

**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 12:30 PM ON
FRIDAY, MAY 12, 2017**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, May 12, 2017, 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.

CALL TO ORDER

The meeting was called to order at 12:40 PM by Dr. Claudia Cavallino, President.

1. ROLL CALL

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

PRESENT

Dr. Claudia Cavallino, President
Dr. Marija LaSalle, Vice President
Dr. Donald Bennett, Member
Dr. Jay Dumas, Member
Dr. Wilton Guillory, Member
Patty Hanson, RDH, Member
Dr. Ike House, Member
Dr. Dean Manning, Member
Dr. Ronald Marks, Member
Dr. Carlos Suadi, Member
Dr. Richard Willis, Member

ABSENT

Dr. Robert Foret, Member
Dr. Rusty Mayer, Member
Dr. Jerry Smith, Member

ALSO PRESENT WERE

Arthur Hickham, Jr., Executive Director
Kirk Groh, Board Counsel
Erin Conner, Director of Licensing
Rachel Daniel, Board Staff
Dr. Chris Brown, LDA

Ward Blackwell, LDA
Jane Walsh, RDH, LSUSD Dental Hygiene
Dr. Joseph Bernard
Dr. Afua Richardson
Dr. J. David Hammond, Healthcare Professionals' Foundation of Louisiana

2. OPENING REMARKS BY PRESIDENT

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

3. PUBLIC COMMENT

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

4. APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING

Dr. Manning moved

Resolved, that the minutes, as circulated, of the special Board meeting of March 10, 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.

5. CONFIRMATION OF ACTS SINCE PREVIOUS BOARD MEETING

Dr. Manning 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 March 10, 2017, 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, Dr. Dean Manning, Chairman

Dr. Manning recommended that the Board approve the license by credentials applications as presented.

Dr. Guillory 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. Lee Casey
Dr. Karlene Gustaferrero
Dr. Young Okeke
Dr. Cody Oldham
Dr. James Skousen

Dr. Brian Steele

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

Dr. Guillory moved

Resolved, having considered the application for licensure by credentials in the State of Louisiana by Dr. Evan Santiago, 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 his completion of the postgraduate periodontics program by June 30, 2017.

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

Dr. Marks moved

Resolved, that under the authority of R.S. 37:760 (A) (12), the Louisiana State Board of Dentistry hereby approves the issuance of a restricted dental license to the following persons:

Dr. Robin Ainsworth	LSU School of Dentistry
Dr. Alexandra Egentowich	LSU Health Sciences Center
Dr. Leah Erickson	LSU Health Sciences Center
Dr. Stephan Javaheri	LSU Health Sciences Center
Dr. Jordan Wong	LSU Health Sciences Center

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

Dr. Manning moved

Resolved, the Louisiana State Board of Dentistry hereby amends its agenda to take up discussion of agenda item 14 i (c).

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

Dr. Manning 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, discussion ensued regarding Rule 1709 G which disqualifies candidates for licensure after three clinical licensure examination failures. It was referred to the Rulemaking and Licensing and Credentials Committees for further review.

7. *OFFICE MANAGEMENT COMMITTEE*, Dr. Wilton Guillory, Chairman

Dr. Guillory asked Mr. Hickham to review the quarterly financial reports for the quarter ending March 31, 2017. It was noted that both revenues and expenses were projected to be lower than had been budgeted.

Dr. Marks moved

Resolved, the Louisiana State Board of Dentistry having reviewed its budget for fiscal year 2016-2017, hereby amends its revenue and expense sections as per the attached documentation.

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

Dr. Marks moved

RESOLVED, the Louisiana State Board of Dentistry hereby amends the attendance and leave policy of its Policy and Procedure Manual as attached.

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

Changes to disciplinary action reporting in the Policy and Procedure Manual was deferred to the next meeting.

8. EXAMINATION COMMITTEE, Dr. Rusty Mayer Chairperson

Dr. LaSalle reported on the recently attended AADB meeting and the ADA's proposal for a nationwide clinical examination which would not include procedures on a live patient.

It was noted that Dr. Chip McVea of CITA would be appearing at the August board meeting.

The board discussed the presentation earlier that morning from WREB. No action was taken.

The board discussed the ADA's development of an objective structured clinical examination (OSCE). No action was taken.

9. LEGISLATIVE COMMITTEE, Dr. Marija LaSalle, Chairperson

Dr. LaSalle reviewed the legislation pending which could affect the board.

Mr. Blackwell stated that SB 75 may be amended when it is heard in the House Health and Welfare Committee.

The board was hopeful there was little objection to HB 521 which would keep the domicile in the New Orleans area. HB 209 (specifying a licensure exemption for dental hygiene students) and HB 210 (retired dentist license) seemed to be moving through the legislative process without any problems.

The board noted that SB55 had been amended with regard to the required reviewing of Prescription Monitoring Program as well as continuing education.

10. CONTINUING EDUCATION COMMITTEE, Dr. Ike House, Chairman

Dr. House stated that the Continuing Education Committee had met earlier in the morning. It was decided that the CE rules would be revised to clarify both the regular and anesthesia CE requirements. Once the Rulemaking, CE, and Anesthesia committees have proposed its revisions, the matter would be referred to the LSB/D/LDA Task Force for further review.

11. IMPAIRED DENTIST COMMITTEE, Dr. Jerome Smith, Chairman

Dr. Hammond introduced himself as the new medical director of the Healthcare Professionals' Foundation of Louisiana. He reviewed the process for licensee referral and monitoring. He stated their 2016 annual report was not yet ready, but it should be available by the next board meeting.

12. ANESTHESIA COMMITTEE, Dr. Richard Willis, Chairman

Dr. Willis stated that the new anesthesia rules would go into effect May 20, 2017. He had noticed an increase in anesthesia permit applications in anticipation of the changes.

The board discussed a proposed revision to Rule 1511 to remove references to "parenteral" sedation since the board was no longer issuing parenteral sedation permits. Dr. Marks moved

Resolved, the Louisiana State Board of Dentistry has reviewed the proposed revision to LAC 46XXXIII.1511 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.

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

Clarification of the anesthesia CE requirements was referred to the Rulemaking, CE, and Anesthesia Committees with follow up by the LSB/D/LDA Task Force.

A discussion of anesthesia for children under 3 was referred to the Anesthesia Committee.

Dr. Marks reported on the anesthesia safety meeting he had recently attended in Illinois. He noted that all states surrounding Louisiana require dentists employing third parties to administer anesthesia to their dental patients require those employing dentists to have training for the anesthesia level administered. He stated this increased patient safety.

The board discussed the electrocardiograph and capnography requirements for pediatric moderate sedation. No action was taken.

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

The board discussed mail order orthodontics. Dr. House moved

WHEREAS, the Board has received the attached complaint from the American Association of Orthodontics which outlines the practices of companies allegedly involved in mail order orthodontic treatment in the State of Louisiana and the

Board wishes to receive an opinion from the Attorney General for the State of Louisiana on whether the practices outlined in the complaint constitute the illegal practice of dentistry in Louisiana;

WHEREAS, this resolution shall take effect immediately.

THEREFORE BE IT RESOLVED, the Louisiana State Board of Dentistry hereby authorizes and instructs its president to seek an opinion from the Attorney General for the State of Louisiana relative to whether the practices outlined in the attached complaint constitute the illegal practice of dentistry in Louisiana.

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

The board set the following meeting dates for 2018:

March 9, 2018	special board meeting
May 11, 2018	special board meeting
August 17, 2018	special board meeting
November 30-December 1, 2018	annual board meeting

The board then discussed the Association of Dental Board Presidents. Dr. Marks wished for Dr. Cavallino to join the association.

Dr. LaSalle 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. LaSalle moved

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

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

Ms. Conner then reviewed the board members' required training and Tier 2.1 reporting.

Dr. LaSalle then notified the board of the Better Business Bureau's tactics to force dentists to get accredited with them. No action was taken.

Dr. Marks 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 **CELIA R. CANGELOSI, ESQ.**, be executed **June 1, 2016 through September 30, 2017** and not to exceed a maximum of \$200,000.00 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 **CELIA R. CANGELOSI, ESQ.**, 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

14. REPORTS ON INVESTIGATIONS, ADJUDICATIONS, AND LITIGATION

Dr. House 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. Marks moved

RESOLVED, the Louisiana State Board of Dentistry hereby grants its director of licensing Erin Conner a raise in the amount of \$3,000 effective July 1, 2017.

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

Dr. LaSalle moved

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

Drs. Marks and Guillory abstained from the vote. The motion was adopted after a majority vote in the affirmative.

Dr. Manning moved

Resolved, that the action of the President in entering into a resolution in the matter involving Dr. Joseph E. Bernard, III, via amendment to consent decree by and between the Louisiana State Board of Dentistry and Dr. Joseph Ellis Bernard, III, (as per copy of Second Amendment to 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.

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

15. ADJOURNMENT

Dr. Marks moved

Resolved, that the Louisiana State Board of Dentistry hereby adjourns its meeting of May 12, 2017.

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

Dr. Cavallino adjourned the meeting at 3:45 PM.

J. Jerome Smith, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry