

**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 12:00 NOON ON
FRIDAY, MARCH 2, 2012**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, March 2, 2012, 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 12:00 p.m. by Dr. David Melancon, President.

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

PRESENT WERE:

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

ABSENT:

Dr. Conrad McVea, Member

ALSO PRESENT BY BOARD INVITATION WERE:

Peyton B. Burkhalter, Executive Director
Brian Bégué, Board Counsel
Erin Conner, Director of Licensing

Rachel Daniel, Board Staff

John Roth, Board Staff

Camp Morrison, Board Investigator

Alison Schenk, Investigative Staff

Suzanne Farrar, R.D.H., LDHA

John Gallo, D.D.S.-LSUSD

Kenneth Schott, D.D.S., LDA

Ray Unland, D.D.S., LDA

Robert Barsley, D.D.S., LSUSD

Dr. Melancon thanked everyone for attending the meeting and stated that the board performs an important function and for a worthy cause. Dr. Trinca then apologized to Dr. Madison for failing to thank him at the board Christmas party for all of his hard work and the accomplishments achieved during his tenure as President. At this point, Dr. Melancon asked all guests to introduce themselves. After the introductions, Dr. Melancon then asked for public comment. Hearing none, he turned to Agenda item number 4 wherein Dr. Manning then made the motion which was seconded by Dr. Trinca that it be:

RESOLVED, that the minutes, as circulated, of the Annual Board meeting of December 3, 2011 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

After the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed. Drs. Moreau, Blackwood and Taylor were absent for the vote.

Next, Dr. Trinca made the motion which was seconded by Dr. Baudean 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 December 3, 2011, be and they are hereby approved, adopted, and ratified in full by the board.

After voting unanimously in the affirmative, Dr. Melancon declared the motion passed. Drs. Moreau, Blackwood and Taylor were absent for the vote.

Dr. Martello made a motion to amend the agenda to address agenda item 13 (iii) regarding the Presentation of the AADB Programs D-PREP and ASP by Dr. Barsley. The motion was seconded by Dr. Trinca. After voting unanimously in the affirmative, Dr. Melancon declared the motion passed. Drs. Moreau, Blackwood and Taylor were absent for the vote.

Dr. Barsley provided the board members a handout from the PowerPoint presentation that was prepared by his colleague at the University of Maryland. Dr. Barsley further expounded on

the handout regarding D-PREP and stated that it is a program for the evaluation of the practitioner to determine if they are suitable to return to active practice. Dr. Barsley then went through the sites where the programs are being administered and the substance of the programs. He further explained the criteria used to enter the programs. Drs. Baudean and Trinca discussed how the programs could be used by licensing agencies and the costs associated with the programs. Dr. Trinca added that he believes that the programs will be an asset to the Board. Finally, Dr. Barsley advised the board that Dr. Bates and Dr. Cheramie are also currently involved in the program that is offered at LSUSD. Dr. Melancon thanked Dr. Barsley for his time and the information on the programs.

Dr. Melancon then returned the board to the agenda beginning with the Standing Committee Reports. Dr. Melancon then referred to Agenda item number 6, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman.

Dr. Manning made the following 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 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.

- a. Lauren Coleman, R.D.H.
- b. Ramona Persons, R.D.H

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

Next, Dr. Manning made the following 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. Dawn Luke, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Dawn Luke, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon her successful completion of seven (7) hours of Continuing Education.

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

Next, Dr. Manning made the following 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. John Kent, III, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. John Kent, III, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon his successful completion of the examination in jurisprudence.

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

Next, Dr. Manning made the following 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 Raschelle Porter, R.D.H, the Louisiana State Board of Dentistry hereby approves said application and awards Raschelle Porter, 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 contingent upon the board's receipt of satisfactory fingerprint background check results.

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

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

RESOLVED, that the minutes, as circulated, of the Licensing and Credentials Committee meeting of December 2, 2011 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

After the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed. Drs. Blackwood, Taylor and Moreau were not present for the vote.

Dr. Manning next opened the discussion of agenda item (iv) regarding the amendment of LAC 46:XXXIII.313 C (7). Ms. Conner advised the board that the substance of the potential amendment would only affect those practitioners limiting their practice to nursing facilities. Further, the practitioners are limiting the scope of their services to examinations and taking impressions and as a result they should not be required to maintain all of the equipment set forth in the rule. Dr. Martello added that the amendment should only address those practicing prosthodontics. Dr. Philippe added that most if not all nursing facilities have the necessary emergency kits and most of the items listed in the subject rule. In addition, he related that a practitioner had been sued for resuscitating a patient because a DNR request was in place. The board elected to refer this to the rulemaking committee for discussion at the May meeting.

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

RESOLVED, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 36 dentists who failed to timely renew their dental licenses for the calendar years 2012-2013 as provided in R.S. 37:770, and in connection therewith, their licenses to practice dentistry be revoked and that said licensees be so notified in writing.

License No.	Name	Response
308	Henry Davis	Refused
1260	Donald Landry	Notice left
1610	Otis Bailey Jr.	Delivered
1843	Hayes Huffman Jr.	Returned
1849	Frank Lombardi	Notice left
2050	Pierre Daboval	Signed Pierre Daboval
2101	Barbara Fontenot	Returned
2102	James Fontenot	Returned
2986	Wilton Hoggatt	Signed E. Hoggatt
3647	Thomas Baggett III	Notified board of non-renewal intentions

3958	Wendell Garrett Jr.	Signed T. Stocks
4387	Claude Daniel Jr.	Signed Claude Daniel
4417	Elwyn Crawford	Signed Marilyn Armstrong
4606	Gail Benton	Notice Left
4768	Richard Appleton	Signed Barbara E.
4847	Naila Elkassas	Notified board of non-renewal intentions
5449	Rajdeep Guraya	Signed Elydie Moore
5641	Kristina Connor	Returned
5685	Frankie Gomez	Signed Erin Jones
5723	Brandy Hyde	Returned
5759	Daniel Cook	Returned
5779	Ginny Marie Baker Anderson	Notified board of non-renewal intentions
5794	Joseph Daho	Returned
5832	Salvador Flores	Returned
5861	Payal Anand	Notice left
5910	Anna Goldston	Notified board of non-renewal intentions
5911	Sarah Khani	Notice left
5933	Nina Khedkar	Notified board of non-renewal intentions
5966	Elizabeth Webb	Notified board of non-renewal intentions
6000	Natasha Khurana	Notified board of non-renewal intentions
6009	Janeen Guinn	Notified board of non-renewal intentions
6057	Branden Dailey	Returned
6071	Andrew Heaton	Returned
6109	Soo Bin Kim	Notified board of non-renewal intentions
6114	Vera Dooley	Notified board of non-renewal intentions
6126	Samantha Harris	Signed illegible

After voting unanimously in the affirmative, the motion was declared passed. Drs. Blackwood, Taylor and Moreau were not present for the vote.

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

RESOLVED, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 25 dental hygienists who failed to timely renew their dental hygiene licenses for the calendar years 2012-2013 as provided in R.S. 37:770, and in connection therewith, their licenses to practice dental hygiene be revoked and that said licensees be so notified in writing.

License No.	Name	Response
846	Sherry Bernard	Returned
1133	Dana Farley	Signed Dana Farley
1380	Yancine Eggers	Returned
2733	Patricia Bergeron	Notice left
2755	Shannon Gautreau	Returned
2811	Debra Braun	Undeliverable
2845	Angela Guerra-May	Notified board of non-renewal intentions
3092	Wendi Herbert-Garnett	Returned
3101	Marci Pelas	Moved, left no address
3270	Lauren Beasley	Signed--illegible
3505	Kimberly Kimbrell	Returned
3528	Jayci Lege	Returned
3615	Hoa Dao	Notice left
3685	Shannon Gafner	Returned
3701	Jacquelyn Lacour	Notified board of non-renewal intentions
3796	Sarah Loy	Returned
3886	Kristine Boyer	Signed Kristine Boyer
3894	Jennifer Carter	Notice left

4041	Joy Laine	Returned
4084	Meagan Castino	Signed Aaron Castino
4124	Meaghan Blood	Signed Meghan Blood
4154	Holly Carr	Signed John Carr
4156	Lauren Havard	Notified board of non-renewal intentions
4165	Lacie Lee	Notice left
4263	Ashley Barkley	Signed A. Barkley

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

Next, Dr. Melancon referred to Agenda item number 7, **Office Management Committee**, Dr. Lynn Philippe, Chairman.

Dr. Philippe began his committee report by discussing the Office Management Committee meeting that was conducted on December 2, 2011. Dr. Philippe reviewed the minutes of the meeting and the specific resolutions and recommendations of the committee because many of the items discussed at the committee meeting are included on the board agenda for this meeting. After reviewing the resolutions and minutes, Dr. Martello made a motion that was seconded by Dr. Manning that it be:

RESOLVED, that the minutes, as circulated, of the Office Management Committee meeting of December 2, 2011 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Next, Dr. Philippe asked Mr. Burkhalter to explain the financial statements for the six months ending December 31, 2011. Mr. Burkhalter referred the members to the Sharp and Company documents and related the bank balance as of December 31, 2011. Next, the members' attention was directed to the changes to the financial statements including the breakdown by category of the license and permit renewals including anesthesia, dental, hygiene, licensing by credential and licensing by examination. Further, the enforcement actions and recovery therefrom are now broken down by costs and fines. The fines were 2.4% and the costs recovered were 6.6% of the total revenues for the period. Mr. Burkhalter also advised the board members that the post employment benefits associated with Mr. Ogden's retirement and the salaries paid to both Mr. Ogden and Mr. Burkhalter during Mr. Burkhalter's training period increased the salaries and benefits for the period. Finally, Mr. Burkhalter then addressed the total legal expenses which were \$95,236 for the first six months because the board had been in the process of prosecuting several formal disciplinary actions which have been very expensive

and the board is being forced to defend two separate lawsuits. Dr. Philippe thanked Mr. Burkhalter for the report.

Dr. Philippe next addressed agenda item 7 (iv) regarding the replacement of the office copier. Dr. Trinca made a motion that was seconded by Dr. Baudean that it be:

RESOLVED, that the board will replace the existing office copier, desktop scanner and stand-alone fax machine with a single copy machine which can accomplish the three functions and authorizes the executive Director to sign the new lease finance agreement associated with the acquisition.

Dr. Melancon called for a vote which resulted in the board unanimously approving the motion presented. Dr. Melancon declared the motion passed. Dr. Blackwood was absent for the vote.

Dr. Philippe next addressed agenda item 7 (v) regarding the replacement of the office telephone system. The board discussed the quotes including the similarity between the two and that both systems have similar capacities and features including voice over IP technology. Dr. Mayer inquired about the costs of the current land lines and how much it would cost to use the voice over IP technology. Mr. Burkhalter then pointed out the increased costs associated with the technology balanced against the reduction in monthly costs for deleting the land lines. Further, Mr. Burkhalter pointed out that the voice over IP technology was not completely reliable at this point but that either quoted system was expandable to accommodate the technology.

Dr. Trinca made a motion that was seconded by Dr. Baudean that it be:

RESOLVED, that the board will replace the existing telephone system and authorizes the Executive Director to select and purchase the system.

Dr. Melancon called for a vote which resulted in the board unanimously approving the motion presented. Dr. Melancon declared the motion passed. Dr. Blackwood was absent for the vote.

At this point, Dr. Philippe moved to agenda item 7 (vi) regarding the increase in investigative, legal and employee benefits. Mr. Burkhalter reviewed the current budget for the three items and then discussed the need for the increase. The investigative expense has increased due to the statewide CDC and anesthesia inspections being conducted; the legal expenses have increased due to the appeals and lawsuits currently being handled by the board and employee benefits need to be increased to cover post employment obligations incurred due to the retirement of Mr. Barry Ogden.

Dr. Baudean made the motion with was seconded by Dr. Philippe that it be:

RESOLVED, that the Louisiana State Board of Dentistry having reviewed its budget for fiscal year 2011-2012 hereby increases allocations for investigative expenses in the amount of \$50,000.00; legal expenses in the amount of \$35,000.00; and employee benefits in the amount of \$30,000.00.

Dr. Melancon called for a vote which resulted in the board unanimously approving the motion presented. Dr. Melancon declared the motion passed.

Dr. Baudean made the motion with was seconded by Dr. Philippe that it be:

RESOLVED, that the Louisiana State Board of Dentistry authorizes the Executive Director to close the Louisiana State Board of Dentistry Investment Account and convert the operating account to a Public Funds Interest On Checking Account.

Dr. Melancon called for a vote which resulted in the board unanimously approving the motion presented. Dr. Melancon declared the motion passed. Dr. Trinca was absent for the vote.

Next, Mr. Burkhalter reviewed the online renewals for the 2012-13 licenses. Only 85 dental license renewals and 30 dental hygiene license renewals were processed by paper. The other 2,434 renewals were completed online. The transaction fees associated with the online renewals was \$30,600. The discussion next turned to the waiver of late fees for those that licensees that failed to renew timely. Ms. Conner advised the board members of the steps that the staff goes through to advise practitioners of the renewal process and that their license is ready for renewal. Dr. Martello advised the board that no late fee requests were granted unless they were caused by staff error in failing to update information including a change of address.

The next item discussed was changing the special board meetings from one day to two day meetings. Dr. Blackwood advised the board that due to nature of the board's activities that the licensees deserve that their disciplinary case be given more attention and time. Further, the rulemaking process should go through committee before presentation to the board. The change from one day meetings to two day meetings would allow the board to accomplish both goals. Mr. Burkhalter advised the board of the difference in costs associated with the change and suggested that one more two day meeting per year in addition to the annual meeting may be beneficial to the board and licensees. Dr. Trinca then made a motion that was seconded by Dr. Blackwood that it be:

RESOLVED, that the Louisiana State Board of Dentistry have one two day special meeting to be scheduled by the President.

Dr. Melancon called for a vote which resulted in the board unanimously approving the motion presented. Dr. Melancon declared the motion passed.

At this point, Dr. Melancon referred to Agenda item number 8, **Rulemaking Committee**, Dr. Romell Madison, Chairman.

Dr. Madison stated that some amendments to rules had been prepared for their consideration today but first the minutes of the previous Rulemaking Committee meeting must be ratified wherein Dr. Blackwood made the motion which was seconded by Dr. Manning that it be:

RESOLVED, that the minutes, as circulated, of the Rulemaking Committee meeting of December 2, 2011 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Moreau was absent for the vote.

Discussion then ensued on Notice of Intent for Rules .1611 and .1615. After which, Dr. Manning 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 .1615; 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.

Next, Dr. Madison brought the board's attention to the rules that became effective December 20, 2011 including LAC 46:XXXIII.124, .132, .306, .403, .409, .415, .1611, .1709, and .1711.

Dr. Madison then addressed the suggested amendments to LAC 46:XXXIII.105, .120 and .318. Discussion ensued on the changes to rule .105. The board agreed with the changes and turned their attention to rule .120. After some discussion, Dr. Madison suggested that the wording of the rule should be changed to make the intent of the rule clear. Next, the board addressed the changes to rule .318 including the suggested revision made by Dr. Melancon during the Rulemaking Committee meeting in December. Dr. Blackwood inquired of board staff and counsel regarding the duration of record retention for minors. Following a limited discussion on that topic, Dr. Blackwood 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 proceed with the amendments of LAC 46:XXXIII.105 and .318; 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. Blackwood made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs the Rulemaking Committee to clarify the wording of LAC 46:XXXIII.120 for further consideration at the May meeting.

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

Dr. Madison next addressed agenda item 8 (vi) regarding the suggested revisions to LAC 46:XXXIII.124. Dr. Martello advised the board of his discussions with Dean Gremillion-LSUSD and other members of the faculty at LSUSD regarding the evaluation and remediation aspects of the rule. Dean Gremillion asked that the board change the word “shall” to “may” in paragraph B and change the word “schooling” to “education” in paragraph I. Dr. Blackwood suggested that because of the circumstances outlined in paragraph B the wording should remain as is and the word “shall” would not be replaced with “may”. He added that the licensee should be required to undergo a psychological evaluation when he has engaged in the conduct set forth in paragraph B of the rule. Dr. Martello suggested that Oral Surgery be added to paragraph F and Dr. Blackwood suggested that orthodontics be added paragraph F. Brian Begue suggested that paragraph I be amended to reflect that the fingerprint background check is performed by an agency of the board’s choosing and that the check is conducted at the licensee’s expense. After considering the changes to Board rule .124, Dr. Blackwood made the motion that was seconded by Martello that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments including the revisions discussed of LAC 46:XXXIII.124; 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.

Next, the board considered the complete rewrite of LAC 46:XXXIII.103, “Evidence of Graduation”. Dr. Madison asked staff to review the changes. After the initial discussion of the changes, Dr. Philippe asked about CODA approved specialties that require more than two years of post-graduate training to complete. Dr. Blackwood also addressed foreign trained students and their ability to obtain licensure with specialty training. After more discussion, the board took no action on the rule change and suggested that the matter be addressed by the rules committee in May.

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

RESOLVED, the suggested amendments LAC 46:XXXIII.306 and .706 are tabled for further consideration by the Rulemaking Committee at the May meeting.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments of LAC 46:XXXIII.307 and .707; 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.

The board next addressed the suggested revisions of LAC 46:XXXIII.1709 and .1711.

Ms. Conner advised the board that part of the revision to the rules was to change the number of failures of licensing examinations from four to three times before a candidate was prevented from receiving a license. Dr. Blackwood 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 proceed 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.

Next, Dr. Madison directed the members to the suggested revisions of LAC 46:XXXIII.1505, .1507, .1509 and .1611. Dr. Philippe advised the board that the suggested revision to the rules was to change the manner in which licensees obtain continuing education and permitting for anesthesia. Dr. Guillory made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments of LAC 46:XXXIII.1505, .1507, .1509 and .1611; 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. Melancon then referred to Agenda item number 9, **Legislative Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory stated that LSBOD legislative package including the sedation changes had been sponsored by Representative Dixon. Further, both bills had been pre-filed and assigned Nos. 172 and 349. Finally, Dr. Guillory spoke to representative Dixon and he was advised that there were no problems with the bills and that he expected that they would be successful.

Dr. Melancon then referred to Agenda item number 10, **Examination Committee**, Dr. Sam Trinca, Chairman. Dr. Trinca then made a motion to amend the agenda to discuss the possibility of the LSBDB staying in the AADB. The motion was seconded by Dr. Baudean and Dr. Melancon called for a vote. The board voted unanimously in the affirmative, the motion was declared passed.

Dr. Trinca advised the Board that he thinks that the decision to withdraw from the AADB was ill advised and was done in haste. In addition, he believes that Dr. McVea will be appointed to the Joint Commission on Dental Examinations should the board remain a part of the organization. Finally, the Executive Director can gain useful knowledge from attending the AADB Board Attorney Roundtable discussions. After further discussion, Dr. Trinca made a motion that was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs its President and Executive Director to prepare a letter to the AADB advising that the Board has reconsidered its withdrawal from the AADB and that it will remain a part of the organization.

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

Dr. Trinca then returned to the agenda and discussed the members' attendance at the CITA meeting in April. Drs. Manning, Madison, McVea and Trinca will be attending the meeting in Chicago, IL.

Dr. Trinca also discussed the ADA's RFP for the development of a Portfolio Licensing Examination. The board reviewed the letter from the Oregon Dental Board and the ADA's response thereto. In addition, the members discussed that the portfolio licensing examination would do nothing more than continue the testing that is a part of dental school education. A limited discussion was had on the Canada examination. Finally, the board concluded by agreeing that the licensing examination should remain a function of state licensing boards not the ADA. No action was taken at this time.

Dr. Trinca ended his report with a discussion of the CITA examination and the grading tools used at the test administered in Birmingham. The graders used iPads for the first time to grade the endodontics portion of the examination. The graders will be using the iPads to grade the prosthetics portion of the upcoming examination. No action was taken on the topic.

Dr. Melancon then referred to Agenda item number 11, **Anesthesia Committee**, Dr. Lynn Philippe, Chairman. Dr. Philippe began his report with a discussion of the proposal to renew office anesthesia permits. Dr. Philippe advised the board that there are currently 998

office anesthesia permits. The statewide inspection process had discovered that many permits were not posted or that the licensee did not have an office permit thereby creating the question of how the board can best track the office permits issued. In addition, Dr. Philippe advised the board currently loses money on the initial inspections for both parenteral conscious sedation and general anesthesia. Dr. Taylor suggested increasing the fee for those permits to the maximum allowed or \$500. Dr. Guillory spoke in opposition to the proposal. After continued discussion, Dr. Manning made a motion that was seconded by Dr. Madison that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs its Anesthesia Committee to draft a proposal for the renewal of Office Anesthesia Permits for consideration by the Board.

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

Dr. Philippe next addressed the request from DOCS Education for the approval of their “N2O and the Single-Dose Sedative” course for Nitrous Oxide Permitting. Dr. Mayer discussed the need for an enteral conscious sedation permit given the administration of both a pill and nitrous oxide to which Dr. Philippe advised that the licensee only needs a nitrous permit if he does not exceed 1.5 times the MRD of the single dose sedative under the proposed legislation.

Dr. Mayer made a motion that was seconded by Dr. Philippe that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby accepts the DOCS Education “N2O and the Single-Dose Sedative” course for Nitrous Oxide Permitting.

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

Dr. Melancon then referred to Agenda item number 12, **Yellow Page Committee**, Dr. John Taylor, Chairman. At this time, Dr. Taylor thanked staff for securing and reducing the advertisements to digital form. Further, that the committee has decided to conduct the review at the May meeting. At this time, Mr. Brian Bégué advised the committee to conduct the review either independently or by noticing the meeting in accordance with the Open Meetings Law which would allow the committee to review the advertisements together and vote on whether they constitute a violation. The committee will conduct their review at the May meeting and said meeting will be noticed in accordance with the Open Meetings Law.

Dr. Melancon then referred to Agenda item number 13, **New Business and any other business which may properly come before the board.**

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Niobe Joseph, D.D.S., via Consent Decree by and between the

Louisiana State Board of Dentistry and Niobe 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.

At this point, Dr. Trinca made the motion which was seconded by Dr. Guillory 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 voting unanimously in the affirmative, the motion was declared passed.

Upon returning from Executive Session, Dr. Melancon returned to the agenda to address the Petition for Reconsideration of Adverse Sanctions. After hearing from the respective committee members, Dr. Guillory made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, that after considering the Petition for Reconsideration of Adverse Sanctions filed by Billy F. Booty, Jr., D.D.S., and the recommendation of the disciplinary oversight committee, the Louisiana State Board of Dentistry after discussing the matter, hereby approves the request for reconsideration and the reinstatement of the dental license of Billy F. Booty, Jr., D.D.S. with the following conditions; he is placed on probation for five (5) years; he must satisfy all requirements of Board rule .124 including a psychological evaluation with a board approved provider; evaluation and remediation of his clinical skills; successfully complete the board jurisprudence test; obtain twenty (20) hours of clinical continuing education within 180 days of reinstatement; obtain CPR certification; he must practice under the supervision of another dentist for the first two years of his five year probation; successfully complete a course in dental ethics of at least two (2) hours; provide fingerprints and undergo a background check to the satisfaction of the board and pay all fees associated with the reinstatement and renewal of his dental license. Further, Billy F. Booty, Jr., D.D.S. will execute a First Amendment to Agreement Containing Consent Decree wherein the 2008 surrender of his dental license will be amended to a suspension of four (4) years.

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

Next, the board considered a retreat to discuss the Dental Practice Act, its application and how to best administer the disciplinary process. Dr. Guillory selected Drs. Martello and Manning to discuss the idea and report to the board at the May meeting.

The board considered the proposal to send the Executive Director around the state to provide information on the scope of services that EDDA's and dental assistants should perform

in practice and what practitioners' obligations are to the patient regarding extracted teeth containing gold and other precious metal. After a limited discussion, the board took no action.

The board next considered the proposal to charge dental hygienists for the renewal of their local and nitrous oxide permits. The board elected to take no action.

Mr. Burkhalter then provided a report on how neighboring states handle the expungement process. After discussing the states of Mississippi and Texas and the need for the State of Louisiana to provide the consent decrees on advertising violations, the board took no action.

Dr. Melancon next addressed agenda item number 13(viii). At this point, Dr. Blackwood 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 Patrick Shannon Allison, D.D.S.

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

Dr. Blackwood 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 Gary D. Klasser, D.D.S.

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

The Board next reviewed the LDA Peer Review Report with no action taken.

Next, the board considered the CITA Membership Agreement. Dr. Blackwood made the motion that was seconded by Dr. Manning that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the CITA Membership Agreement and authorizes the President to execute same.

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

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Charley Handley, the Louisiana State Board of Dentistry hereby denies said application.

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

Next, 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 November 18, 2011 LSBD/LDA Task Force meeting held in New Orleans, Louisiana.
After voting unanimously in the affirmative, the motion was declared passed.

At this point, 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 December 2-3, 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. 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 January 27-29, 2011 Southern Conference of Dental Deans and Examiner's meeting and hearings held in Fort Lauderdale, FL.; 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. 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 February 3, 2012 meeting with the senior class held at Louisiana State University School of Dentistry; 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, Mrs. Cassidy made the motion which was seconded by Dr. Baudean that it

be:

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of March 2, 2012.

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

Dr. Madison then adjourned the meeting at 5:30 P.M.

Francis Martello, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry