and responsibilities associated therewith.

- a. Dr. Alfreda Beard
- b. Dr. Ruth Ann Youngquist

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

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by the persons named below, the Louisiana State Board of Dentistry hereby approves said application and awards said named persons, their requested license to practice dental hygiene in the State of Louisiana, granting them all the privileges, duties, and responsibilities associated therewith subject to their successful completion of the jurisprudence examination by June 10, 2010.

- a. Julia Cranford, R.D.H.
- b. Susan Hawas, R.D.H.

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

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by the person named below, the Louisiana State Board of Dentistry hereby approves said application and awards said named person, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith subject to the receipt of satisfactory fingerprint background check results, notarized physician's statement, and successful completion of the jurisprudence examination by June 27, 2010.

Dr. Likith Reddy

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

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

RESOLVED, under the authority of R.S. 37:760 (A) (6) and LAC 46:XXXIII.120, the Louisiana State Board of Dentistry hereby approves the issuance of temporary dental hygiene license to the following person:

Kaylien Thi Nguyen, R.D.H.

and

BE IT FURTHER RESOLVED, that the members of the Louisiana State Board of Dentistry do hereby ratify the actions of its Licensing and Credentials Committee in connection therewith.

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

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

RESOLVED, that the Louisiana State Board of Dentistry accept the listing prepared by its Secretary-Treasurer, as amended, covering the 37 dentists who failed to timely renew their dental licenses for the biennial renewal period 2010-2011 as provided in L.S.A. 37:770, and in connection therewith, their licenses to practice dentistry will be revoked as of May 17, 2010, and that said licensees be so notified in writing; and

BE IT FURTHER RESOLVED, that a copy of said listing, as amended, be attached hereto and be made a part here as if copied in extenso.

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

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

RESOLVED, that the Louisiana State Board of Dentistry accept the listing prepared by its Secretary-Treasurer, as amended, covering the 20 dental hygienists who failed to timely renew their dental hygiene licenses for the biennial renewal period 2010-2011 as provided in L.S.A. 37:770, and in connection therewith, their licenses to practice dental hygiene will be revoked as of May 17, 2010, and that said licensees be so notified in writing; and

BE IT FURTHER RESOLVED, that a copy of said listing, as amended, be attached hereto and be made a part here as if copied in extenso.

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

Dr. Blackwood then suggested that the board look into the possibility of specialty licensing for foreign trained dentists who have completed a specialty program. He felt that those foreign trained dentists limited to a specialty should not have to take a licensing examination to obtain a dental license. The board directed Mr. Barry Ogden and Mr. Brian Begue to study this issue and report back to the board at its next meeting.

Discussion then ensued on the possibility of renewing restricted licenses biennially instead of annually. No action was taken.

Discussion then ensued on the AGD's program at the LSU School of Dentistry July 8, 2010. Dr. Martello then made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby waives the licensing requirements and fees for those dentists participating with the Academy of General Dentistry Program to be conducted at the Louisiana State University School of Dentistry on July 8-9, 2010, upon the following conditions:

Dentists participating in the program shall provide to the Louisiana State Board of Dentistry:

- a. verification of good standing in their state of licensure

- b. their license number
- c. a copy of their drivers' license
- d. proof of insurance

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

Discussion then ensued on the AGD's course on Botox and Dermal Fillers to be conducted July 9, 2010, in New Orleans. Dr. Chris Brown stated that he felt there should be some clarification regarding the definition of the oral and maxillofacial areas so that dentists could be more informed on the appropriate area to use Botox and dermal fillers. Dr. Moreau then made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry has discussed waiving licensing requirements for those dentists participating with the Academy of General Dentistry program regarding Botox and Dermal Fillers to be conducted in New Orleans July 8-9, 2010, and hereby takes no position.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby waives one-half of the renewal fee for new licensees, dentists and dental hygienists, who will be renewing their licenses within one year of the initial issuance.

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

At this point, Dr. McCabe referred to agenda item 7, **Office Management Committee**, Dr. Lynn Philippe, chairman.

Mr. Ogden brought the board's attention to the financial statements for the nine month period ending March 31, 2010. He explained that the board currently had an unprecedented eight formal proceedings against licensees and that those proceedings have driven up the board's legal and investigative fees. He suggested that the board amend its budget to allow for this increase. Dr. Manning then made the motion which was seconded by Dr. Guillory that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby accepts, approves, and adopts the amended budget as prepared by the executive director for fiscal year 2009-2010, adding \$50,000 to both attorney fees and investigative fees.

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

Discussion then ensued regarding the upcoming annual audit. Dr. Blackwood then made the motion which was seconded by Dr. Manning that it be:

RESOLVED, the Louisiana State Board of Dentistry has reviewed the Louisiana Compliance Questionnaire for the Audit Engagements of Government Entities and hereby approves same.

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

Ms. Diana Chenevert then brought the board's attention the new website format and asked for any suggestions. The board said the new layout was acceptable and asked for a section for "board members" only so that they may upload files to be shared or possibly have discussions. Ms. Chenevert stated she would contact the website's designer and pass along their suggestions.

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

RESOLVED, the Louisiana State Board of Dentistry hereby amends its Agenda to take up Agenda item 12 **Rulemaking Committee**.

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

At this point, Mr. Ogden brought the board's attention to the Notices of Intent to be published in the May 20, 2010, edition of the *Louisiana Register* regarding LAC 46:XXXIII.312, .313, .314, .1611, .1613, and .1713.

Discussion then ensued on amending LAC 46:XXXIII.415 and .419 to adjust the fees for licensure by outside examination. The board elected to defer a decision on that matter until its next meeting.

Discussion then ensued on the proposed amendments to LAC 46:XXXIII.701 "Authorized Duties of Dental Hygienists. Mr. Ogden explained that one change had previously been approved by the board and that they were discussing two new changes. The first change was to allow dental hygienists with one year experience to work under general supervision. The second was to allow public institutions, federally qualified health centers, DHH clinics, and schools certain exemptions from the restrictions on general supervision.

Mr. Michael Andry then addressed the board, stating that the number of patients his FQHC sees every year necessitates the relaxation of certain requirements for general supervision of dental hygienists. Ms. Renee Ford agreed with him and stated that FQHCs are currently limited to the amount of dental hygiene patients they can accept because the overseeing dentist is forbidden to supervise more than two hygienists at any one time and that the hygienists may only

work under general supervision twenty days in any calendar year. They felt that these restrictions were too onerous for FQHCs and requested that the board accept the proposed amendments.

Mr. Ward Blackwell stated that the LDA opposed the relaxing of general supervision requirements in regards to FQHCs because it involves a standard of care issue. He said that if a dentist is only able to supervise two hygienists at once in a private setting, then there must be a reason it was limited in the first place. He stated that it is important that patients get regular examinations by a dentist and not simply seen by the hygienist.

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

RESOLVED, the Louisiana State Board of Dentistry hereby substitutes the phrase “one year of full time” for the phrase “three years, or an equivalent amount of experience, in” in LAC 46:XXXIII.701 (F), and

BE IT FURTHER RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Executive Director, President, and Board Counsel to go forward with the amendments, and

BE IT FURTHER RESOLVED, those parties are instructed to commence promulgation of this rule as soon as possible.

All but Drs. Blackwood and Guillory voted in the affirmative, and Dr. McCabe declared the motion passed.

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

RESOLVED, the Louisiana State Board of Dentistry hereby defers discussion and voting on the LAC 46:XXXIII.701 (G) amendments until its next board meeting.

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

Discussion then ensued on the proposed changes to LAC 46:XXXIII.1509 regarding educational requirements for nitrous oxide permits. Dr. Trinca then made the motion which was seconded by Dr. Melancon 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.1509; and

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

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

Returning to the agenda, Dr. McCabe then referred to item number 8, **Impaired Dentists Committee**, Dr. H.O. Blackwood, Chairman. Dr. Blackwood stated that Dr. Taylor had wanted to speak regarding the reports and queries from the Prescription Monitoring Program (PMP). Dr. Taylor stated that he felt the PMP reports should be verified before the board could take disciplinary action against a licensee.

Mr. Ogden stated that informal hearings are voluntary meetings and the dentist is aware of that fact. The board does not proceed to formal adjudication without verifying any information obtained from a PMP report. The board was satisfied with this information.

Next, Dr. McCabe referred to agenda item number 9, **Examination Committee**, Dr. Sam Trinca, Chairman. Dr. Trinca related that the most recent Council of Interstate Testing Agencies (CITA) licensing examination at LSUSD was a success and that he was satisfied with CITA's examination and procedures.

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

RESOLVED, the Louisiana State Board of Dentistry instructs its President and Executive Director to enter into a contract with the Council of Interstate Testing Agencies for the photographs as soon as possible of those failures of the annual March dental licensing examination.

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

Next, the following board members were appointed to actively participate in the proceedings of the American Association of Dental Boards and the Council of Interstate Testing Agencies: Drs. Martello, Melancon, Trinca, McCabe, Guillory, McVea, Madison, Manning, and LaSalle.

The board then reviewed the schedule of upcoming CITA licensing examinations and was satisfied.

Mr. Ogden then brought the board's attention to the new reporting method of the Joint Commission on National Dental Examinations. The commission will begin providing national board scores via electronic means to all state boards.

Mr. Ogden then discussed correspondence from Central Regional Dental Testing Service, Inc., regarding their no longer requiring candidates to have completed the national boards.

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

RESOLVED, the Louisiana State Board of Dentistry hereby amends its Agenda to take up the presentation by Beth Butler of the Bureau of Primary Care and Rural Health.

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

Ms. Butler described her office's practices for the board. She explained the creation and designation of Health Professional Shortage Areas (HPSAs). She went on to explain what HPSAs were and how they determined any federal aid in the form of FQHCs for an area.

Returning to the agenda, Dr. McCabe then referred to item number 10, **Legislative Committee**, Dr. Conrad McVea, Chairman.

Mr. Ogden stated that he had been tracking several bills currently in the legislature. He stated that Senate Bill 530, which would allow FQHCs to hire dentists, was currently in the House Health and Welfare Committee.

Mr. Blackwell stated that the LDA's official position on SB 530 was neither opposing or supporting because the LDA feels that there is a conflict between federal requirements for FQHCs and state law regarding dentistry.

Dr. Philippe asked Mr. Andry if FQHCs allow tooth whitening. Mr. Andry stated they currently do not offer that service but that they are not prohibited from doing so. Dr. Philippe pointed out that SB 530 could conceivably open the door for FQHCs to provide cosmetic dentistry.

Dr. Blackwood felt that if SB 530 passes, it would open the door to fee splitting between dentists and non-dentists. The board concurred.

Dr. McCabe then referred to agenda item number 11, **Anesthesia Committee**, Dr. Lynn Philippe, Chairman. Dr. Philippe stated that the Dental Organization for Conscious Sedation had requested that the board approve its "Pediatric Sedation Dentistry" course. He stated that the course seemed appropriate, and he recommended that the board approve it. At this point, Dr. Trinca made the motion which was seconded by Dr. Moreau that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves the DOCS "Sedation Dentistry Course" for the issuance of a pediatric enteral sedation permit.

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

Dr. Philippe then stated that LSU had prepared a refresher course in oral sedation. He stated that the board's current rules require that all dentists who hold an enteral sedation permit attend a refresher course every five years, and that the course as prepared by LSU would appropriately address the requirement. The board concurred.

Ms. Guillaume then stated that the Louisiana dental hygiene schools are not currently giving local anesthesia courses except for students currently enrolled in dental hygiene school. She stated that Louisiana hygienists who have not taken a local anesthesia course while they were in dental hygiene school are currently required to find a comparable local anesthesia course elsewhere in the country before they can obtain their local anesthesia permit in Louisiana. She went to say that Louisiana's requirements for the local anesthesia course were much more stringent than most other states' and so far no one had found any out of state courses that were comparable. No action was taken.

Dr. McCabe then referred to agenda item number 13, **Continuing Education Committee**, Dr. John Taylor, Chairman. Dr. Taylor stated that he had no report.

Dr. McCabe stated that continuing education audits had not been performed for the past two years and that the board was in the process of auditing two years of renewals at once. He requested that the office report to the Continuing Education Committee chairman at every meeting.

Dr. McCabe referred to agenda item number 14, **New business and any other business which may properly come before the board**. Dr. Manning then made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Camp Morrison Investigations.

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

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

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

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

The board then set the following dates for calendar year 2011:

February 18, 2011—board meeting

March 24-26, 2011—CITA clinical examination at LSUSD

May 20, 2011—board meeting

June 2-3, 2011—CITA clinical licensing examination at LSUSD

August 5, 2011—board meeting

August 12-13, 2011—CITA clinical licensing examination at LSUSD

December 2-3, 2011—board meeting

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving William Bolinger, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and William Bolinger, 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 the board voted unanimously in the affirmative, Dr. McCabe declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Johnny Bear, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Johnny Bear, 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 the board voted unanimously in the affirmative, Dr. McCabe declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Dennis Henry, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Dennis Henry, 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 the board voted unanimously in the affirmative, Dr. McCabe declared the motion passed.

Mr. Ogden then brought the board's attention to the request from the LDA to form a task force between the LDA and the board to study disciplinary proceedings of the board. Drs.

Martello, Blackwood, and McCabe were appointed to meet informally with three members of the LDA for discussions.

Next, Dr. Blackwood stated that he would like board members' meal allowances be allotted by a total per day rather than broken down into separate meal allowances for simplicity's sake. Mr. Ogden stated that he would relate that information to Mr. John Roth for board members' reimbursements.

Dr. McCabe then referred to agenda item number 15, **Reports on Investigations, Adjudications and Litigation** at which point, Dr. Trinca made the motion which was seconded by Dr. Melancon that it be:

RESOLVED, that the Louisiana State Board of Dentistry go into Executive Session for the purpose of discussing investigations, adjudications, litigations, and professional competency of individuals and staff; and

BE IT FURTHER RESOLVED, that the Louisiana State Board of Dentistry may discuss litigation in Executive Session when an open meeting would have a detrimental effect on the bargaining and litigating position of the Louisiana State Board of Dentistry.

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

Upon returning from Executive Session, Dr. Blackwood made the motion which was seconded by Dr. Manning 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 March 5, 2010 board meeting and hearings held in New Orleans, Louisiana.

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

Dr. Blackwood then made the motion which was seconded by Dr. Manning 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 April 9-12, 2010 Council of Interstate Testing Agencies and American Association of Dental Boards meetings held in Chicago, Illinois.

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

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

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of May 7, 2010.

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

Dr. McCabe then adjourned the meeting at 5:00 PM.

David Melancon, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry