

**MINUTES OF THE SPECIAL MEETING OF THE
LOUISIANA STATE BOARD OF DENTISTRY
HELD AT ITS BOARD OFFICE LOCATED AT
ONE CANAL PLACE-SUITE 2680-365 CANAL STREET
NEW ORLEANS, LOUISIANA 70130
BEGINNING AT 12:30 PM ON
FRIDAY, FEBRUARY 27, 2015**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, February 27, 2015, 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 12:30 p.m. by Dr. Aubrey Baudean, President.

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

PRESENT

Dr. Aubrey Baudean, President
Dr. Rusty Mayer, Vice President
Dr. Claudia Cavallino, Secretary-Treasurer
Dr. Richard Atkins, Member
Dr. Leonard Breda, Member
Patricia Cassidy, R.D.H., Member
Dr. Wilton Guillory, Member
Dr. Ike House, Member
Dr. Marija LaSalle, Member
Dr. Dean Manning, Member
Dr. J. Jerome Smith, Member
Dr. Richard Willis, Member

ABSENT

Dr. Ronald Marks, Member
Dr. David Melancon, Member

ALSO PRESENT BY BOARD INVITATION WERE

Arthur Hickham, Jr., Executive Director

Brian Bégué, Board Counsel

Erin Conner, Director of Licensing

Rachel Daniel, Board Staff

Dr. Conrad McVea, III

Camp Morrison, Board Investigator

Dr. John Gallo, LSUSD

Dr. Chris Brown, LDA

Dr. Ceclia Oubre

Jason Oubre

Steve Pizzo

John C. Saunders

Dr. Baudean thanked everyone for attending the meeting and asked all guests to introduce themselves. After the introductions, Dr. Baudean then asked for public comment. Hearing none, he turned to Agenda item number 4 wherein Dr. Manning made the motion which was seconded by Dr. Guillory that it be

RESOLVED, that the minutes, as circulated, of the Annual Board meeting of December 6, 2014 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

Dr. Atkins abstained; all other members voted in the affirmative, and Dr. Baudean declared the motion passed.

Dr. Manning then made the motion which was seconded by Dr. Guillory that it be

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to take up Agenda item 10, **Examination Committee** before item 6, **Licensing and Credentials Committee**.

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

Next, Dr. Mayer made the motion which was seconded by Dr. Manning 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 December 6, 2014, be and they are hereby approved, adopted, and ratified in full by the board.

Dr. Atkins questioned what actions were being ratified. Dr. Baudean responded that these were routine matters and general administrative procedures and decisions pertaining to ongoing daily board office business.

Dr. Atkins abstained; all other members voted in the affirmative, and Dr. Baudean declared the motion passed.

Dr. Baudean then referred to Agenda item number 10, **Examination Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory stated that Dr. Conrad McVea, III, was present to give the board an update on CITA and answer any questions the members may have.

Dr. McVea stated that since CITA now administers the ADEX dental examination, it is accepted for initial licensure in 46 states. Three regional testing agencies now administer the ADEX dental examination: CDCA (formerly NERB), SRTA, and CITA. CITA does not currently have plans to administer the ADEX hygiene examination.

Dr. McVea stated that CITA would be administering the ADEX examination at LSU in a few weeks. Should any present wish to be examiners, they were directed to contact CITA.

Discussion then ensued regarding the 2017 Southern Conference of Dental Deans and Examiners meeting which is scheduled to take place in New Orleans. Dr. Cavallino felt the board should send a representative to the 2016 SCCDE meeting to prepare for the following one.

Dr. Breda then made the motion which was seconded by Dr. Guillory 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 at its mid-year meeting April 26-27, 2015 in Chicago, Illinois: Drs. LaSalle, Manning, and Mayer.

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

Dr. Baudean then referred to Agenda item 6, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman. Dr. Manning turned the members' attention to the list of applicants for a license by credentials.

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

RESOLVED, having considered the application 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.

- a. Dr. Mai Linh Tran
- b. Sandra Fuglaar, R.D.H.
- c. Heather McCarthy, R.D.H.
- d. Kelsey Opheim, R.D.H.

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

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Kimberly Bohlmann, the Louisiana State Board of Dentistry hereby approves said application and awards Kimberly Bohlmann 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 fingerprint background check.

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

Dr. Mayer then made the motion which was seconded by Dr. Atkins that it be

RESOLVED, that the board having considered the request from Susan Parker, R.D.H. for a waiver of the late fee charged for failure to renew her dental hygiene license by December 31, 2014, hereby approves the request.

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

Dr. Mayer then made the motion which was seconded by Dr. Atkins that it be

RESOLVED, that the board having considered the request from Dr. James Smith, II, for a waiver of the late fee charged for failure to renew his dental license by December 31, 2014, hereby approves the request.

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

Ms. Conner then stated three licensees had requested additional time to renew their licenses due to extenuating circumstances. Dr. Mayer then made the motion which was seconded by Dr. Atkins that it be

RESOLVED, that the board having considered the request from Dr. Alice Williby, Dr. Ilan Orgad, and Ms. Amy Perrin for an extension of time in which to renew their dental or dental hygiene licenses and hereby approves the requests and grants an extension of one month.

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

Next, Dr. Cavallino made the motion which was seconded by Dr. LaSalle that it be:

RESOLVED, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 42 dentists who failed to timely renew their dental licenses for the calendar years 2015-2016 as provided in R.S. 37:770, and in connection therewith, their licenses to practice dentistry be revoked and that said licensees be so notified in writing.

License No.	Name
1289	Dr. Huey Stevens
1804	Dr. Donald Rosen
2373	Dr. Randall O'Brien
2384	Dr. James Vacca
3088	Dr. Michael MacKenzie
3233	Dr. John Stafford Jr.
3477	Dr. Richard Walker Jr.
3889	Dr. Oliver Simpson
3890	Dr. Howard Snider Jr.
4517	Dr. Alfred Tennant
5220	Dr. Robert Wood
5341	Dr. Joseph Morneau
5526	Dr. Ryan Wicker
5608	Dr. Lesa Williams
5823	Dr. John Sledge
5853	Dr. Charles Vanmeter
5873	Dr. Ashla Martin
5903	Dr. Stephen Trahan
5940	Dr. Amelia Slay
6014	Dr. Reo Pugao
6015	Dr. Yvondia Scott
6026	Dr. Kara Morgan
6038	Dr. Kelly Richardson
6053	Dr. Uchenna Nweze
6054	Dr. Tram Nguyen
6064	Dr. Donny Nguyen
6093	Dr. Dustin White
6094	Dr. Dania Mahmoud
6099	Dr. Nicole Staman
6124	Dr. Likith Reddy
6140	Dr. Noah Miller
6212	Dr. Tamara Silva Gonzalez
6218	Dr. Brittany Walker
6225	Dr. Sang Tran
6233	Dr. Melisa Polhamus
6260	Dr. Austin Teitelbaum
6290	Dr. Henry Vu
6316	Dr. Sara Monrad
6341	Dr. Nicole Middleton
6344	Dr. Rick Moser
6347	Dr. Adrienne Penley
6408	Dr. Brian Slightly

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

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

RESOLVED, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 27 dental hygienists who failed to timely renew their dental hygiene licenses for the calendar years 2014-2015 as provided in R.S. 37:770, and in connection therewith, their licenses to practice dental hygiene be revoked and that said licensees be so notified in writing.

License No.	Name
586	Katherine Manda, R.D.H.
847	Joy Wade, R.D.H.
1342	Melinda Moore, R.D.H.
1511	Marlene Minyard, R.D.H.
1663	Nana Pepe, R.D.H.
2785	Allison Marks, R.D.H.
2973	Detra Wilson, R.D.H.
3024	Holly Casadaban, R.D.H.
3282	Nicole O'Brien, R.D.H.
3370	Trisha Pham, R.D.H.
3589	Rae Lynn McNeil, R.D.H.
3663	Tuyet Tran, R.D.H.
3766	Bethany Rush, R.D.H.
3785	Natalie Guidry, R.D.H.
3786	Susan Morgan, R.D.H.
3939	Autumn Miller, R.D.H.
4010	Letitia Stockman, R.D.H.
4155	Kelly Morris, R.D.H.
4203	Sumei Zhong, R.D.H.
4208	Tara Thomas, R.D.H.
4232	Ann Wiley, R.D.H.
4254	Kristina Sutherland, R.D.H.
4314	Unique Williams, R.D.H.
4356	Staci Teitelbaum, R.D.H.
4494	Michelle Sasse, R.D.H.
4519	Nhat Nguyen, R.D.H.
4520	Mary Nguyen, R.D.H.

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

Next, Dr. Guillory then made the motion which was seconded by Dr. Breda 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 a restricted dental license to the following persons:

Dr. Stuart Bonnin	LSU School of Dentistry
Dr. Tomasz Charowski	LSU Hospital
Dr. Clayte Fluke	LSU Hospital
Dr. Samuel Lester	LSU School of Dentistry
Dr. Andrew Price	LSU Hospital

Dr. Joel Safer
Dr. Jeffrey Steed

LSU School of Dentistry
LSU Hospital

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

Discussion then ensued regarding the format of the jurisprudence examination. The staff was directed to research various options for the jurisprudence examination and report to the board at its next meeting.

Next, Dr. Baudean referred to Agenda item number 7, **Office Management Committee**, Dr. Wilton Guillory, Chairman.

Dr. Guillory stated he had no report. Dr. Manning then made the motion which was seconded by Dr. Cavallino that it be

RESOLVED, that the minutes, as circulated, of the Office Management Committee meeting of December 5, 2014, in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

Dr. Atkins abstained; all other members voted in the affirmative, and Dr. Baudean declared the motion passed.

Dr. Guillory then asked Mr. Hickham to review the financial statements for the quarter ending December 31, 2014. Mr. Hickham reviewed the information and reported that although the board's financial position was currently in line with the 2014-2015 budget, the next quarter's statements may change that position which would require the board to amend the budget. He will advise the board at its next meeting should that be necessary. Dr. Atkins requested that budget numbers be included in future financial statements.

Mr. Hickham then discussed the revisions to the board's Policies and Procedures Manual which were necessitated by recent directives from the Louisiana Property Assistance Association. Dr. Atkins then made the motion which was seconded by Dr. Cavallino that it be

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed changes to the Board Policies and Procedures Manual including the updated policy for the sanitization of electronic equipment and hereby approves said revisions.

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

Mr. Hickham then reviewed the 2015-2016 license renewals. He stated that the recent license renewal period went smoothly and nearly 96% of licensees renewed their licenses online.

Dr. Baudean then referred to Agenda item 8, **Rulemaking Committee**, Dr. David Melancon, Chairman. Mr. Hickham reviewed the proposed rule changes. Dr. Manning made the motion which was seconded by Dr. Guillory that it be

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed revisions to LAC 46XXXIII.114 "Reinstatement of Licenses Revoked for Non-Payment" and .124 "Guidelines for Returning to Active Practice" and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments to LAC 46XXXIII.114 "Reinstatement of Licenses Revoked for Non-Payment" and .125 "Guidelines for Returning to Active Practice"; and

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

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

Dr. Atkins made the motion which was seconded by Dr. Cavallino that it be

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed revisions to LAC 46XXXIII.504 "Authorized Providers of Instruction for Expanded Duty Dental Assistant Courses" and .508 "Dental Assistants Graduating from Dental Assisting Schools Approved by the Commission on Dental Accreditation" and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments to LAC 46XXXIII.504 "Authorized Providers of Instruction for Expanded Duty Dental Assistant Courses" and .508 "Dental Assistants Graduating from Dental Assisting Schools Approved by the Commission on Dental Accreditation"; and

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

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

Dr. Manning then made the motion which was seconded by Dr. Guillory that it be

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed revisions to LAC 46XXXIII.1607 "Exemptions" and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments to LAC 46XXXIII.1607 "Exemptions"; and

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

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

Dr. Atkins then made the motion which was seconded by Dr. Manning that it be

RESOLVED, the Louisiana State Board of Dentistry has reviewed the proposed revisions to LAC 46XXXIII.120 "Temporary Licenses" and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the amendments to LAC 46XXXIII.120 "Temporary Licenses"; and

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

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

Dr. Baudean then referred to Agenda item number 9, **Legislative Committee**, Dr. Claudia Cavallino, Chairperson. Mr. Hickham explained that the LDA is currently proposing a bill which would allow the board to preapprove advertising for its licensees. He stated this was something that the LDA had been requesting for a long time, and the legislation was necessary for the board to be able to charge a fee for the service.

Dr. Baudean then referred to Agenda item number 11, **Anesthesia Committee**, Dr. Claudia Cavallino, Chairperson. Dr. Cavallino stated that the Anesthesia Committee had met several times over the past year and would present its proposed rule revisions at the board's next meeting. These changes would bring the board's pediatric sedation permit requirements in line with the current ADA guidelines.

Dr. Baudean then moved on to Agenda item number 12, **New Business and any other business which may properly come before the board**. Dr. Manning then made the motion which was seconded by Dr. Atkins that it be

WHEREAS, the Board is in need of legal representation and that because of the possible conflicts of interest in complaint cases where the Board would need a prosecuting attorney and an attorney to represent the Board's interest, more than one attorney is essential;

WHEREAS, the Board is in need of legal services necessary to facilitate the Board in its prosecuting violations of the Louisiana Dental Practice Act whether in judicial or administrative proceedings, which will be directed by officers or employees of the Board acting in their official capacities; counsel and/or assistance in legislative or other general activities, as directed by the Board;

WHEREAS, the Board's contract for legal services with the firm of **Celia R. Cangelosi, Esq**, be executed **June 1, 2013 through May 31, 2016** and not to exceed a maximum of **\$200,000** for that period. The Board shall pay \$175.00 per

hour for attorneys having experience of ten (10) years or more in the practice of law; \$150.00 per hour for attorneys having experience of five (5) to ten (10) years in the practice of law; \$125.00 per hour for attorneys having experience of three (3) to five (5) years in the practice of law; \$100.00 per hour for attorneys having experience of zero (0) to three (3) years in the practice of law; \$45.00 per hour for paralegal services; and \$25.00 per hour for law clerks; and

WHEREAS, this resolution shall take effect immediately.

THEREFORE BE IT RESOLVED that the Louisiana State Board of Dentistry, pursuant to La. R.S. 42:262, does hereby retain and employ **Celia R. Cangelosi, Esq.**, as special counsel; and

BE IT FURTHER RESOLVED, that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.

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

Dr. Mayer then made the motion which was seconded by Dr. Guillory that it be

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 **Staines and Eppling**, be executed **July 1, 2015 through June 30, 2018** and not to exceed a maximum of **\$75,000** for that period. The Board shall pay \$175.00 per hour for attorneys having experience of ten (10) years or more in the practice of law; \$150.00 per hour for attorneys having experience of five (5) to ten (10) years in the practice of law; \$125.00 per hour for attorneys having experience of three (3) to five (5) years in the practice of law; \$100.00 per hour for attorneys having experience of zero (0) to three (3) years in the practice of law; \$45.00 per hour for paralegal services; and \$25.00 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 **Staines and Eppling** 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.

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

Dr. Guillory then made the motion which was seconded by Dr. Manning that it be

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with The Administrators of the Tulane Educational Fund d/b/a Tulane Department of Psychiatry and Behavioral Sciences (Dr. Sarah Deland).

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

Dr. LaSalle then made the motion which was seconded by Dr. Guillory 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. Baudean declared the motion passed.

Mr. Hickham then brought the members' attention to the LDA Peer Review Report for the January 1 through February 13, 2015 period. The board was satisfied with the report.

Discussion then ensued regarding a proposal to require complaints be notarized. No action was taken.

Dr. Cavallino then made the motion which was seconded by Dr. Smith that it be

RESOLVED, that the minutes, as circulated, of the Nominating Committee meeting of December 5, 2014 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

Dr. Atkins abstained; all other members voted in the affirmative, and Dr. Baudean declared the motion passed.

The board next discussed the recent LSB/D/LDA Task Force meeting and the Memorandum of Understanding between the Louisiana State Board of Dentistry and the Louisiana Dental Association.

Mr. Hickham explained that the MOU indicates that the LDA will attempt to propose and enact legislation during the 2015 session which will change the effective date of the board's domicile change to East Baton Rouge Parish from January 2017 until August 31, 2019. Dr. Cavallino stated that the LSB/D/LDA Task Force is cautiously optimistic that the MOU, although vague, indicates the LDA's good faith efforts at resolving the problems the task force was created to address.

Dr. Atkins stated that there seems to be a disconnect between regular licensees and licensees who become board members. He stated the MOU is intentionally vague because the board's move to Baton Rouge is already a current law. It will require active efforts by the LDA

to attempt to change the existing law. He attended a new board member orientation after his appointment and learned that during the orientation, several board members were attending a meeting with Senator Martiny. He felt that the LSB/D/LDA Task Force was created for the sole purpose of bringing the two organizations into agreement regarding the board's policies and that the task force's good faith efforts had been undermined by the board members' meeting with a legislator without the LDA's knowledge or presence. He went on to say that this meeting with the legislator was in conflict with the opinion dated September 24, 2013, from the Board of Ethics to Brian Begue that board members may not meet with legislators for the purpose of effecting legislation. Dr. Atkins asked if the earlier vote ratifying the actions the board president had taken between the December meeting and the current meeting was meant to include the president's knowledge and approval of the board members' meeting with the legislator. Dr. Baudean responded that this was correct. Dr. Atkins reminded Dr. Baudean and the board of his earlier questions about this item when it was ratified.

Dr. Atkins had met with Mr. Hickham and learned that the board felt that the LDA had not been actively working toward changing the legislation regarding the Baton Rouge move. Dr. Atkins had stated that he had invited Mr. Hickham to speak to the LDA representatives from the Joint Task Force, specifically himself, Dr. Nelson Daly, Dr. Marty Garrett, and Ward Blackwell, and the discussion with Mr. Hickham was the basis for the MOU's provision of good faith negotiation.

Dr. Atkins stated that he understood that a board member had requested that he be removed from the LSB/D/LDA Task Force and that this was not considered in good faith. Dr. Atkins stated that unless there was a law indicating a conflict of interest or other reason he could not serve on the Task Force, he would continue to serve as an LDA member of the task force.

Dr. Atkins also indicated that the board's move to Baton Rouge was not intended as a punishment for the staff. At that time he provided a copy of the Board of Ethics letter dated September 24, 2013, after having read that opinion into the minutes.

Dr. Baudean then stated that as board president, he had known about the board members' meeting with the legislator and that meeting was not considered lobbying. Dr. Baudean indicated that he authorized the meeting with Senator Martiny and that, not

withstanding Atkins' accusation of lobbying, no lobbying took place. Board members are allowed to talk to their representatives and provide information on any subject, whether dealing with the board or not. Baudean encouraged board members to speak to their legislators to meet with them. Giving information or simply discussing a subject is not considered lobbying. He stated that he felt the Task Force had not made progress and that although the board had made various concessions to the LDA, the LDA did not seem to be actively working toward changing the legislation moving the board's domicile to Baton Rouge. He stated that the MOU indicates that perhaps this will now change and actually negotiate the changes the board seeks.

Dr. Chris Brown stated that the initial legislation moving the board to New Orleans had been introduced without input from the LDA. He felt that the 2014 legislation had been enacted and the LDA was only now able to judge whether the legislation was a good idea. He felt the MOU was an indication of both the board's and the LDA's intent to move forward in good faith to bring the two organizations to a mutually beneficial resolution. He also stated that the majority of LDA members did not seem to be pushing for the board to move to Baton Rouge.

Dr. LaSalle stated that she was present at the meeting with Senator Martiny and the meeting was not lobbying. She stated that she is an LDA member and she had a right to speak to Mr. Martiny for the purposes of providing information.

At this point, Dr. Baudean ended the discussion and moved on to the next agenda item. Discussion then ensued on the possibility of resuming CDC office inspections. The board elected to revisit this item at its next meeting.

At this point, Dr. Mayer made the motion which was seconded by Ms. Cassidy that it be

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to take up discussion of licensee probation.

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

Dr. Rusty Mayer then stated that insurance companies had recently begun refusing coverage to licensees who had been placed on probation. It was noted that this was a recent move by insurance companies and he asked that the board judiciously use probation in

disciplinary matters knowing that licensees would necessarily be limited in their ability to practice because of it.

Dr. Mayer then made the motion which was seconded by Dr. Manning that it be

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to take up discussion of the recent Supreme Court ruling against the North Carolina Board of Dental Examiners.

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

Mr. Hickham explained that the U.S. Supreme Court had recently ruled against the North Carolina Board of Dental Examiners regarding cease and desist letters sent by the Board to teeth whitening businesses in North Carolina. The Board sent the cease and desist letters because the Board considered teeth whitening the unlicensed practice of dentistry. The FTC brought anti-trust charges against the North Carolina Board for their attempts to stop the unlicensed practice of dentistry. The Supreme Court held that because a controlling vote on the Board is elected by and comprised of market participants, it is not entitled to the immunity from anti-trust laws that a state is normally entitled to, unless it receives state supervision. This ruling calls into question whether the Louisiana State Board of Dentistry can regulate the unlicensed practice of dentistry, because the case can be read to end the Board's ability to send cease and desist letters, and cease and desist letters could be read to be a prerequisite to filing for an injunction against someone practicing dentistry without a license. It is suggested that the Board attempt at some point to have 37:789(C) amended to delete the reference to cease and desist letters.

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

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.

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

Upon returning from Executive Session, Dr. Manning made the motion which was seconded by Dr. Cavallino that it be

RESOLVED, that the Louisiana State Board of Dentistry, after considering the Petition for Reconsideration of Adverse Sanctions filed by Dr. Billy F. Booty hereby amends the Agreement Containing Consent Decree By and Between Dr. Billy F. Booty and the Louisiana State Board of Dentistry.

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

Dr. Cavallino then made the motion which was seconded by Dr. Smith that it be

RESOLVED, that the Louisiana State Board of Dentistry, after considering the Petition for Reconsideration of Adverse Sanctions filed by Dr. Vintage Delahoussaye hereby amends the Agreement Containing Consent Decree By and Between Dr. Vintage Delahoussaye and the Louisiana State Board of Dentistry.

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

Dr. Cavallino then made the motion which was seconded by Dr. Breda that it be

RESOLVED, that the action of the President in entering into a resolution in the matter involving Cecilia C. Oubre, D.D.S. via Consent Decree by and between the Louisiana State Board of Dentistry and Cecilia C. Oubre, D.D.S. (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be rejected by this Board.

Drs. Atkins, House, LaSalle, and Willis had been excused from the Executive Session for discussion of Dr. Oubre, and abstained from the vote. They will comprise the formal hearing panel and the 49:961(C) hearing appointee, if the matter goes to a formal. The remaining board members voted unanimously in the affirmative, and Dr. Baudean declared the motion passed.

Dr. Breda then made the motion which 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, 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.

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

Upon returning from Executive Session, Dr. Atkins made the motion which was seconded by Dr. Cavallino that it be

RESOLVED, the Louisiana State Board of Dentistry hereby grants its executive director, Arthur Hickham, Jr., a raise in the amount of \$10,000 and a matching contribution to the Louisiana Public Employees Deferred Contribution Plan of \$250 per month effective March 1, 2015.

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

Dr. Guillory then made the motion which was seconded by Dr. Manning 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 December 5-6, 2014 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. Baudean declared the motion passed.

Dr. Breda then made the motion which was seconded by Ms. Cassidy 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 attendance at the formal hearing on January 16, 2015, 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. Baudean declared the motion passed.

Dr. Manning then made the motion which was seconded by Dr. Breda 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 attendance at the LSB/D/LDA Task Force meeting held on January 21, 2015, held in Baton Rouge, 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. Baudean declared the motion passed.

Dr. Breda then made the motion which was seconded by Dr. Guillory that it be

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of February 27, 2015.

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

Dr. Baudean then adjourned the meeting at 3:55 P.M.

Claudia Cavallino, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry



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September 24, 2013

Brian Begue
2127 Dauphine Street
New Orleans, LA 70116

RE: Ethics Board Docket No. 2013-1074

Dear Mr. Begue:

The Louisiana Board of Ethics, with a vote of five to two, at its August 16, 2013 Board meeting, considered your request for an advisory opinion regarding whether the Lobbying Laws under the jurisdiction of the Board of Ethics apply to members of the Louisiana State Board of Dentistry. Specifically, you ask the following questions in regards to the members of the Dentistry Board:

- 1) Are Board members state employees as set forth 24:56?
- 2) Are state employees and public servants the same?
- 3) What is the effect of L.R.S. 42:55, which defines public employees as Board officers and its employee?
- 4) What is the effect of L.R. S. 42:62 which states that employment does not include appointed officials?
- 5) May the members approach their own legislators regarding legislation affecting the practice of dentistry or dental hygiene?
- 6) What is the effect of L.R.S. 42:55, which defines public employees as Board officers and its employees?
- 7) May they approach their own legislators regarding legislation having nothing to do with the regulation of dentistry or dental hygiene?
- 8) Must they register as lobbyist if the answer to the questions is in the affirmative?

The Board concluded, and instructed me to advise you that the Lobbying Laws under the jurisdiction of the Board of Ethics apply to the members of the Dentistry Board. R.S. 24:56F provides that no state employee in his official capacity or on behalf of his employer shall lobby for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. Nothing shall prohibit the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter. Lobby is defined as any direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation. La. R.S. 24:51(5)(b) provides that "lobbyist" shall not mean a person who does not make any direct act or have any direct communication with a legislator for the purpose of influencing the passage or defeat of any legislation.

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