

**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 1:00 PM ON
FRIDAY, AUGUST 18, 2017**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, August 18, 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 1:20 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. Jerry Smith, Secretary-Treasurer
Dr. Glenn Appleton, Member
Dr. Donald Bennett, Member
Dr. Jay Dumas, Member
Dr. Robert Foret, Member
Dr. Wilton Guillory, Member
Patty Hanson, RDH, Member
Dr. Ike House, Member
Dr. Dean Manning, Member
Dr. Ronald Marks, Member
Dr. Rusty Mayer, Member
Dr. Richard Willis, Member

ALSO PRESENT WERE

Arthur Hickham, Jr., Executive Director
Kirk Groh, Board Counsel
Erin Conner, Director of Licensing
Rachel Daniel, Board Staff
Dr. Chip McVea, CITA
Jane Walsh, RDH, LSUSD Dental Hygiene
Sharon Chaney, RDH, ULM Dental Hygiene

Ward Blackwell, LDA
Dr. David Hammond, Healthcare Professionals' Foundation of Louisiana
Dr. Jonathan Gold

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. Guillory moved

Resolved, that the minutes, as circulated, of the special Board meeting of May 12, 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 May 12, 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. JOINT COMMITTEE (Licensing and Credentials, CE, and Anesthesia)

Dr. Manning moved

Resolved, that the minutes, as circulated, of the Licensing and Credentials, Continuing Education, and Anesthesia Committees meeting of June 7, 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.

Dr. LaSalle moved

Resolved, the Louisiana State Board of Dentistry has reviewed the proposed revision to LAC 46XXXIII.1611 and 1613 to accept only clinical hours of CE and reduce the overall number of required hours, and exclude full time faculty who teach sedation from the required sedation CE, 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.

Dr. Manning moved

Resolved, the Louisiana State Board of Dentistry has reviewed the proposed revision to LAC 46XXXIII.1511 to require an EKG for IV sedation only, 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. Smith, Manning, Mayer, and Appleton voted in the affirmative. Drs. House, Bennett, Willis, Guillory, Marks, LaSalle, and Dumas, and Ms. Hanson opposed. Dr. Foret abstained. The motion failed.

Dr. Mayer moved

Resolved, the Louisiana State Board of Dentistry has reviewed the proposed revision to LAC 46XXXIII.306, 1709, 706, and 1711 to allow persons failing a clinical examination three times or more before ultimately passing it an opportunity to meet with the board for an interview to be eligible for a license, 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.

All members voted in the affirmative except Drs. Guillory and Willis who opposed. The motion passed.

Dr. Manning moved

Resolved, the Louisiana State Board of Dentistry has reviewed the proposed revision to LAC 46XXXIII.1607 and 1611 to require opioid management CE 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.

7. LICENSING AND CREDENTIALS COMMITTEE, Dr. Dean Manning, Chairman

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

Dr. House 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. James Amaning
- Dr. Marc Bowers
- Dr. Carl Boykin
- Dr. Mohamed Ganni
- Dr. Melissa Johnson
- Dr. Sara Phillips
- Dr. Deidra Snell
- Dr. Sophia Wu
- Jennifer Wilson, RDH

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

Dr. Guillory moved

Resolved, having considered the applications for licensure by credentials in the State of Louisiana by Dr. Conrad Johnson, 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 endodontics residency.

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

Dr. Guillory moved

Resolved, having considered the applications for licensure by credentials in the State of Louisiana by Tuckeeyon Chaney, RDH, the Louisiana State Board of Dentistry hereby approves said application and awards her her requested license to practice dental hygiene in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith, pending satisfactory results of the fingerprint background check.

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

Dr. Willis 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. Michael Abdelmalik | LSU Health Sciences Center |
| Dr. Asher Adamec | LSU School of Dentistry |
| Dr. Manal Ayoub | LSU School of Dentistry |
| Dr. James-Long Bui | LSU School of Dentistry |
| Dr. Mary Bush | LSU School of Dentistry |
| Dr. Phuong Cao | LSU School of Dentistry |

Dr. Timothy Carlson	LSU School of Dentistry
Dr. Hector Carmona	LSU School of Dentistry
Dr. Prashant Charugundla	LSU School of Dentistry
Dr. Sabrina Cimerol	LSU School of Dentistry
Dr. Paul Covello	LSU Health Sciences Center
Dr. Patrick Curran	LSU School of Dentistry
Dr. Eva Dupay	LSU School of Dentistry
Dr. Justin Echols	LSU School of Dentistry
Dr. Douglas Edwards	LSU Health Sciences Center
Dr. Ernest Erian	LSU School of Dentistry
Dr. Marc Fruithandler	LSU School of Dentistry
Dr. Daniel Hyneman	LSU School of Dentistry
Dr. Thomas Jenkins	LSU School of Dentistry
Dr. Andrew Kim	LSU Health Sciences Center
Dr. Paul Kim	LSU School of Dentistry
Dr. Viet Lam	LSU School of Dentistry
Dr. Jacob Lee	LSU School of Dentistry
Dr. Lauren Llorente	LSU School of Dentistry
Dr. Hadi Lutfi	LSU School of Dentistry
Dr. Mary Machowski	LSU School of Dentistry
Dr. Lorena Malpica	LSU School of Dentistry
Dr. Eilizabeth Melvin	LSU School of Dentistry
Dr. Tony Montgomery	LSU Health Sciences Center
Dr. Nicholas Mosca	LSU School of Dentistry
Dr. Amir Nejat	LSU School of Dentistry
Dr. Daniel Ormeni	LSU Health Sciences Center
Dr. Chintan Patel	LSU School of Dentistry
Dr. Lindsey Pherribo	LSU School of Dentistry
Dr. Luciano Retana	LSU School of Dentistry
Dr. Afua Richardson	LSU School of Dentistry
Dr. Matthew Stratton	LSU School of Dentistry
Dr. Scott Thayer	LSU School of Dentistry
Dr. Rachell Velasco	LSU School of Dentistry
Dr. Andrew Yamploskey	LSU School of Dentistry

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

Dr. Guillory 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 temporary dental hygiene license to the following person:

Allison Fann, RDH

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

The board discussed a letter from Dr. Dubose referencing the March 2017 CITA examination at LSUSD.

The board discussed the ADA's proposed OSCE examination which would eliminate live patients from licensure examinations. The board expressed its opposition to an OSCE examination.

Dr. House reported on the recent CITA board meeting. It was noted that CITA is now accepted in 47 jurisdictions.

Dr. Chip McVea addressed the board regarding CITA. It was noted that CITA opposed the OSCE as that would not be in the best interests of the public.

Dr. House moved

Resolved, the Louisiana State Board of Dentistry, having reviewed the curriculum, hereby approves the radiology course of Accelerated Dental Assisting Academy to fulfil the dental assistant radiology requirement.

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

8. OFFICE MANAGEMENT COMMITTEE, Dr. Wilton Guillory, Chairman

Dr. Guillory asked Mr. Hickham to review the quarterly financial reports for the quarter ending June 30, 2017.

Dr. Manning moved

RESOLVED, the Louisiana State Board of Dentistry hereby accepts, approves, and adopts the budget as prepared by the executive director for fiscal year 2017-2018.

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

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

Dr. David Hammond of the Healthcare Professionals' Foundation of Louisiana then give the HPFL's annual report. He pointed out that 25% of the individuals referred to the HPFL were interviewed but found to need no monitoring or treatment.

10. EXAMINATION COMMITTEE, Dr. Marija LaSalle, Chairperson

Dr. LaSalle had no report.

11. LEGISLATIVE COMMITTEE, Dr. Marija LaSalle, Chairperson

Dr. LaSalle noted that Act 76 requires opioid management CE for controlled substance prescribers. The board will now be more easily able to issue the retired volunteer dental license.

Dr. LaSalle reported she had met with the Office of Facilities Planning and Control about finding an office for the board in Baton Rouge. Nothing had been decided yet.

12. RULEMAKING COMMITTEE, Dr. Ronald Marks, Chairman

As all proposed rule revisions had been discussed earlier in the meeting, there was no report.

13. ANESTHESIA COMMITTEE, Dr. Richard Willis, Chairman

Dr. Willis stated that the new anesthesia rules went into effect May 20, 2017.

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

Ms. Hanson 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 Jimmy R. Faircloth, Jr. (Faircloth, Melton & Sobel, LLC), be executed July 1, 2017 through June 30, 2020 and not to exceed a maximum of \$175,000.00 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 Jimmy R. Faircloth, Jr. (Faircloth, Melton & Sobel, LLC), 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. Hanson 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 June 1, 2017 through May 31, 2020 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.

Ms. Hanson 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 Peyton B. Burkhalter, be executed July 1, 2017 through June 30, 2020 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 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.

It was noted that upcoming license renewals would begin October 1, 2017.

Dr. Cavallino brought the board's attention the Louisiana Legislative Auditor's Report from 2016 regarding sanctioning guidelines. It was thought that a set of guidelines might be helpful for board members.

The board discussed the Attorney General response to the board's request for an opinion on mail order orthodontics.

The board discussed the implemented changes as recommended by the LLA report. These changes included the policy that all offices would be inspected every three years as well as that all inspections would be logged and monitored to ensure they were completed as efficiently as possible. Violations will be followed up on.

As the board had earlier discussed the office move to Baton Rouge, there was no additional discussion at this time.

The terms of Drs. Manning, Cavallino, Mayer, and Smith will end December 31, 2017. Nominating meetings will be held in September in each of those districts. Dr. Manning is ineligible for another term.

The opioid management CE requirement was discussed. Licensees are to be notified that the requirement does not affect those renewing in 2017 until they have to renew again in 2019.

No action was taken on scheduling an additional board meeting.

The board was reminded to complete their ethics training if they have not yet done so.

The board's annual Christmas party will be held Saturday, December 2.

It was noted that the AADB meeting was scheduled for October 17-18, 2017, in Atlanta.

15. 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. Mayer moved

Resolved, that the action of the President in entering into a resolution in the matter involving Dr. Gregg A. May via agreement by and between the Louisiana State Board of Dentistry and Dr. Gregg A. May (as per copy of Agreement 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.

Dr. Mayer moved

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

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

Dr. Mayer moved

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

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

Dr. Mayer moved

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

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

Dr. Mayer moved

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

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

Dr. Mayer moved

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

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

16. ADJOURNMENT

Dr. Appleton moved

Resolved, that the Louisiana State Board of Dentistry hereby adjourns its meeting of August 18, 2017.

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

Dr. Cavallino adjourned the meeting at 5:00 PM.

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