

**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 10:00 A.M. ON  
FRIDAY, MARCH 5, 2010**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, March 5, 2010, 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 10:55 a.m. by Dr. Charles McCabe, President.

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

**PRESENT WERE:**

Dr. Charles McCabe, President  
Dr. Romell Madison, Vice-President  
Dr. David Melancon, Secretary-Treasurer  
Dr. Marija LaSalle, Member  
Dr. Wilton Guillory, Member  
Dr. H.O. Blackwood, Member  
Mrs. Christine Guillaume, R.D.H., Member  
Dr. Lynn Philippe, Member  
Dr. Dean Manning, Member  
Dr. Frank Martello, Member  
Dr. James Moreau, Member  
Dr. Sam Trinca, Member  
Dr. John Taylor, Member  
**Absent:** Dr. Conrad McVea, Member

**ALSO PRESENT BY BOARD INVITATION WERE:**

C. Barry Ogden, Executive Director  
Brian Begue, Board Counsel  
Linda Foto, Director of Licensing

Erin Conner, Board Staff

Diana Chenevert, Board Staff

John Roth, Board Staff

John Gallo, D.D.S., LSUSD

Ward Blackwell, Executive Director, LDA

Gregory Folse, D.D.S.

Dennis Blunt

Suzanne Farrar, LSUSD, LDHA

Michael Andry, ExcelTH, LPCA

Chris Brown, LDA

Jane Bergin, LDHA

LeAnn Sanders, Catahoula Parish Hospital District #2

Renee Ford, Catahoula Parish Hospital District #2

Ginger Hunt

Michael Rabel, D.D.S.

Rhonda Litt, LPCA

Bradley Mittendorf

Charles Foy, D.D.S., LDA

Representative Kevin Pearson

Dr. McCabe opened the meeting by greeting all guests and thanking Dr. Philippe for his hard work as the 2009 president. He stated that the board would be discussing the proposed mobile dentistry rule later in the day and asked that the public hold their comments until that topic was brought up. He asked if there was any other public comment.

Ms. Suzanne Farrar stated that the mobile dentistry discussion would take quite a bit of time and asked if the board could take up the discussion of the LDA's proposed legislation regarding dental hygienists' use of nitrous oxide as early as possible.

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

**RESOLVED**, that the minutes, as circulated, of the Special Board meeting of December 12, 2009 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Next, Dr. Martello made the motion which was seconded by Mrs. Guillaume 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 12, 2009, be and they are hereby approved, adopted, and ratified in full by the board.

After voting unanimously in the affirmative, the motion was declared passed.

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

**RESOLVED**, the Louisiana State Board of Dentistry hereby amends its Agenda to take up Agenda item 9 **Legislative Committee**.

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

Dr. Conrad McVea, chairman of the Legislative Committee, was absent, so Mr. Ogden gave a summary of the LDHA's proposed legislation regarding dental hygienists' administration of nitrous oxide. He asked that Ms. Farrar explain the purpose of the proposed legislation further.

Ms. Farrar stated that the proposed legislation was straightforward in that it was written to allow dental hygienists to administer nitrous oxide. She asked that the board review it to determine their opinion on it.

Mr. Begue stated that if the board were to give its approval to the proposed legislation, it would be considered lobbying, which the board is prohibited from doing. Mr. Ogden stated that the Health and Welfare Committees will ask the board for more information when the legislation is proposed, and he asked if the board would have any objection to anything Ms. Farrar had presented. The board stated that they had no objection to dental hygienists administering nitrous oxide. The board did, however, propose a change to the legislation which consisted of specifying that the hygienist would be required to administer nitrous oxide under the direct supervision of a dentist.

Dr. McCabe then referred to Agenda item number 7, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman.

Mr. Ogden stated that he felt the board should go into Executive Session to discuss the request for licensure by credentials from the various individuals. Dr. Manning then made the motion which was seconded by Dr. Martello 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.

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

Upon returning from Executive Session, Dr. Manning then 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 the person named below, the Louisiana State Board of Dentistry hereby denies said application.

Dr. Tu Tran

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

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

**RESOLVED**, the Louisiana State Board of Dentistry hereby defers consideration of the applications for licensure by credentials in the state of Louisiana by the persons named below until its next board meeting.

Dr. Alfreda Beard  
Dr. Matthew Berg  
Dr. Jaime Oro  
Dr. Ruth Ann Youngquist  
Susan Hawas, R.D.H.

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

Dr. Manning then made the motion which was seconded by Dr. Melancon 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 person:

ISSUE	Name	SCHOOL
01/04/2010	Dr. Todd Williams	LSU MEDICAL CENTER - Shreveport

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

Discussion then ensued on administering the dental oath to new licensees. Mr. Ogden explained that when the board administered its own licensing examination, board members would administer the dental oath to the new licensees. Now that CITA was administering the licensing examination, the board discussed how it could still administer the oath to new licensees. At this point, Dr. Taylor made the motion which was seconded by Dr. Moreau that it be:

**RESOLVED**, that the Louisiana State Board of Dentistry has discussed the administration of the Dental Oath to new licensees and hereby instructs its staff to send the Dental Oath with the original dental license.

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

At this point, Mrs. Foto briefed the board on the progress being made with PBIS to perform background checks on dentists. All were satisfied and looking forward to utilizing this service.

The board then discussed reducing the size of its Licensing and Credentials Committee so as to reduce the time spent on waiting for votes. Dr. Blackwood made the motion which was seconded by Dr. Trinca that it be:

**RESOLVED**, the Louisiana State Board of Dentistry shall limit the makeup of its Licensing and Credentials Committee to three board members beginning calendar year 2011.

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

Discussion then ensued regarding the possibility of assessing fines for licensees whose licenses have been revoked due to non-payment. Mr. Ogden explained that the board currently charges reinstatement fees that would cover the extra workload on the staff. The board took no action on this issue.

Dr. McCabe then referred to Agenda item number 6, **Rulemaking Committee**, Dr. Romell Madison, Chairman. Dr. McCabe then stated that Representative Kevin Pearson, one of the authors of House Bill 687, requested to speak to the board regarding the legislative intent behind the bill which called for the board to promulgate rules regulating the practice of mobile dentistry. Dr. McCabe stated that he expected Mr. Pearson's comments to facilitate the board's discussion of its proposed Rule 313.

Mr. Pearson then stated that he felt some clarification was necessary regarding those portions of the bill allowing for informed consent and parental involvement. He stated that the legislature intended for parents and guardians to be involved in their children's dental care received in mobile clinics.

Dr. Philippe then stated that Louisiana law requires parental consent in medical settings and dental settings should have to follow the same requirements.

Mr. Pearson then stated that he realized there had been much discussion regarding parents and guardians who would not return phone calls or signed consent forms to the operators of mobile clinics. He stated that those children should not receive dental care except on an

emergency basis, and that someone should inform child welfare services of serious neglect on those parents' part.

Mr. Begue then stated that the board had received a letter from the Federal Trade Commission which outlined several objections to the board's proposed Rule 313. One objection was the mandatory phone call to a parent or guardian before a child could be treated in a mobile clinic since fixed location practices did not have the same requirement.

Mr. Pearson stated that that was not the official position of the FTC, but rather the position of only a few staff members and that the board should not be concerned with the FTC's objections. He stated that the legislators were attempting to bring dental care to underserved populations and that he did not feel that mandatory parental involvement was an obstacle to that.

Dr. Taylor stated that he felt the board's function was to protect the public and not to provide access to care to certain populations. He felt that parental/guardian involvement was essential. Dr. McCabe pointed out that children whose parents or guardians would not attend a proposed conference to discuss their children's treatment plan would not receive dental care. He also stated that the board had had regulations in place for years and had had very few complaints.

Mr. Pearson reiterated that their intent was for parental or guardian involvement. Mr. Begue then asked why the language in the bill stated "providing for parental consultation and involvement" instead of "requiring" it.

Dr. Philippe stated that dentists do not treat patients without a complete medical history and to acquire an accurate medical history would require that parents or guardians be actively involved in children's dental care.

Dr. Moreau then pointed out that the required telephone call had been removed from the proposed Rule 313 at the board's last meeting.

Dr. McCabe then asked if anyone else wished to speak regarding this proposed rule. Ms. Ginger Hunt stated that her office was a Federally Qualified Health Center that used a mobile dental clinic. Mr. Begue stated that dentists are not allowed to work for non-dentists and asked Ms. Hunt if her FQHC had a mobile permit from the board. Ms. Hunt stated she did not.

Dr. Gregory Folse then raised the issue of contacting parents or guardians of children and stated that, according to his research, up to 40% of children would not be seen. Dr. Folse stated that he has the parents sign a general consent form, sometimes at the beginning of the school

year and then with that consent form, he will examine a child and then treat that child in the same visit. Dr. Moreau stated he would like to see a more specific consent form for treatment plans.

Dr. Folse stated that he was only performing basic, restorative dentistry and that he felt the general consent form was sufficient. He said that getting a second consent form signed and returned to school would be extremely difficult.

Ms. Renee Ford stated that her office obtains two signed consent forms. She said it was challenging but they managed to do it. She felt a telephone call, however, would be nearly impossible.

Dr. Claudia Cavallino stated that she was representing the LDA and that they felt that parental or guardian consultation was necessary. She felt that if the board was concerned with the FTC's objection to the requirement that mobile clinics involve parents while fixed location practices are not required to, then perhaps the board should require all dentists in Louisiana to have a personal consultation with a parent or guardian before providing dental care to any minor. She felt it was essential to obtaining an accurate medical history of the minor patient.

Dr. Charles Foy then addressed the FTC's letter. He felt the board would be protected from any suit the FTC might bring against it because the legislature required the board to pass rules that required parental involvement.

Mr. Randall Johnson then stated that the board would not be able to avoid FTC involvement because of the legislation as written.

Mr. Blackwell then stated that, although the LDA did not write the legislation itself, it felt the intent was for direct parental or guardian involvement. He stated that a consent form is not the same as consultation. He felt it was an extra effort but that in the end, the same number of children would be seen, even if the mobile clinic operators had to go to more schools.

Dr. Taylor asked if the Dental Practice Act could be amended to require all dentists have a parental or guardian consultation before providing dental care. Dr. Philippe read the statute requiring parental consent in a medical setting.

Mr. Begue stated that consent may be verbal or written, and he stated that some interested persons seemed to be requiring both verbal and written consent. He stated that that was clearly a double standard for mobile clinics. Dr. Blackwood felt that to require both would be micromanagement of dentists and that it was unnecessary. He felt that dentists would be better

able to protect themselves from lawsuits from parents by making sure to obtain the proper informed consent but that it should be up to them.

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

**RESOLVED**, the Louisiana State Board of Dentistry hereby authorizes, empowers and instructs the President, Executive Director, Counsel, and Rulemaking Committee to commence and finalize rule changes to LAC 46:XXXIII.313, as approved and attached hereto.

Drs. Blackwood, Madison, Manning, Martello, Melancon, Moreau, and Trinca and Mrs. Guillaume voted in the affirmative. Drs. Taylor, LaSalle, Philippe, and Guillory voted in the negative. Dr. McCabe declared the motion passed.

Discussion then ensued on the proposed revision to LAC 46:XXXIII.701 and the LDA's objections to the inclusion of FQHCs as an exception to restrictions on the use of general supervision of hygienists.

Mr. Begue explained what exactly FQHCs were and that they were community owned and created to treat underserved populations. Mr. Blackwell felt that they are not hospitals or schools and should not have the same exceptions because it would create unfair competition with dentists in private practice. Ms. Rhonda Litt stated that the Legislature would be discussing a proposed bill to consider FQHCs more like hospitals under Louisiana law.

The board elected to postpone further discussion until the next board meeting so that Ms. Litt would be better able to present her side of the FQHC involvement and to see what the Legislature had decided regarding FQHCs.

Dr. McCabe then referred to proposed Rule 1713 regarding the acceptance of licensing examinations. Mr. Ogden stated that the board had elected to change the rule at the last board meeting, but the changes were too substantive for it to be promulgated directly as a rule, and so the entire rulemaking process would have to be started over with a new Notice of Intent to be published in the *Louisiana Register*.

Dr. McCabe stated that the rule as originally written could possibly keep the Louisiana State Board of Dentistry from accepting certain regional examinations. He asked Dr. Trinca to explain the proposed rule as to why the board would accept only certain examinations. Dr. Trinca said that the rule would effectively remove the Southern Regional Testing Agency (SRTA) from the accepted examinations because it did not include a live patient for the periodontics portion. He also stated that the board currently only has representation on the CITA



board of directors, and the board would have to contact other examination agencies to inquire about representation.

Dr. Trince stated that he would like to discuss this rule under the Examination Committee portion of the meeting. The board concurred.

Next, Dr. McCabe referred to the proposed revisions to LAC 46:XXXIII.1613 regarding personally attended clinical continuing education hours. He felt it should be re-worded since half of clinical hours were now allowed to be attained by taking internet and journal courses.

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

**RESOLVED**, the Louisiana State Board of Dentistry hereby authorizes, empowers and instructs the President, Executive Director, Counsel, and Rulemaking Committee to commence and finalize rule changes to LAC 46:XXXIII.1613, as approved and attached hereto.

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

Next, Dr. McCabe referred to Agenda item number 8, **Office Management Committee**, Dr. Lynn Philippe, Chairman. Mr. Ogden brought the board's attention to the financial statements for the six month period ending December 31, 2009. He explained why legal, investigative, and consulting costs had increased.

Next, Mr. Ogden asked the board members who had state travel cards and who did not. Mr. John Roth then reviewed the state travel card requirements.

Next, Mr. Ogden asked Ms. Erin Conner and Ms. Diana Chenevert to review the progress on the board's email system. They related that the board members had each been given their own lsbd.org email addresses that were secure and should be used for board business only. Ms. Conner related that she would soon begin communicating with the board members via email regarding disciplinary matters since the email system was secure. It was noted that this should cut down on paper use as well as time spent copying and mailing.

Next, Dr. Philippe brought the board's attention to the fact that Mr. Ogden would be retiring in October of 2011, and the board would have to begin a search for his replacement. The board asked Mr. Ogden to put together a list of requirements for his position and he agreed to do so.

Then Dr. McCabe referred to Agenda item number 10, **Examination Committee**, Dr. Sam Trinca, Chairman. Dr. Trinca stated that the CITA examinations are progressing quite nicely and that CITA has received positive feedback from observers. He stated that he felt that the CITA examination was the most fair and accurate assessment of a candidate's skills.

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

**RESOLVED**, the Louisiana State Board of Dentistry hereby authorizes, empowers and instructs the President, Executive Director, Counsel, and Rulemaking Committee to commence and finalize rule changes to LAC 46:XXXIII.1713, as approved and attached hereto.

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

Dr. McCabe then referred to Agenda item number 11, **Anesthesia Committee**, Dr. Lynn Philippe, chairman. Dr. Philippe stated that he had no report.

Dr. McCabe next referred to Agenda item number 12, **Impaired Dentist Committee**, Dr. H.O. Blackwood, chairman. Dr. Blackwood had no report.

Dr. McCabe then referred to Agenda item number 13, **Continuing Education Committee**, Dr. John Taylor, chairman. Dr. Taylor had no report.

Next, Dr. McCabe then referred to Agenda item number 14, **New business and any other business which may properly come before the board.**

Dr. Manning 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 Vintage Poirier, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Vintage Poirier, 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. McCabe declared the motion passed.

Dr. Manning 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 Kenneth Starling, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Kenneth Starling, 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. McCabe declared the motion passed.

Dr. Manning 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 Kenneth Starling, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Kenneth Starling, 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. McCabe declared the motion passed.

Dr. Manning 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 Bruce Kestler, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Bruce Kestler, 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. McCabe declared the motion passed.

Dr. Manning 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 Marcus Jackson, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Marcus Jackson, 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. McCabe declared the motion passed.

Mr. Ogden then brought the board's attention to the Peer Review report from the LDA. The board reviewed it and was satisfied.

Mr. Ogden then informed the board that they had voted to reduce the first renewal fee for new licensees whose licenses expired the same year they were issued. He stated the board had never come to a definite way to accomplish this. He stated he would try to implement this discount during this calendar year.

Next, Mr. Ogden brought the board's attention to the request from a licensee about a mobile permit to administer Botox and dermal fillers in personal residences. No action was taken on that request.

Mr. Ogden then brought the board's attention to a request of a per diem payment to board members overseeing complex and time consuming complaints. No action was taken on that matter.

Mr. Ogden then informed the board that California was now giving dental assistants additional authorized duties.

Next, Dr. Martello 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, the motion was declared passed.

Upon returning from Executive Session, Dr. Martello made the motion which was seconded by Dr. Blackwood 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 12, 2009 board meeting and hearings held in New Orleans, Louisiana.

**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. McCabe declared the motion passed.

Dr. Martello then made the motion which was seconded by Dr. Blackwood 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 January 22-24, 2010 Southern Conference of Dental Deans and Examiner's meeting and hearings held in Washington, D.C.

**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. McCabe declared the motion passed.

Dr. Martello then made the motion which was seconded by Dr. Blackwood 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 January 29, 2010 meeting with the senior class held at Louisiana State University School of Dentistry.

**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. McCabe declared the motion passed.

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

**RESOLVED**, that the Louisiana State Board of Dentistry hereby adjourns its meeting of March 5, 2010.

After voting unanimously in the affirmative, the motion was declared passed.

Dr. McCabe then adjourned the meeting at 5:10 PM.

---

**David Melancon, D.D.S.**  
**Secretary/Treasurer**  
**Louisiana State Board of Dentistry**