

**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 12:00 P.M. ON
FRIDAY, AUGUST 16, 2013**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, August 16, 2013, 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 12:05 p.m. by Dr. Dean Manning, President.

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

PRESENT WERE:

Dr. Dean Manning, President
Dr. Wilton Guillory, Vice-President
Dr. Conrad McVea, III, Secretary-Treasurer
Dr. Aubrey Baudean, Member
Dr. H.O. Blackwood, Member
Mrs. Patricia Cassidy, R.D.H., Member
Dr. Claudia Cavallino, Member
Dr. Rusty Mayer, Member
Dr. David L. Melancon, Member
Dr. Lynn Philippe, Member
Dr. J. Jerome Smith, Member
Dr. Sam Trinca, Member

ABSENT:

Dr. Romell Madison, Member
Dr. James Moreau, Member

ALSO PRESENT BY BOARD INVITATION WERE:

Peyton B. Burkhalter, Executive Director
Brian Bégué, Board Counsel

Erin Conner, Director of Licensing

Rachel Daniel, Board Staff

Joshua Besson, Board Staff

Camp Morrison, Board Investigator

John Gallo, LSUSD

Ward Blackwell, LDA

Suzanne Farrar, LSUSD

John Roth

Brian Samuel

John Saunders, Jr.

Vaughn Sollberger

Dr. Joseph Lacoste, Jr.

Dr. Jennifer Vu

Julie Alleman, Physicians Health Foundation of Louisiana

Dr. Louis Cataldie, Physicians Health Foundation of Louisiana

Dr. Manning welcomed all of the members of the audience. He asked that they stand and state their names. Dr. Manning then asked for public comment, hearing none, he directed the member's attention to the agenda.

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

RESOLVED, that the minutes, as circulated, of the Special Board meeting of May 17, 2013 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

After the board voted unanimously in the affirmative, Dr. Manning 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 17, 2013, be and they are hereby approved, adopted, and ratified in full by the board.

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

Dr. Manning then referred to Agenda item number 6, **Licensing and Credentials Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory began his report by addressing agenda item 6(ii), applications for licensure by credentials.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Kimberly Bibbins, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Kimberly Bibbins, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Chrishelle Hemphill, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Chrishelle Hemphill, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Rheena Khullar, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Rheena Khullar, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Zackery Ritter, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Zackery Ritter, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Brian Slighly, the Louisiana

State Board of Dentistry hereby approves said application and awards Dr. Brian Slighly, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Eddy Sturgill, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Eddy Sturgill, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Nathan Woods, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Nathan Woods, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Cynthia Marshall, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Cynthia Marshall, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon a satisfactory background check.

After the board voted unanimously in the affirmative, Dr. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. Jennifer Woerner, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Jennifer Woerner, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence and a satisfactory background check.

After the board voted unanimously in the affirmative, Dr. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Jean Beckendorf, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Jean Beckendorf, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Laurie Kulinski, R.D.H., and the Louisiana State Board of Dentistry hereby approves said application and awards Laurie Kulinski, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Brigitte Hess, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Brigitte Hess, 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. Manning declared the motion passed. Dr. Baudean was not present for the vote.

Next, Dr. Guillory made the motion which was seconded by Dr. Trinca 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. Yasser Alali	LSU School of Dentistry
Dr. Hamad Alharbi	LSU School of Dentistry
Dr. Feras Alkhader	LSU School of Dentistry
Dr. Marcela Alvarez	LSU School of Dentistry
Dr. Tia Anderson-Donald	LSU School of Dentistry
Dr. George Azmy	LSU School of Dentistry
Dr. Chris Boseovski	LSU Hospital
Dr. Christopher Brady	LSU School of Dentistry
Dr. Anthony Elger	LSU School of Dentistry
Dr. Robert Freeman	LSU School of Dentistry
Dr. Jessica Gano	LSU School of Dentistry

Dr. Theodoros Katsaros	LSU School of Dentistry
Dr. Louis Marconyak, Jr.	LSU School of Dentistry
Dr. Salome Masrani	LSU School of Dentistry
Dr. Daniela Orellana-Vasquez	LSU School of Dentistry
Dr. Pornpavee Panichkul	LSU School of Dentistry
Dr. Jose Porras	LSU School of Dentistry
Dr. Psalmer Richmond	LSU School of Dentistry
Dr. Molly Rosebush	LSU School of Dentistry
Dr. Jillian Rozanski	LSU School of Dentistry
Dr. John Schier	LSU School of Dentistry
Dr. Laura Smith	LSU School of Dentistry
Dr. Rachael Smoot	LSU School of Dentistry
Dr. Cara Weidon	LSU School of Dentistry
Dr. Paige Whitt	LSU School of Dentistry
Dr. Jennifer Woerner	LSU Hospital

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

Next, Dr. Guillory made the motion which was seconded by Dr. McVea 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:

Laurie Kulinski, R.D.H.

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

The board next addressed the revised applications for licensure, including licensure by exam and credentials as well as for a restricted license. After a limited discussion, Dr. Guillory made the motion that was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry has discussed the revised applications for licensure by examination, licensure by credentials and for a restricted license and hereby approves the applications.

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

Next, Dr. Manning moved to agenda item 7, **Office Management Committee**, Dr. Lynn Philippe, Chairman. Dr. Philippe began by making a motion to amend the agenda to discuss the report from Pinell & Martinez, certified public accountants, relative to the results of the Agreed Upon Procedures Audit. The motion was seconded by Dr. Trinca. After the board voted unanimously in the affirmative, Dr. Manning declared the motion passed.

Dr. Philippe asked that Mr. Burkhalter review the findings in the audit report for the members. Mr. Burkhalter reviewed the report and discussed the one finding for the

board regarding the need to amend the budget for positive changes in revenue and expenditures of more than 10%. The board was satisfied with the report. Dr. Philippe then moved to the initial agenda item for consideration, the approval of the minutes from the May 17, 2013 meeting of the committee. Dr. Melancon made the motion that was seconded by Dr. Blackwood that it be:

RESOLVED, that the minutes, as circulated, of the Office Management Committee meeting of May 17, 2013 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Next, Dr. Philippe asked Mr. Burkhalter to discuss the compiled financial statements for the fiscal year ending June 30, 2013, as prepared by Sharp and Company, certified public accountants. Mr. Burkhalter advised the board that collections from enforcement actions for the year were up as a result of several large cases that were resolved. Mr. Burkhalter also noted that despite several formal adjudications and two lawsuits that the board was defending and the statewide inspections, the attorney's fees, expert witness fees, investigations, and transcripts expenses were down for the fiscal year. The board reduced expenditures for the fiscal year by 12%. However, the budgeted amounts for the referenced categories would increase for 2013-2014 due to ongoing litigation and formal adjudications.

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 prepared using an historical approach and was similar to past budgets. He expected revenue to increase in the next fiscal year due to the implementation of the Monitoring Program but that the board would also see an increase in consulting expenses which corresponds to the payments which will be made to Physicians Health Foundation who will be administering the program.

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 2013-2014.

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

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

RESOLVED, the Louisiana State Board of Dentistry has reviewed the revisions to the disciplinary process overview and records retention sections of the Louisiana State Board of Dentistry's Office Policies and Procedures Manual and hereby approves same.

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

Next, Dr. Manning addressed agenda item 8, **Impaired Dentist Committee**, Dr. H.O. Blackwood, Chairman. Dr. Blackwood asked Ms. Julie Alleman and Dr. Louis Cataldie, to review the Dental Health Professional Monitoring Program and the particulars of how the program functions. Ms. Alleman began by thanking the board for awarding the contract to Physicians Health. She addressed the need for the program, its function and the types of agreements that will be utilized in the monitoring of individuals referred to the program. She expressed the need for participation of dentists in the statewide network for interventions, evaluations and monitoring. Ms. Alleman advised the board of the efforts that they will make to ensure that all licensees know about the program and how it will benefit the profession. After further discussion, Dr. Manning thanked Ms. Alleman and Dr. Cataldie for coming to the meeting and providing the information about the program.

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

RESOLVED, that the Louisiana State Board of Dentistry enter 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. Manning declared the motion passed.

Upon returning from Executive Session, Dr. Manning referred to Agenda item number 6 (vi), consideration of the dental license application of Dr. Jennifer Vu Jackson.

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. Jennifer Vu Jackson and hereby approves said application and awards Dr. Jennifer Vu Jackson 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. Manning declared the motion passed.

The next matter discussed was agenda item 9, **Examination Committee**, Dr. Sam Trinca, Chairman. Dr. Trinca discussed the most recent CITA examination conducted at the LSUSD. He provided the board with the passage rates of each section of the examination. Dr. Trinca was surprised by the results but felt that they were directly related to the candidates' lack of preparation. Dr. Trinca asked Dr. McVea to discuss the status of the CITA organization and its negotiations with CRDTS. Dr. McVea advised the board he did not believe that an agreement could be reached between the two testing agencies due to several factors. However, He was encouraged by the recent meeting that he attended with the principals of ADEX. He and Drs. Hardesty and Kinlaw will be attending a meeting in Atlanta in September to further those discussions. Depending on the results of that meeting he thinks that the CITA organization may move swiftly, possibly as early as October, to become a part of ADEX and administer their exam. He advised the board that this would allow the students more latitude to move as the exam is accepted in 44 states and that all of the neighboring states to Louisiana accepted the ADEX exam.

Dr. Trinca added that he did not feel that an agreement with CRDTS could be reached. Mrs. Cassidy discussed with the board her attendance at the CITA exam given at the University of North Carolina in June. She stated that CITA was doing well and the exam was administered without any issues. Dr. McVea concluded by advising the board members that CITA was financially stable and capable of continuing to administer examinations.

Dr. Manning then referred to Agenda item number 10, **Legislative Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory stated that the board has several revisions to statutes in the Dental Practice Act which will be addressed under new business.

Dr. Manning then referred to Agenda item number 11, **Rulemaking**, Dr. David Melancon, Chairman. Dr. Melancon began by reviewing the rules which were published as Notices of Intent on July 20, 2013. At this point, Dr. Guillory 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 proceed with the amendments of LAC 46:XXXIII.903 “Initiation of Proceedings” and .907 “Notice of Hearing” and

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

After the board voted unanimously in the affirmative, Dr. Manning declared the motion passed. Dr. Philippe was not present for the vote.

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 proceed with the amendments of LAC 46:XXXIII.1506 “Moderate Sedation with Enteral Drugs” and LAC 46:XXXIII.1507 “General Anesthesia/Deep Sedation”; and

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

After the board voted unanimously in the affirmative, Dr. Manning declared the motion passed. Dr. Philippe was not present for the vote.

Dr. Guillory then made the motion which was seconded by Dr. Cavallino 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.1511 “Required Facilities, Personnel and Equipment for Sedation Procedures”; and

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

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

Dr. McVea then made the motion which was seconded by Dr. Blackwood 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.318, “Patients’ Records”; LAC 46:XXXIII.120 “Temporary Licenses,” LAC 46:XXXIII.116 “Reconsideration of Adverse Sanctions”; LAC 46:XXXIII.911 “Pleadings; Motions; Service”; LAC 46:XXXIII.1403 “Forms”; LAC46:XXXIII.1605 “Penalties”; 46:XXXIII.1619 “Violations” LAC 46:XXXIII.415 “Licenses, Permits and Examinations (Dentists) and LAC 46:XXXIII.419 “Licenses, Permits and Examinations (Hygienists); and

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

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

Next, Dr. Melancon reviewed for the board the rules which became effective on May 20, 2013 including the repeal of LAC 46:XXXIII.305 “Reuse of Toothbrush in Dental Office Prohibited”; and amendments to LAC 46:XXXIII.1611 “Continuing Education Requirements for Relicensure of Dentists” and LAC 46:XXXIII.1709 “Examination of Dentists.”

The final issue discussed in the rulemaking portion of the agenda was the revisions to LAC 46:XXXIII.1202 and .1203. 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 proceed with the amendments of LAC 46:XXXIII.1202 and .1203 as suggested by board counsel; and

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

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

Dr. Manning then referred to Agenda item number 12, **New Business and any other business which may properly come before the board**. At this point, Dr. Blackwood then made the motion which was seconded by Dr. Melancon that it be:

RESOLVED, that the action of the President in entering into a resolution in the matter involving Eliska C. Davis, R.D.H. via Consent Decree by and between the Louisiana State Board of Dentistry and Eliska C. Davis, 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. Manning declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Terry S. Turner, D.D.S. via Consent Decree by and between the Louisiana State Board of Dentistry and Terry S. Turner, 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. Manning declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Stephen J. Weilbacher, D.D.S. via Consent Decree by and between the Louisiana State Board of Dentistry and Stephen J. Weilbacher, 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. Manning declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Bobbie N. Morris, D.D.S. via Consent Decree by and between the Louisiana State Board of Dentistry and Bobbie N. Morris, 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. Manning declared the motion passed. Dr. Trinca was not present for the vote.

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 Andre H. Bruni, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Andre H. Bruni, 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. Manning declared the motion passed.

Dr. Manning then moved on to a discussion of revisions to LSA-R.S. 37:754. Dr. Manning advised the board that the discussion of this topic would occur in executive

session. Dr. Manning moved to a discussion of revisions to R.S. 37:786. Dr. Melancon then made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry has considered the revision to LSA-R.S. 37:786 D (2) relative to requiring the appeal bond issued is in favor of the clerk of court 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 2014.

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

Next, after extensive discussion the board took no action on the proposed revision to LSA-R.S. 37:760. Dr. Manning next addressed agenda item 12(v). Dr. Guillory then made the motion which was seconded by Dr. Melancon that it be:

RESOLVED, the Louisiana State Board of Dentistry has considered the revision to LSA-R.S. 37:793 C (1) relative to changing the term “emergency incident” to “emergencies incident” 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 2014.

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

Next, Dr. Blackwood then made the motion which was seconded by Dr. McVea 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 2014.

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

The board next discussed the issue of a start date for online renewals and the information that the board must send to licensees. The board will open the online renewal system in October. Next, Dr. Trinca made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that the Louisiana State Board of dentistry will forward to those licensees whose licenses are expiring 12/31/2013 a postcard relative to the renewal of their license.

The board voted unanimously with the exception of Dr. Mayer, who was opposed. Dr. Manning declared the motion passed.

In addition, the board agreed to post the disciplinary actions that were previously mailed to all licensees on the board website under the disciplinary tab. The disciplinary actions will also be listed in the Bulletin which will be added to the website in October.

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contracts entered into by the board president with G. Bradley Gottsegen, D.D.S.; Physicians Health Foundation of Louisiana; Staines & Epling, Attorneys at Law; Hiram McConnell, D.D.S.; Kaylan Worley, D.D.S.; and Miracomp Technologies.

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

The next matter addressed was the need for an opinion on the issue of the acquisition of a facility to house the board operation. Specifically, whether the authority granted in 37:782 to purchase immovable property to conduct the board's operations allows the board to borrow money for the purchase. In addition, the request would include whether the board may purchase immovable property to conduct the board's operations outside of its official domicile. The board received the opinion of board counsel, Brian Bégué on the topic. After limited discussion on the topic, no action was taken.

Next, Dr. Melancon made the motion that was seconded by Dr. Smith that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby approves the BLS/CPR certification course from ProTrainings, L.L.C.

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

The board considered changing the date of the first board meeting in 2014. The board decided to move the meeting from March 14, 2014 to March 7, 2014.

The board then moved on to the petition for declaratory order or opinion filed by Dr. Joseph R. Lacoste. Dr. Manning welcomed Chip Saunders, counsel for Dr. Lacoste. Mr. Saunders began his presentation by outlining the questions presented for order or the opinion of the board. The initial question was, "Considering La. R.S. 37:793 and or Board Rules 1501, et seq. is Nitrous Oxide an analgesic but not an anesthetic?" and the

second question posed was “Whether Nitrous Oxide, administered in a dental setting, constitutes minimal sedation only, leaving the patient fully capable of taking action for self-preservation under emergency conditions without the assistance of others?” Dr. Philippe addressed the initial question by citing to Mr. Saunders a paper published in a peer review publication from Dr. Malamed, a source quoted in Mr. Sauder’s submission. The quoted article provided that Dr. Malamed considered nitrous oxide to be anesthesia not analgesia. In addition, Dr. Philippe discussed with Mr. Saunders the “Fink Effect” or “Diffusion Hypoxia” and the potential for patients who fail to disclose other medications and the effect of the combination of nitrous and the medications on the level of sedation achieved. Further, he advised Mr. Saunders of his experience with patients who could not self-preserve without the assistance of others after they were removed from the nitrous. He ended his discussion with the requirement that a patient should receive oxygen for at least ten minutes following the administration of nitrous oxide to remove the remaining nitrous from all tissues in the body. In response, Mr. Saunders provided information for the board’s consideration. Dr. Lacoste entered the board meeting at this point. Dr. Cavallino discussed her experience with the Fire Marshal and the arbitrary nature of the restrictions imposed by the Life Safety Code to dental practices. She also related personal experiences relative to young patients to whom nitrous oxide has been administered and their inability to function without assistance.

Dr. Manning asked for a motion to answer the first question posed. Dr. McVea made the motion that was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry, hereby states that Nitrous Oxide is an anesthetic not analgesia.

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

The board next considered the second question posed by Mr. Saunders. After extensive discussion, Mr. Saunders withdrew the question from consideration.

The board received and was satisfied with the results of the LDA Peer Review Report for the period of January through July 31, 2013.

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

RESOLVED, that the Louisiana State Board of Dentistry enter 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. Manning declared the motion passed. Drs. Cavallino and Guillory were not present for the vote.

After returning from Executive Session, Dr. Manning referred to Agenda item number 12 (ii). Dr. Melancon made the motion that was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry has considered the revision to LSA-R.S. 37:754 B. and instructs its President, Legislative Committee, Executive Director, and Counsel to remove the Secretary Treasurer of the board as the legal custodian of the records and introduce this proposed legislation into the next session of the legislature to be held in 2014.

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

Next Dr. Manning addressed agenda item 13, **Per Diem**. Dr. Baudean made the motion which was seconded by Dr. Trinca 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 17, 2013 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. Manning declared the motion passed.

At this point, Mrs. Cassidy made the motion which was seconded by Dr. Smith that it be:

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of August 16, 2013.

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

Dr. Manning then adjourned the meeting at 4:15 PM.

Conrad McVea, III, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry