

**MINUTES OF THE SPECIAL MEETING OF THE
LOUISIANA STATE BOARD OF DENTISTRY
HELD AT 1201 NORTH THIRD STREET
NORTH DAKOTA ROOM
BATON ROUGE, LOUISIANA 70802
BEGINNING AT 9:00 AM ON
FRIDAY, MARCH 6, 2020**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, March 6, 2020, at the offices of the Louisiana State Board of Dentistry located at 1201 North Third Street, North Dakota Room, 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 9:05 AM by Dr. Richard Willis, President.

1. ROLL CALL

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

PRESENT

Dr. Richard Willis, President
Dr. Isaac House, Vice President
Dr. Donald Bennett, Secretary-Treasurer
Dr. Glenn Appleton, Member
Dr. Jay Dumas, Member
Patty Hanson, RDH, Member
Dr. Kimberly Caldwell, Member
Dr. Claudia Cavallino, Member
Dr. Robert Foret, Member
Dr. Jerry Smith Member
Dr. Russell Mayer, Member
Dr. Steven Ortego, Member
Dr. Jeetendra Patel, Member
Dr. Thomas Price, Member

ABSENT

Dr. Marija Lasalle, Member
Mr. Albert Bossier, Member

ALSO PRESENT WERE

Arthur Hickham, Jr., Executive Director
Erin Conner, Assistant Executive Director
Kirk Groh, Board Counsel

Rachel Daniel, Board Staff
Alexx Smith, Board Staff
Ward Blackwell, LDA
Dr. William Hadlock
Dr. Lyndsay Marks
Dr. Robert Barretta
Dr. David Cross
Dr. Marc Muncie, SRTA
Dr. Gerry Walker, SRTA
Mukta Pathak, Louisiana Legislative Auditor

2. OPENING REMARKS BY PRESIDENT

Dr. Smith thanked everyone for attending the meeting. He asked all guests to introduce themselves.

3. PUBLIC COMMENT

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

4. APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING

Dr. Bennett moved

Resolved, that the minutes, as circulated, of the Annual Board meeting of December 6, 2019, 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. Price 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 December 6, 2019, 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.

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

Ms. Hanson recommended that the Board approve the temporary hygiene license of Shontae Neyland RDH.

Dr. Cavallino moved

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 the temporary dental hygiene licenses to the following:

Shontae Neyland RDH

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

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 licenses to practice dentistry or dental hygiene in the State of Louisiana, granting them all the privileges, duties, and responsibilities associated therewith.

Dr. Logan Banner
Dr. Robert Naffah
Dr. Perry Nolen
Adam Boargoub, RDH
Shontae Neyland, RDH

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 72 dentists who failed to timely renew their dental licenses for the calendar years 2020-2021 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. LARRY BURKE
DR. RICHARD BRASHER JR.
DR. THOMAS ADAMS
DR. CLAYTON CHARBONNET JR.
DR. CHARLES HEBERT III
DR. PHIL CORDER
DR. ELLIS BRAUD JR.
DR. DAVID HALL JR.
DR. VAN HIMEL
DR. STANTON EGGERS
DR. C.A. "BUDDY" BRICE III
DR. DAVID CARLTON JR.
DR. DAVID HALLIWELL III
DR. JOHN BARNETT JR.
DR. FRED CABANISS
DR. ARLENE BARNETT
DR. RONALD CAIRE JR.
DR. MICHAEL GRECO
DR. MONROE HOWELL
DR. AURELIUS ARCHIE
DR. GREGROY DEJEAN

DR. ROBERT DOYLE
DR. DEBRA BARKER
DR. JOHN KENT III
DR. DAVID GEORGE
DR. SIDNEY BOURGEOIS JR.
DR. RICHARD FOX
DR. WENDELL GRIMES
DR. TYLER CASE
DR. JAMES KUTNER
DR. TANYA AL-TALIB
DR. KASSIE HSU
DR. SIDRA BUTT
DR. RAHAF KANAWATI
DR. KIMBERLY CASTILLE
DR. JORGE GARCIA
DR. JEFFERY JAMES
DR. JANELLE LEE
DR. BENJAMIN BURRIS
DR. BRANDON COLEMAN
DR. KAMRAN DASTOURY
DR. FEKRI ABDULLA
DR. AKRAM MUNSAR
DR. JEFFERY DAVIS
DR. DANIEL ANTEE
DR. JEFFREY AYCOCK
DR. EMERC BOUDREAUX
DR. KEON ANDERSON
DR. ALANA GOLDSTEIN
DR. CHAKRADHAR BEERPUR
DR. DAVID LONG
DR. BENJAMIN JOHNSON
DR. BENJAMIN GROOTERS
DR. NEJAY ANANABA
DR. CHRISTOPHER GALEA
DR. BOKANG BOGOPANE
DR. JENNIFER ELZINGA-SWEDLOW
DR. BANDON CLYBURN
DR. ASHLON ALBERT
DR. ELIZABETH-LEE CREWS
DR. JAMES AMANING
DR. MOHAMED GANNI
DR. CONRAD JOHNSON
DR. KACI DRAPES
DR. CALEB BLACKBURN

DR. ABDUL KHAN
DR. LATOYA LEGRAND
DR. WILLIAN DAVIS
DR. THOMAS JENKINS
DR. ERIK KLINTMALM
DR. RICHA BANTHIA
DR. EMILY LENSING

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 46 dental hygienists 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.

KINTA BALDWIN, RDH
DEBRA LANDRY, RDH
MARGARET KEARNS, RDH
CHRISTINE GRAY, RDH
RHONDA HAMMONS, RDH
TERESA KEITH, RDH
LAURIE LAGASSE, RDH
AMANDA LITTLE, RDH
ELIZABETH ANDERS, RDH
HERBERT GROS, JR. , RDH
NANCY HESTAND, RDH
DENISE TRAWICK, RDH
MICHELLE SCALISI, RDH
MICHAEL FORTENBERRY, RDH
MELISSA ESCHER, RDH
LILIAN DEUTSCH, RDH
DANELL DEEN, RDH
ABBY ELLERBY, RDH
DANA CRIMINGER, RDH
SUSAN BUTLER, RDH
ERIN OCKMAN, RDH
TYWANNA KEMP, RDH
LAURA SOULET, RDH
LECHELLE EMANUEL, RDH
KATHERIN COOK, RDH
TONYA SMALLWOOD, RDH
ASHELY DUTY, RDH
SARA ARNOLD, RDH

JACIE DAIGLE, RDH
DESEREE THOMAS, RDH
DIANA GARRETT, RDH
RACHEL HALEY, RDH
LAURIE KULINSKI, RDH
CASSANDRA GILKEY, RDH
REAGAN SPENGLER, RDH
KAMBRI DAVIDSON, RDH
TONI GERAGHTY, RDH
WHITNEY MORGAN, RDH
KIMBERLY COORE, RDH
COLLEEN KRIBY, RDH
KRISTIN HUNT, RDH
ADRIANNA LAPORTE, RDH
ALLISON FANN, RDH
BRITTANY JONES, RDH
PAIGE GIPSON, RDH
EL'SHANTER DAVIDSON, RDH

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

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the Licensing Committee meeting of December 6, 2019, in Baton Rouge, 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. Glenn Appleton, Chair

Mr. Hickham reviewed the financial statements for the most recently ended quarter.

Ms. Conner reviewed the 2019 online renewals.

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the Office Management Committee meeting of December 6, 2019, 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. RULEMAKING COMMITTEE, Dr. Donald Bennett, Chair

Dr. Bennett reported that the Rulemaking Committee had met that morning and had discussed proposed teledentistry rules but deferred taking any action on them until a bill in the legislature is resolved.

Dr. Bennett reported that the Rulemaking Committee also discussed whether appendages such as F.A.G.D. can be appended to a dentist's name on letterhead and on business cards. Dr.

Bennett indicated that the Committee recommended that the Board clarify the rule to make it clear that appendages are allowed on letterhead and business cards as long as they are not used as advertising.

Dr. Cavallino moved

Resolved, the recommendation of the Rulemaking Committee is accepted, and the Louisiana State Board of Dentistry will interpret Rule 301(J) to allow appendages on dentists' letterhead and business cards if the letterhead and business cards are not used in advertising.

The motion was adopted with all members present voting in favor except Drs. Smith and House, who abstained.

Dr. Appleton moved

Resolved, the Board approves of the language presented for the rule change to Rule 322 regarding the expungement for spore testing violations 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 rule as soon as possible. directs the staff to have the rule changes promulgated.

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

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the Rulemaking Committee meeting of December 6, 2019, in Baton Rouge, Louisiana, are hereby adopted, ratified, and approved in their entirety.

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

9. LEGISLATIVE COMMITTEE, Mr. Albert Bossier, Chair

In Mr. Bossier's absence Dr. Hickham reported on bills filed in the legislature.

10. EXAMINATION COMMITTEE, Dr. Rusty Mayer, Chair

Dr. Mayer reported regarding CITA and the Southern Conference of Dental Deans and Examiners. He urged any interested Board members to participate in those groups. He also discussed attendance at the upcoming AADB meeting.

He also mentioned that he felt that the board should offer the option of a prescreening of students with criminal records prior to dental school to let them know whether their criminal record would disqualify them for licensure. This was sent to the Rulemaking Committee for discussion.

11. ANESTHESIA COMMITTEE, Dr. Richard Willis, Chair

Dr. Willis reported on anesthesia issues and presented language for a rule change to rule 1502 to do away with office permits for nitrous oxide.

Dr. Cavallino moved

Resolved, the Board approves of the language presented for the rule change to Rule 1502 regarding the elimination the need for office permits for nitrous oxide and hereby directs, empowers, and authorizes its Anesthesia 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 rule as soon as possible. directs the staff to have the rule changes promulgated.

The motion was adopted after a unanimous vote in the affirmative

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

Dr. Foret had no report.

13. CONTINUING EDUCATION COMMITTEE, Dr. Ike House, Chair

Dr. House reported that at the last meeting the Board voted to move forward with changes to the CE requirements for dentists with retired licenses, requiring only one half of the amount of CE needed for a full license. Language for a rule change was drafted but in the interim a bill was filed in the legislature to do away with CE requirements for dentists with retired licenses, except for CPR. Dr. House recommended that the board put off finalizing any rule change until the legislature addresses the bill.

14. Nominating Committee, Dr. Jerry Smith, Chair

Dr. Smith presented the minutes from the last Nominating Committee meeting.

Dr. Cavallino moved

Resolved, that the minutes, as circulated, of the Nominating Committee meeting of December 6, 2019, 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

A presentation was made by representative of the Southern Regional Testing Agency, urging the Board to accept the test for licensing purposes.

A discussion was held regarding whether a dentist with a retired license could take part as an examiner for licensing exams.

Dr. Mayer moved

Resolved, that the Board interprets the statutes and rules to allow a dentist with a retired license to act as an examiner for licensing exam and to receive per diems and reimbursements for doing so notwithstanding the statute which

prohibits a dentist with a retired license from receiving compensation for practicing dentistry; acting as an examiner for a licensing exam does not constitute the practice of dentistry as contemplated in the retired dentist statute.

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

A discussion was held regarding whether a dentist with a retired license could teach at the dental school or at dental hygiene schools.

Dr. Mayer moved

Resolved, that the Board interprets the statutes and rules to allow a dentist with a retired license to teach at the dental school or at dental hygiene schools and to receive compensation for teaching notwithstanding the statute which prohibits a dentist with a retired license from receiving compensation for practicing dentistry; acting as an instructor at a dental or dental hygiene school does not constitute the practice of dentistry as contemplated in the retired dentist statute.

All members voted against the measure except Drs. Mayer, Appleton and Bennett voting in favor. Dr. Smith abstained. The motion failed.

A discussion was held regarding allowing ethics continuing education to count towards a licensee's clinical continuing education requirements and/or making ethics CE mandatory. This was referred to the CE committee.

A discussion was held regarding questions posed by the American Academy of Dental Sleep Medicine. The Board determined that the questions should be reviewed by the Rulemaking Committee and referred the matter to the Rulemaking Committee.

A discussion was held regarding tier 2.1 reports.

A discussion was held regarding Board member training requirements.

A discussion was held regarding whether board members can get per diem for travel days. It was pointed out that board members can be paid for reasonable expenses and that 2 travel days are allowed.

Dr. Cavallino 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 **Law Office of Peyton B. Burkhalter** be executed July 1, 2020 and ending on June 30, 2023 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 **Law Office of Peyton B. Burkhalter** 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.

Dr. Cavallino 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 **Groh Law Firm** be executed July 1, 2020 and ending on June 30, 2023 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 **Groh Law Firm** 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.

Dr. Cavallino 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 **Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell, L.L.P.** be executed December 1, 2019 and ending on November 30, 2022 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 **Pettiette, Armand, Dunkelman, Woodley, Byrd & Cromwell, L.L.P.** 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

16. REPORTS ON INVESTIGATIONS, ADJUDICATIONS, AND LITIGATION

Dr. Cavallino 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.

Upon returning from Executive Session, Dr. Cavallino moved

Resolved, having considered the application for licensure by examination in the State of Louisiana by Dr. Lindsay Marks the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Marks her requested license to

practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

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

17. ADJOURNMENT

Dr. Price moved

Resolved, that the Louisiana State Board of Dentistry hereby adjourns its meeting of March 6, 2020.

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

Dr. Smith adjourned the meeting at 11:30 AM.

Isaac House, D.D.S.

Secretary/Treasurer

Louisiana State Board of Dentistry