

**MINUTES OF THE SPECIAL MEETING OF THE
LOUISIANA STATE BOARD OF DENTISTRY
HELD AT 1201 NORTH THIRD STREET
BATON ROUGE, LOUISIANA 70802
BEGINNING AT 1:30 PM ON
FRIDAY, MAY 11, 2018**

The annual meeting of the Louisiana State Board of Dentistry was held on Friday, May 11, 2018, at the offices of the Louisiana State Board of Dentistry located at 1201 North Third Street, Baton Rouge, Louisiana 70802. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

CALL TO ORDER

The meeting was called to order at 1:40 PM by Dr. Marija LaSalle, President.

1. ROLL CALL

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

PRESENT

Dr. Marija LaSalle, President
Dr. Jerry Smith, Vice President
Dr. Richard Willis, Secretary-Treasurer
Dr. Glenn Appleton, Member
Dr. Donald Bennett, Member
Dr. Claudia Cavallino, Member
Dr. Jay Dumas, Member
Dr. Wilton Guillory, Member
Dr. Isaac House, Member
Patty Hanson, RDH, Member
Dr. Ronald Marks, Member
Dr. Russell Mayer, Member
Dr. Thomas Price, Member

ABSENT

Dr. Robert Foret, Member

ALSO PRESENT WERE

Arthur Hickham, Jr., Executive Director
Erin Conner, Director of Licensing
Kirk Groh, Board Counsel
Rachel Daniel, Board Staff
Andre Stplier, Axxess Health
Dr. Dean Manning

Dr. David Hammond, HPFL
André Stoler, Axxess Health
Dr. Darrell Bourg
Dr. Abdul Khan

2. OPENING REMARKS BY PRESIDENT

Dr. LaSalle thanked everyone for attending the meeting. She asked all guests to introduce themselves.

3. PUBLIC COMMENT

Dr. LaSalle asked for public comment but none was offered.

4. APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING

Dr. Mayer moved

Resolved, that the minutes, as circulated, of the special Board meeting of February 23, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

5. CONFIRMATION OF ACTS SINCE PREVIOUS BOARD MEETING

Dr. Mayer moved

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 February 23, 2018, be and they are hereby approved, adopted, and ratified in full by the Board.

The motion was adopted after a unanimous vote in the affirmative.

STANDING COMMITTEES

6. LICENSING AND CREDENTIALS COMMITTEE, Patty Hanson, RDH, Chair

Ms. Hanson recommended that the Board approve the license by credentials applications as presented.

Dr. Cavallino moved

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

Dr. Michele Bernardich
Dr. Lawrence Lanham
Dr. Brian Hollabaugh
Dr. Brian Nelson
Dr. John O'Neill, IV

Dr. Thomas Roginsky

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

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 him his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith, pending receipt of satisfactory background check results.

Dr. Curtis Schmidt

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 52 dentists who failed to timely renew their dental licenses for the calendar years 2018-2019 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.

- DR. NICHOLAS AGAMY
- DR. MARYAM AKBARI
- DR. ROBERT "WINSTON" ALLEN
- DR. BYRON BASCO
- DR. DAVID BENSON
- DR. MARIA BLAKE
- DR. WILLIAM BOLTON
- DR. RICHARD BORNE
- DR. DANIEL BURAS
- DR. BILLY CANNON
- DR. KISTY CAPLES
- DR. ROBERT CARLSON
- DR. DANIEL CHOI
- DR. MOHAMMAD CHOWDHURY
- DR. PATRICK CONSTANTINE
- DR. MARY CROW
- DR. PAOLA DONAIRE
- DR. LUCIUS DOUCET II
- DR. JOHN DUPONT JR.
- DR. NORMAN ENGELSEN
- DR. KEVIN FARNSWORTH
- DR. GORDON FLETCHER
- DR. AREALLE FRANKLIN
- DR. ASHLEE FRANKLIN

DR. CECILIA FREENEY
DR. PINKNEY GILCHRIST, IV
DR. ROBERT GRAZIANO
DR. EDWIN GUNTER
DR. JUSTIN HASTINGS
DR. SARAH HASTINGS
DR. ROBERT HAYS, JR.
DR. JOHN HEBERT
DR. JASON HOLLIER
DR. DAMON HUGHES
DR. EALACHELVI JANARTHANAN
DR. CHRISTY JEN
DR. BETHANY JOSEPH
DR. CHRISTOPHER KITTLE
DR. KRISTEN KNECHT
DR. KIMON KOSMITIS
DR. DONALD KOZAN
DR. THAI LA
DR. JOSEPH LALONDE
DR. EDWIN LARR, JR.
DR. ANDREW LE
DR. JOSHUA LEBLANC
DR. KENNY LEE
DR. VINCENT LEGGIO
DR. RONALD LIUZZA
DR. KEITH LONG
DR. HENRY LONG, JR.
DR. JENNIFER MUNSON

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 32 dental hygienists who failed to timely renew their dental hygiene licenses for the calendar years 2018-2019 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.

JEAN CANNON, RDH
MARIA CAMPEAUX, RDH
JULIE DUPECHAIN, RDH
DONNA HENDLEY, RDH
REBECCA GATTUSO-POUSSON, RDH
CAROL NGUYEN, RDH
JOHN BERNARD, RDH

TONIA PETERSON, RDH
LAURA COBB, RDH
DEVON VOINCHE, RDH
DAWN LEMOINE, RDH
HEATHER HEBERT, RDH
CYNTHIA ALLGAIER, RDH
SARAH CARRIERE, RDH
JULIE ALLEN, RDH
JAYME ROBIN, RDH
KATY YOUNG, RDH
CASEY BUENTELLO, RDH
ABIGAIL RUSSELL, RDH
KAMALA BURTON, RDH
MIRANDA GRYDER, RDH
JADE PRESTONBACK, RDH
CASSANDRA BARNES, RDH
LAUREN BEST, RDH
DANIELLE HALL, RDH
KUMIKO LOEHR, RDH
CARLY EUBANK, RDH
LAURIE KOVAR, RDH
JENNIFER BRADFORD, RDH
HEATHER ALLRED, RDH
JERMANI FORD, RDH
REBECCA KEEL, RDH

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, that the board, having considered the request from Teresita Hernandez, DDS, for a waiver of the late fees charged for failure to renew her dental license by December 31, 2017, hereby denies the request.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Foret moved

Resolved, that the minutes, as circulated, of the Licensing and Credentials Committee meeting of December 1, 2017, in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

7. OFFICE MANAGEMENT COMMITTEE, Dr. Ronald Marks, Chair

Dr. Marks stated that the committee had met earlier in the day. The committee had reviewed the compiled financial statements for the nine month period ending March 31, 2018, and the committee was satisfied. He stated the Board is running well.

Mr. Hickham reported that the Board should amend its budget to reflect expenses incurred during the move as well as changes in expected revenue.

Ms. Hanson moved

Resolved, the Louisiana State Board of Dentistry having reviewed its budget for fiscal year 2017-2018, hereby amends its revenue and expense sections as per the attached documentation.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the Office Management Committee meeting of February 23, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

8. EXAMINATION COMMITTEE, Dr. Rusty Mayer, Chair

Dr. Mayer recommended that all board members participate in at least one AADB meeting each year. He also stated that the ADEX examinations continue to be going well.

It was noted that Dr. Bennett, and Ms. Hanson would be attending the AADB meeting in Chicago September 22-23.

9. LEGISLATIVE COMMITTEE, Dr. Jerry Smith, Chair

Dr. Smith reviewed the proposed legislation which could affect the board, specifically to allow licensees the option of having a disciplinary matter heard by an administrative law judge.

The board discussed possibility of legislation which would allow the board to release disciplinary records if a licensee disparages the board.

Dr. Marks moved

Resolved, that the minutes, as circulated, of the Legislative Committee meeting of April 18, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

10. CONTINUING EDUCATION COMMITTEE, Dr. Ike House Chair

Dr. House stated that the new continuing education requirements had started in January, and so far, he has not had much pushback from licensees.

Dr. LaSalle directed board staff to send a reminder that CE Broker use is mandatory for the upcoming renewal cycle.

11. IMPAIRED DENTIST COMMITTEE, Dr. Robert Foret, Chair

As Dr. Foret was absent, Dr. Cavallino stated that the committee had met earlier in the day and had several topics to bring to the full board.

The committee had discussed the timeliness of licensees' reporting to the HPFL for an evaluation. Dr. Hammond stated that giving licensees 5 days to report to the HPFL following a referral, 2 weeks to report for the evaluation itself, and 30 days for the evaluation to be completed were his recommendations. It was noted that those recommendations seemed standard.

Dr. Hammond stated that requiring licensees to return to previous facilities for future treatment would not be in the licensees' best interests.

The board noted that truly egregious behavior warranted an immediate license suspension, but that the bar was high to do so because of impairment.

The board discussed the possibility of reducing the standard 5 years of monitoring. It was noted that the 5 years is standard and it was not helpful to licensees to reduce that time.

12. ANESTHESIA COMMITTEE, Dr. Richard Willis, Chair

The Anesthesia Committee was asked to review the current anesthesia inspection forms to determine if any changes should be made.

Board staff was directed to determine how many dental offices currently have AEDs.

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the Anesthesia Committee meeting of February 23, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

13. RULEMAKING COMMITTEE, Dr. Wilton Guillory, Chair

Dr. Guillory stated the committee had met that morning regarding the possibility of allowing dental assistants to perform scans. He reported that the committee recommends that assistants be prohibited from performing scans.

Dr. Marks moved

Resolved, the Louisiana State Board of Dentistry has reviewed the proposed revision to LAC 46XXXIII.502 to prohibit dental assistants from performing scans, and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the completion of the amendment; and

Be it therefore resolved, those parties are instructed to complete promulgation of the rules as soon as possible.

Drs. Willis and House voted in the negative. Dr. Marks abstained. All other members voted in the affirmative. The motion was adopted.

Dr. LaSalle then directed the board staff to gather information about assistants performing scans and report at the next meeting prior to any rulemaking going forward.

Dr. Appleton moved

Resolved, that the minutes, as circulated, of the Rulemaking Committee meeting of February 23, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Appleton moved

Resolved, that the minutes, as circulated, of the Rulemaking Committee meeting of April 19, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

AD HOC COMMITTEES

14. DOC COMMITTEE, Dr. Ike House, Chair

Dr. House stated that his committee had met earlier in the day.

Dr. LaSalle pointed out that the letter to licensees notifying them of complaints received would now indicate that rude treatment complaints would not count against a licensee.

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the DOC Committee meeting of February 23, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the DOC Committee meeting of April 19, 2018, in Baton Rouge, Louisiana, are hereby adopted, ratified and approved in their entirety.

The motion was adopted after a unanimous vote in the affirmative.

15. NEW BUSINESS AND ANY OTHER BUSINESS WHICH MAY PROPERLY COME BEFORE THE BOARD

It was noted that the board could expect additional complaints regarding sexual harassment by its licensees. The HPFL can occasionally handle those.

Setting 2018 board meeting dates was deferred to the next meeting.

Dr. Marks moved

Resolved, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Mr. William Rod Hyatt.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Marks moved

Resolved, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with the Windward Group.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Marks moved

Resolved, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Celia Cangelosi, Esq.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Guillory moved

Whereas, the Board is in need of legal representation and that because of the possible conflicts of interest in complaint cases where the Board would need a prosecuting attorney and an attorney to represent the Board's interest, more than one attorney is essential;

Whereas, the Board is in need of legal services necessary to facilitate the Board in its prosecuting violations of the Louisiana Dental Practice Act whether in judicial or administrative proceedings, which will be directed by officers or employees of the Board acting in their official capacities; counsel and/or assistance in legislative or other general activities, as directed by the Board;

Whereas, the Board's contract for legal services with the firm of **TALLEY, ANTHONY, HUGHES & KNIGHT, L.L.C.** be executed July 1, 2018 through June 30, 2021 and not to exceed a maximum of \$150,000.00 for that period. The Board shall pay \$225.00 per hour for attorneys having experience of ten (10) years or more in the practice of law; \$175.00 per hour for attorneys having experience of

five (5) to ten (10) years in the practice of law; \$150.00 per hour for attorneys having experience of three (3) to five (5) years in the practice of law; \$125.00 per hour for attorneys having experience of zero (0) to three (3) years in the practice of law; \$60.00 per hour for paralegal services; and \$40.00 per hour for law clerks; and

Whereas, this resolution shall take effect immediately.

Therefore be it resolved that the Louisiana State Board of Dentistry, pursuant to La. R.S. 42:262, does hereby retain and employ **TALLEY, ANTHONY, HUGHES & KNIGHT, L.L.C.** as special counsel; and

Be it further resolved, that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.

The motion was adopted after a unanimous vote in the affirmative

Ms. Conner reviewed the board members' annual financial disclosure and training requirements. It was noted that the Tier 2.1 reporting was due by May 15.

The board had already discussed AEDs under the Legislative and Anesthesia Committees.

Dr. Marks stated that he had been noticing egregious advertising around the state. It was noted a dentist who place an advertisement implying a specialty practice by a general dentist is not given 30 days to correct the advertisement, and the board may sanction that dentist accordingly.

Dr. LaSalle stated that the December 2018 board meeting will be held in New Orleans. She felt this would be better for dentists attending information hearings.

Mr. Stolier asked if the board would accept dental hygienists working under general supervision at FQHCs until the rule officially allowing that was promulgated. The board agreed hygienists could practice under general supervision in FQHCs prior to the rule officially going into effect.

Dr. Appleton moved

Resolved, that the Louisiana State Board of Dentistry has reviewed the proposed Expanded Duty Dental Assistant course by Bossier Parish Community College and hereby approves the course.

The motion was adopted after a unanimous vote in the affirmative.

15. REPORTS ON INVESTIGATIONS, ADJUDICATIONS, AND LITIGATION

Dr. Marks moved

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.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, having considered the application for licensure by examination in the State of Louisiana by Dr. Abdul Khan, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Khan his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Marks moved

RESOLVED, the Louisiana State Board of Dentistry hereby grants its assistant executive director Erin Conner a bonus in the amount of \$10,000.

The motion was adopted after a unanimous vote in the affirmative.

Dr. Cavallino moved

Resolved, that the action of the President in entering into a resolution in the matter involving Dr. LaKara Jordan via consent decree by and between the Louisiana State Board of Dentistry and Dr. Jordan (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.

Dr. Marks voted in the negative; all other members voted in the affirmative. The motion was adopted.

Dr. Cavallino moved

Resolved, that the action of the President in entering into a resolution in the matter involving Dr. Charles Schof via consent decree by and between the Louisiana State Board of Dentistry and Dr. Schof (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.

16. ADJOURNMENT

Dr. Marks moved

Resolved, that the Louisiana State Board of Dentistry hereby adjourns its meeting of May 11, 2018.

The motion was adopted after a unanimous vote in the affirmative.

Dr. LaSalle adjourned the meeting at 5:58 PM.

Richard Willis, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry