

**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 10:30 A.M. ON
FRIDAY, AUGUST 10, 2012**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, August 10, 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 10:30 a.m. by Dr. David Melancon, President.

At the request of Dr. Melancon, a roll call was taken. Dr. Melancon 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. Conrad McVea, III, Member
Dr. James Moreau, Member
Dr. Lynn Philippe, Member
Dr. Samuel Trinca, Member

ABSENT:

Dr. John Taylor, Member

ALSO PRESENT BY BOARD INVITATION WERE:

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

Diana Chenevert, Board Staff
Rachel Daniel, Administrative Assistant
Joshua Besson, Board Staff
Camp Morrison, Board Investigator
Chris Brown, D.D.S.
Jamie Manders, D.D.S.
Ward Blackwell, Executive Director, LDA
John C. Saunders, Attorney at Law
Suzanne Farrar, R.D.H., LDHA
Carrie Mason, R.D.H., LSUSD
Thomas L. DeMoss, D.D.S.
Alex D. Sharpless, D.D.S.
Marci Pelas, R.D.H.
Jay A. Patel, D.D.S.
Dwight Brown, II, D.D.S.
John Roth, Jr.

Dr. Melancon began the meeting by welcoming all of the members of the audience. He asked that they stand and state their names. Dr. Melancon then thanked his fellow board members and the board staff for all of their hard work. He then asked for public comment, hearing none, Dr. Melancon directed the board's attention to the agenda.

The initial item addressed by Dr. Melancon was Agenda item number 4 wherein Dr. Trinca made the motion which was seconded by Dr. Mayer that it be:

RESOLVED, that the minutes, as circulated, of the Special Board meeting of May 18, 2012 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. Blackwood made the motion which was seconded by Dr. Trinca 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 May 18, 2012, be and they are hereby approved, adopted, and ratified in full by the board.

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

Dr. Melancon then referred to Agenda item number 6, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman.

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Angela Bachtell, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Angela Bachtell, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Bruce Caplin, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Bruce Caplin, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith upon his successful completion of the examination in jurisprudence.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Shawna Hoffert, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Shawna Hoffert, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

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

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Melvin Yeoh, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Melvin Yeoh, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Heather Ball, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Heather Ball, 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 successful completion of the examination in jurisprudence.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Linda Burdette, R.D.H., and the Louisiana State Board of Dentistry hereby approves said application and awards Linda Burdette, 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.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Jennifer Clothier, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Jennifer Clothier, 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.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Cynthia Cosby, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Cynthia Cosby, 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.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Carmen Cross, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Carmen Cross, 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.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Carol McBride, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Carol McBride, 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 successful completion of the examination in jurisprudence.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Michelle Nadler, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Michelle Nadler, 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.

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

Dr. McVea made the motion which was seconded by Dr. Martello that it be:

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Tiffany Tompkins, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Tiffany Tompkins, 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.

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. Moreau that it be:

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

Dr. Ahmed Almuzzayyen	LSU School of Dentistry
Dr. Sami Alshehry	LSU School of Dentistry
Dr. Arnau Aparicio	LSU School of Dentistry
Dr. Matthew Bagnall	LSU School of Dentistry
Dr. William Bell	LSU School of Dentistry
Dr. Donovan Caves	LSU School of Dentistry
Dr. Pavinee Chotiwanaporn	LSU School of Dentistry
Dr. Mary Hastings	LSU School of Dentistry
Dr. Issa Kawas	LSU School of Dentistry
Dr. Shenika Kelly	LSU School of Dentistry
Dr. Jeremy Manuele	LSU School of Dentistry
Dr. Jamal Marshall	LSU School of Dentistry
Dr. Joe Mayes, II	LSU School of Dentistry
Dr. Nicholas Miniotis	LSU School of Dentistry

Dr. Dennis Romero	LSU Hospital
Dr. Andreina Sananez	LSU School of Dentistry
Dr. Scott Seago	LSU School of Dentistry
Dr. Cherie Senger	LSU School of Dentistry
Dr. Priya Srinivasan	LSU School of Dentistry
Dr. Boris Stein	LSU School of Dentistry
Dr. Lubna Taj	LSU School of Dentistry
Dr. Jordan Tortorich	LSU School of Dentistry
Dr. Christine Tran	LSU School of Dentistry
Dr. Krista Whalen	LSU School of Dentistry
Dr. Tameika Wheeler	LSU School of Dentistry
Dr. Melvyn Yeoh	LSU Hospital

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. Trinca that it be:

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 persons:

Linda Burdette, R.D.H.
 Cynthia Cosby, R.D.H.
 Tiffany Tompkins, R.D.H.

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

Ms. Cassidy then summarized what she had learned regarding the Concorde Career College's dental hygiene program. The board had expressed concern at its May meeting that Concorde's program would not properly train hygienists. Ms. Cassidy related that its associate's degree in dental hygiene program is currently CODA accredited at three locations. She explained that the 17 month program encompasses all prerequisites as well as the dental hygiene training itself, and she felt the included prerequisites were insufficient. The Colorado dental hygiene class size is 48, but there are only 12 clinic chairs available. Ms. Cassidy was concerned the program would not provide enough training since only one quarter of the students may receive clinical training at any given time.

Carrie Mason then informed the board that she rejects many well-qualified applicants each year for LSU's dental hygiene program simply because of space limitations, so Concorde could easily have well-qualified students in its program who had been previously rejected by LSU.

Although the board had several reservations about the program, because it meets the requirements specified in LAC 46:XXXIII.103, Ms. Cassidy could see no way for the board to deny acceptance should Concorde establish an accredited program in Louisiana.

Suzanne Farrar then stated that although Concorde's program is CODA accredited, it is in the "initial accreditation" phase and there is still further review required before a final accreditation decision is officially made. If it does not receive full accreditation, the board's concerns would be moot.

Dr. Martello then made the motion that was seconded by Dr. Manning that it be:

RESOLVED, that the Louisiana State Board of Dentistry go into Executive Session for the purpose of discussing investigations, adjudications, litigation, and professional competency of individuals and staff.

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

Upon returning from Executive Session, Dr. Melancon referred to Agenda item number 6 (vi), consideration of the dental license application of J.A.P. At that point, Dr. Manning made a motion which was seconded by Dr. Trinca that it be:

RESOLVED, the Louisiana State Board of Dentistry has discussed the application for licensure of Dr. Jay A. Patel and hereby approves said application and awards Dr. Jay A. Patel his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith.

All members voted in the affirmative with the exception of Dr. Philippe, who abstained. Dr. Melancon declared the motion passed.

Next, Dr. Manning made a motion which was seconded by Dr. Martello that it be:

RESOLVED, the Louisiana State Board of Dentistry has discussed the application for reinstatement of the dental hygiene license of Marci Pelas, R.D.H., and hereby by approves said application upon payment of all fees and costs.

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

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

RESOLVED, the Louisiana State Board of Dentistry has discussed the application for a restricted dental license of Dr. Dwight Brown, II, and hereby approves said application and awards Dr. Dwight Brown, II, his requested restricted dental license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith.

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

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

RESOLVED, the Louisiana State Board of Dentistry has discussed the application for a restricted license of Dr. Thomas L. DeMoss and hereby tables this matter until the December meeting of the board.

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

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

RESOLVED, the Louisiana State Board of Dentistry has discussed the application for licensure of Dr. Alex Sharpless and hereby denies said application.

All members voted in the affirmative with the exception of Drs. Blackwood and Madison. Dr. Melancon declared the motion passed.

Next, Dr. Melancon moved to agenda item 7, **Office Management Committee**, Dr. Lynn Philippe, Chairman. Dr. Philippe started his report by thanking Dr. Guillory for handling the Office Management Committee meeting May 18, 2012, in his absence. He then moved to the initial agenda item for consideration. Dr. Blackwood made the motion that was seconded by Dr. Martello that it be:

RESOLVED, that the minutes, as circulated, of the Office Management Committee meeting of May 18, 2012 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 discuss the compiled financial statements for the fiscal year ending June 30, 2012, as prepared by Sharp and Company, certified public accountants. Mr. Burkhalter advised the board that enforcement actions for the year totaled \$83,984. However, he noted that this figure is made up of fines that totaled \$33,371 or 2.8% of the total revenue and the reimbursement of board costs in the amount of \$50,613 or 4.3% of the budget. The combined percentage was 7.1%. Mr. Burkhalter also noted that delinquencies were down as a result of the new online renewal system. Mr. Burkhalter related despite two unexpected lawsuits that the board was defending and the statewide inspections, the attorney's fees, expert witness fees, investigations, and transcripts accounted for 30.2% of all costs of the board during the fiscal year which was down from 39% the year before.

The board was satisfied with the review of the financial reports and then turned its attention to the budget as prepared by Mr. Burkhalter. Mr. Burkhalter explained that the budget was in line with past budgets and that he expected revenue from enforcement actions to increase

in the next fiscal year given the adjudications working their way through and nearing the end of the appeal process coupled with the consent decrees that have been signed by licensees and are up for ratification at this meeting.

After some further discussion, Dr. Trinca made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby accepts, approves, and adopts the budget as prepared by the executive director for fiscal year 2012-2013.

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

Dr. Melancon then referred to Agenda item number 7(v). After some discussion, Dr. Trinca then made a motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry has reviewed the Office Policies and Procedures Manual and hereby approves same.

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

Next, Dr. Melancon addressed agenda item 8, **Impaired Dentist Committee**, Dr. H.O. Blackwood, Chairman. Dr. Blackwood asked Mr. Burkhalter to review the Well Being Program and the RFP. After some discussion, Dr. Blackwood made the motion that was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry has reviewed the RFP for the Dental Health Monitoring program and hereby directs and empowers the President and Executive Director to proceed with the RFP beginning with its publication on August 17, 2012.

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

The next matter discussed was agenda item 9, **Examination Committee**, Dr. Sam Trinca, Chairman.

Dr. Trinca discussed board member participation in the American Association of Dental Boards and Council of Interstate Testing Agencies. Dr. Trinca then made the motion which was seconded by Dr. Moreau that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby authorizes the following board members to actively participate in the proceedings of the Council of Interstate Testing Agencies: Ms. Patty Cassidy and Drs. Madison, McVea, Melancon, Manning, Trinca, Guillory, and Mayer.

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

Dr. Trinca then made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby authorizes the following board members to actively participate in the proceedings of the American Association of Dental Boards: Ms. Patty Cassidy, R.D.H. and Drs. Blackwood, Madison, McVea, Melancon, Manning, Trinca, and Mayer as well as Mr. Burkhalter.

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

Dr. Trinca then discussed the interpretation of the number of exam failures in board rules .1709, .306, .706, and .1711. Dr. Trinca made the motion that was seconded by Dr. Manning that it be:

RESOLVED, the Louisiana State Board of Dentistry interprets the rules to provide that all failed sections of a licensing examination in one attempt are collectively considered one failure.

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

Dr. Melancon then referred to Agenda item number 10, **Legislative Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory stated that the board had sponsored two bills namely HB172 and HB 349. Both bills were passed and signed by the Governor and bear Act Nos. 485 and 491, respectively. House Bill 639 which established the Well Being Program was passed and signed by the governor and bears Act No. 407. Finally, House Bill 1045 regarding the indemnification of dentists that contract with the state or its agencies are now entitled to defense and indemnification obligations from the state in the event of a suit that arises from their work for the state or the fulfillment of their contract with the state or one of its agencies. Dr. Guillory concluded by thanking the LDA and its lobbyist for their help with the board legislation.

Dr. Melancon then referred to Agenda item number 11, **Anesthesia Committee**, Dr. Lynn Philippe, Chairman. Discussion then ensued on the use of prescriptions with a computer generated signature. Following the discussion, Dr. Mayer inquired about the licensees' liability for having office staff call in prescriptions. Dr. Philippe advised that he would research the issue and report at the December meeting.

Dr. Melancon then referred to Agenda item number 12, **Rulemaking**, Dr. Romell Madison, Chairman. Before bringing the board's attention to new rulemaking, Dr. Madison

went through rules which had previously been published since the last board meeting. The rules which will become effective on August 20, 2012 and which were briefly reviewed here pertain to LAC 46:XXXIII.318, .1505, .1507, .1509, .1611 .1709, and .1711.

Next, Dr. Madison reviewed the rules which were published as Notices of Intent on July 20, 2012 which were LAC 46:XXXIII.103, .105, .120, .124, and .130. The LDA submitted a comment to the proposed rule requiring the placement of AED's in all dental offices. Mr. Burkhalter advised the board that the LDA did not request a public hearing, but rather they commented on the rule which will require the board to respond. Drs. Martello, Philippe and Moreau agreed to formulate the response to the LDA comment.

After limited discussion on the topics, Dr. Madison moved to agenda item 12 (ix) the consideration of the revision to board rules .306 and .706. At this point, Dr. Manning made the motion which was seconded by Dr. Moreau 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.306 and .706; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of these rules as soon as possible.

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

Dr. Manning then made the motion which was seconded by Dr. McVea 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.415; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of this rule as soon as possible.

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

Dr. Manning then made the motion which was seconded by Dr. McVea 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.1709; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of these rules as soon as possible.

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

Dr. Guillory then 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 go forward with the amendments of LAC 46:XXXIII.1809; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of this rule as soon as possible.

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

Dr. Mayer then made the motion which was seconded by Dr. Guillory 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.1505, .1506, .1509, .1511 and .1513; and

BE IT THEREFORE RESOLVED, those parties are instructed to commence promulgation of these rules as soon as possible.

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

Dr. Melancon then referred to Agenda item number 13, **Continuing Education Committee**, Dr. John Taylor, Chairman. Dr. Melancon asked that Mr. Burkhalter handle the report in Dr. Taylor's absence. Mr. Burkhalter turned the matter over to Ms. Erin Conner, Licensing Director, who advised the board that staff was completing the continuing education audits for the last renewal cycle. The board entered into three consent decrees and the board is waiting on responses from approximately 30 licensees. Completion of the process should be within the next 30 to 60 days.

Dr. Melancon then referred to Agenda item number 13, **Yellow Page Review Committee**, Dr. John Taylor, Chairman. Dr. Melancon asked that Mr. Burkhalter handle the report in Dr. Taylor's absence. Mr. Burkhalter addressed the initial item on the agenda which was the approval of the minutes. Dr. Blackwood made the motion that was seconded by Dr. Baudean that it be:

RESOLVED, that the minutes, as circulated, of the Yellow Page Review Committee meeting of May 19, 2012 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.

Dr. Melancon then referred to Agenda item number 15, **New Business and any other business which may properly come before the board**. At this point, Dr. Baudean then made the motion which was seconded by Dr. Moreau that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Katina R. Beverly, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Katina R. Beverly, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

Next, Dr. Guillory then 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 William A. Bollinger, D.D.S., via Containing Consent Decree by and between the Louisiana State Board of Dentistry and William A. 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.

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

Next, Dr. Guillory then 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 Ernest E. Quimby, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Ernest E. Quimby, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Michelle E. Swift, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Michelle E. Swift, 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 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. Baudean that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving John T. Bercier, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and John T. Bercier, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Daniel M. Perry, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Daniel M. Perry, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Thuy-Hang V. Wiesner, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Thuy-Hang V. Wiesner, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

Next, Dr. Trinca then 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 Michael R. Wiesner, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Michael R. Wiesner, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Jason W. Varnado, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Jason W. Varnado, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Kim M. Kennedy, R.D.H., via Consent Decree by and between the Louisiana State Board of Dentistry and Kim M. Kennedy, R.D.H., (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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Michelle N. LeBlanc, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Michelle N. LeBlanc, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Antoine T. Babineaux, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Antoine T. Babineaux, 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 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. Trinca that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Nicole L. Garza, R.D.H., via Consent Decree by and between the Louisiana State Board of Dentistry and Nicole L. Garza, R.D.H., (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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Robert S. Guier, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Robert S. Guier, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Ronald L. Milton, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Ronald L. Milton, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Ralph M. Hennessee, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Ralph M. Hennessee, 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 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. Baudean that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Billy G. Hall, Jr., D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Billy G. Hall, Jr., 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 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. Baudean that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Robert H. Carlson, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Robert H. Carlson, Jr., 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 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. Baudean that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Clay M. Duos, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Clay M. Duos, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Vincent L. DiLeo, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Vincent L. DiLeo, 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 subject to receipt of the initial payment on or before Monday August 13, 2012, at 4:30 p.m.

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

The board considered changing the date of the first board meeting in 2013. The board decided to move the meeting from February 22, 2013, to March 15, 2013.

The board then reviewed the Louisiana Dental Association Peer Review Report covering the period from January – June 2012. The board was satisfied with the report.

Dr. Melancon then moved on to a discussion of revisions to LSA-R.S. 37:795. Dr. Trinca then made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed legislative changes relative to the amendment of LSA-R.S. 37:795 B. 3. (c) relative to increasing the maximum biennial renewal fee for dental hygienists to a maximum of \$400 and instructs its President, Legislative Committee, Executive Director, and Counsel to introduce this proposed legislation into the next session of the legislature to be held in 2013.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed legislative changes relative to the amendment of LSA-R.S. 37:795 B. 2. (d) relative to increasing the maximum biennial renewal fee for dentists to a maximum of \$800 and instructs its President, Legislative Committee, Executive Director, and Counsel to introduce this proposed legislation into the next session of the legislature to be held in 2013.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed legislative changes relative to the amendment of LSA-R.S. 37:795 B. 2. (k) and (l) by establishing a minimum initial mobile dental office permit application fee of \$250 and a maximum of \$500 and renewal fee of mobile dental office permits to a minimum of \$250 and a maximum of \$400 and instructs its President, Legislative Committee, Executive Director, and Counsel to introduce this proposed legislation into the next session of the legislature to be held in 2013.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed changes relative to the amendment of LSA-R.S. 37:795 B. 2. (i) relative to the initial licensure of restricted licensees by establishing a minimum initial restricted license fee of \$200 and a maximum of \$400 and instructs its President, Legislative Committee, Executive Director, and Counsel to introduce this proposed legislation into the next session of the legislature to be held in 2013.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed changes relative to the amendment of LSA-R.S. 37:795 B. 1. (n) regarding renewing EDDA certifications by establishing a minimum fee for the renewal of EDDA certifications in the amount of \$20 and a maximum of \$70 and instructs its President, Legislative Committee, Executive Director, and Counsel to introduce this proposed legislation into the next session of the legislature to be held in 2013..

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

Next, the board addressed the revision of board rule .301 B. After limited discussion on the topic, the board took no action.

Next, the board addressed the revision to LSA-R.S. 37:780 B. 3. Dr. Baudean then made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed changes relative to the amendment of LSA-R.S. 37:780 B. 3 to add interest to disciplinary fines and costs and instructs its President, Legislative

Committee, Executive Director, and Counsel to introduce this proposed legislation into the next session of the legislature to be held in 2013.

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

Dr. Melancon continued moving through the agenda and next addressed item 15 (xi). After limited discussion and a clarification by Dr. McVea that he would like to have one informed consent standard regardless of the type of practice, Dr. Baudean made the motion that was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry has discussed the issue of a revision to the informed consent for mobile and portable permit holders and hereby refers this matter to the Rulemaking Committee for further discussion.

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

The board next discussed the issue of a start date for online renewals. Dr. Guillory made the motion that was seconded by Dr. Manning that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby sets October 15, 2012, as the start date for access to online renewals.

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

The board next addressed the request for approval of an advertisement from Dr. Robert Guier. The board on advice of counsel, Brian Begue, declined to answer the request because it was not within the purview of LSA-R.S. 49:962 and 963.

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Randolph Green, D.D.S.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Matthew H. Blunt, D.D.S.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Staines & Eppling, Attorneys at Law.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Hiram McConnell, D.D.S.

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

The issue of granting CE credit to dental hygienists was addressed and Dr. Martello made the motion which was seconded by Dr. Trinca that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby amends LAC 46:XXXIII.1613 to add paragraph L to read as follows;

“Louisiana licensed dental hygienists shall be eligible for two hours of clinical continuing education for treating a donated dental service patient (pro bono) from an Louisiana State Board of Dentistry approved agency. The maximum number of hours will be no more than four in any two year biennial renewal period, and verification of treatment from the agency is mandatory in order to obtain these continuing education credits.”

All members voted in the affirmative with the exception of Dr. Mayer, who opposed the motion. Dr. Melancon declared the motion passed.

The board then moved on to the petition for declaration filed by Dr. Harry K. Castle. Dr. Melancon welcomed Chip Saunders, counsel for Dr. Castle. Dr. Blackwood asked that before the matter was considered that board counsel advise the board on the request and the potential for tainting the members should any formal action be taken by the board. After multiple exchanges between Mr. Bégué and Mr. Saunders, Dr. Martello made the motion that was seconded by Dr. Guillory that it be:

RESOLVED, the Louisiana State Board of Dentistry, hereby resolves that board rules 501 through 503 relative to the use of dental instruments by dental auxiliaries permits (1) the dental assistant to use only hand instruments to remove cement from restorations or appliances solely on the clinical crown, but neither low-speed nor high-speed handpieces to remove cement from tooth surfaces, (2) an EDDA may use a low-speed handpiece to perform coronal polishing with a rubber cup and mild abrasive and (3) only a dentist may use a high-speed handpiece in the treatment of a patient.

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

In light of the resolution, Mr. Saunders withdrew from consideration the petition he filed and the supplemental questions he submitted to the board with a reservation of Dr. Castle's rights.

Dr. Blackwood then made a motion to amend the agenda for the purpose of discussing the repeal of board rule .1709 B (4), which was seconded by Dr. Baudean. After the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed. The board discussed the matter briefly and decided to refer the matter to the rulemaking and licensing and credentials committees for consideration.

Dr. Melancon then asked for a resolution to go into Executive Session. Dr. Trinca made the motion that was seconded by Dr. Blackwood that it be:

RESOLVED, that the Louisiana State Board of Dentistry go into Executive Session for the purpose of discussing investigations, adjudications, litigation, 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

After returning from Executive Session, Dr. Melancon referred to Agenda item number 17, **Per Diem**, wherein Dr. Trinca made the motion which was seconded by Dr. Baudean 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 May 18, 2012 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 the board voted unanimously in the affirmative, Dr. Melancon declared the motion passed.

At this point, Dr. Trinca 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 August 10, 2012.

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

Dr. Melancon then adjourned the meeting at 5:05 PM.

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