

**MINUTES OF THE SPECIAL MEETING OF THE
LOUISIANA STATE BOARD OF DENTISTRY
HELD AT ITS BOARD OFFICE LOCATED AT
ONE CANAL PLACE-SUITE 2680-365 CANAL STREET
NEW ORLEANS, LOUISIANA 70130
BEGINNING AT 1:00 PM ON
FRIDAY, MAY 8, 2015**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, May 8, 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 1:05 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
Patricia Cassidy, R.D.H., Member
Dr. Wilton Guillory, Member
Dr. Ike House, Member
Dr. Marija LaSalle, Member
Dr. Dean Manning, Member
Dr. David Melancon
Dr. J. Jerome Smith, Member
Dr. Richard Willis, Member

ABSENT

Dr. Leonard Breda, Member
Dr. Ronald Marks, Member

ALSO PRESENT BY BOARD INVITATION WERE

Arthur Hickham, Jr., Executive Director

Erin Conner, Director of Licensing

Rachel Daniel, Board Staff

Brian Bégué, Board Counsel

Dr. John Gallo, LSUSD

Dr. Chris Brown, LDA

Ward Blackwell, LDA

Suzanne Farrar, R.D.H., LSUSD, LDHA

Dr. Martin Lieberman

Dr. Phil Rinaudo

Dr. David Burcher

Kirk Groh

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

RESOLVED, that the minutes, as circulated, of the Annual Board meeting of February 27, 2015, in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Dr. Manning then made the motion which was seconded by Dr. Cavallino 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 February 27, 2015, be and they are hereby approved, adopted, and ratified in full by the board.

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

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. Guillory made the following motion which was seconded by Dr. Mayer 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. Brett King, DDS
- b. Grace Ortiz, DMD
- c. Brandy Constance, RDH
- d. Tiffany Derouen, RDH
- e. Laurie Kovar, RDH
- f. Sherry Monroe, RDH
- g. Amanda Perkins, RDH
- h. Linda Tran, RDH

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

Dr. Atkins then made the motion which was seconded by Dr. Guillory 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:

- a. Dr. Jason Dashow LSU Health Sciences Center
- b. Dr. Jared Mason LSU School of Dentistry

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

Dr. Guillory then 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, naming Dr. Alice Williby, License No. 5072, who failed to timely renew her dental license for the calendar years 2015-2016 as provided in R.S. 37:770, and in connection therewith, her license to practice dentistry be revoked and that said licensee be so notified in writing.

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

The board then moved on to Agenda item number 7, **Office Management Committee**,

Dr. Wilton Guillory, Chairman. Dr. Guillory stated that he had no report.

Dr. Guillory asked Mr. Hickham to review the financial statements for the first three fiscal quarters ended March 31, 2015. Mr. Hickham reviewed the information and explained that the board's expenses were \$147,950 lower than had been previously budgeted which would necessitate amending the current and projected budgets. Dr. Manning then made the motion which was seconded by Dr. Guillory that it be

RESOLVED, the Louisiana State Board of Dentistry having reviewed its budget for fiscal year 2014-2015, hereby revises the budget to decrease its expenses a total of \$147,950 as per the attached documentation.

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

Dr. Baudean then referred to Agenda item number 10, **Examination Committee**, Dr.

Wilton Guillory, Chairman. Dr. Guillory stated that he had no report. Dr. Manning then made the motion which was seconded by Ms. Cassidy that it be

RESOLVED, the Louisiana State Board of Dentistry hereby authorizes the Drs. Atkins, Cavallino, and LaSalle and Ms. Cassidy to actively participate in the proceedings of the American Association of Dental Boards; and Dr. Manning and Ms. Cassidy to actively participate in the Council of Interstate Testing Agencies for 2015-2016.

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

Mr. Hickham then related that CITA had not yet set its 2016 examination dates.

The board then moved on to Agenda item number 9 **Legislative Committee**, Dr. Claudia Cavallino, Chairperson. Dr. Cavallino then asked Mr. Hickham to review the recently passed legislation affecting the Louisiana State Board of Dentistry. Mr. Hickham related that HB 257 involves dentists receiving insurance payments and therefore did not have any impact on the board's business. HB 346 would allow dentists to submit drafts of proposed advertising to the board for review. HB 491 would remove the current requirement that dental license applicants be current U.S. citizens or permanent residents (or be permitted under NAFTA) and would instead allow applicants to be currently authorized to reside and work in the United States. Mr. Hickham pointed out that this would not change the current education and clinical examination requirements.

Discussion then ensued on HB 378 which would delay the board's move to Baton Rouge from January 2017 until August 31, 2019. It was noted that the board's current lease will expire August 31, 2019, so this delay would save the board rent expenses by not requiring an early termination of the lease.

Dr. Baudean then referred to Agenda item number 10, **Rulemaking Committee**, Dr. David Melancon, Chairman. Mr. Hickham reviewed the most recently published Notices of Intent regarding revisions to Rules 114, 120, 124, 504, 508, and 1607 which would be published as rules on July 20, 2015.

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

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to discuss the proposed anesthesia rule revisions under its Anesthesia Committee.

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

Discussion then turned to Agenda item number 11, **Impaired Dentist Committee**, Dr. Ronald Marks, Chairman. No action was taken.

Dr. Baudean then referred to Agenda item number 12, **Anesthesia Committee**, Dr. Claudia Cavallino, Chairperson.

Dr. Cavallino then related that the committee had met earlier in the day to discuss the proposed anesthesia rule revisions. The proposed rules had been revised to specify that nitrous oxide permit holders would not be required to complete continuing education for permit renewal. The committee had also decided to no longer require dentists to obtain individual third party permits naming specific third party anesthesia providers administering anesthesia in their dental offices. Dr. Melancon made the motion which was seconded by Dr. Guillory that it be

RESOLVED, the Louisiana State Board of Dentistry has considered the proposed changes to the anesthesia rules, LAC 46:XXXIII.1501 et seq.; and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the revisions; and

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

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

Dr. Cavallino then related that the committee recommended that, although the intranasal administration of Versed was statutorily considered parenteral moderate sedation, the board allow Versed be administered intranasally with an enteral moderate sedation permit.

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

RESOLVED, the Louisiana State Board of Dentistry has considered the proposed reclassification of intranasal administration of Versed in the anesthesia rules, LAC 46:XXXIII.1501 et seq.; and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the revision; and

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

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

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

RESOLVED, that the minutes, as circulated, of the Anesthesia Committee meeting of February 27, 2015 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Dr. Baudean then moved on 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. 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 **FRILOT L.L.C.**, be executed **July 1, 2015 through June 30, 2018** and not to exceed a maximum of **\$150,000** for that period. The Board shall pay \$225.00 per hour for attorneys having experience of ten (10) years or more in the practice of law; \$175.00 per hour for attorneys having experience of five (5) to ten (10) years in the practice of law; \$150.00 per hour for attorneys having experience of three (3) to five (5) years in the practice of law; \$125.00 per hour for attorneys having experience of zero (0) to three (3) years in the practice of law; \$60.00 per hour for paralegal services; and \$40.00 per hour for law clerks; and

WHEREAS, this resolution shall take effect immediately.

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

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

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Shows, Cali & Walsh, L.L.P.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Blanchard, Walker, O'Quin & Roberts.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Faircloth Melton LLC.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Groh Law Firm.

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the amendment to the contract entered into by the board president with Celia Cangelosi.

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

Discussion then ensued on the scheduling of board meeting dates for calendar year

2015. The board decided on the following dates.

February 26, 2016 board meeting

May 6, 2016 board meeting

August 19, 2016 board meeting

December 2-3, 2016 annual board meeting

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

RESOLVED, the Louisiana State Board of Dentistry has considered the resumption of CDC office inspections by the board and hereby directs its staff to resume the inspections.

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

Discussion then ensued on the LSB/D/LDA Task Force meetings. Dr. Chris Brown stated that he felt the task force had been working well together and he could see some progress. Dr. Baudean agreed.

The board next discussed the LSB/D/LDA Memorandum of Understanding setting forth the goals of the task force.

Mr. Hickham then brought the members' attention to the LDA Peer Review Report for the January 1 through April 29, 2015 period. The board was satisfied with the report.

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

RESOLVED, that the Louisiana State Board of Dentistry has considered appointing a representative to the ADEX Dental Examination Committee and hereby appoints Dr. Conrad McVea, III.

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

Dr. Martin Lieberman then addressed the board regarding the Lutheran Medical Center partnership with the LSU School of Dentistry. He stated that Lutheran intended to place its residents into facilities supervised by LSUSD faculty. It was noted that allowing out of state residents to practice at LSUSD would require a revision to the current rules regarding restricted licensure. The board directed the Rulemaking Committee to review the issue.

Next, Dr. Baudean stated his concern with students not allowed back up patients for the ADEX periodontal examination. Dr. Manning stated that the periodontal portion of the exam is the most passed. ADEX allows back up patients for no-shows but the students should be able to properly identify patients meeting the required criteria for an examination.

Dr. Atkins then stated he had met with the board's accountant and had some proposed revisions for future board accounting information included in meeting materials. He felt that additional information would allow a proper comparison for the board's financial position from period to period as well as year to year as well as a clearer picture of the board's current position relative to its budget.

Discussion then ensued regarding the use of CE Broker to track licensees' continuing education. The board directed the staff to review alternative companies as well as CE Broker.

Mr. Hickham then related the recent Supreme Court's ruling regarding FTC v. North Carolina Board of Dental Examiners. He stated that the board should not issue cease and desist orders to unlicensed persons, but rather it should ask a court for an injunction. No legislation would be required.

Dr. Baudean then referred to the next item, a discussion regarding reactivating the committee on the use of lasers by dental hygienists. It was noted that two-thirds of the U.S. allows hygienists to disinfect using lasers, and Louisiana does not currently allow it. It was referred to the Task Force as an issue to be discussed.

Discussion then ensued regarding the board's move to Baton Rouge. The board directed the staff to collect information regarding the implications of the move. Specifically, the staff was directed to gather data regarding the rent costs, the number of applicant visits from LSU School of Dentistry, and the number of staff visits to the school.

Dr. Melancon 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.

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

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

RESOLVED, having considered the application for a restricted dental license in the State of Louisiana by Dr. David Burrichter, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. David Burrichter his requested restricted license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith.

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

Dr. House 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.

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

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Mitchell M. Sonnier, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Mitchell M. Sonnier, 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.

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

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Donald Boudreaux, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Donald Boudreaux, 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.

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

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving John E. Trahan, II, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and John E. Trahan, II, 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.

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

Dr. Guillory then 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. Vincent L. DiLeo hereby amends the Agreement Containing Consent Decree By and Between Dr. Vincent L. DiLeo and the Louisiana State Board of Dentistry.

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

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

be

RESOLVED, the Louisiana State Board of Dentistry hereby grants its director of licensing, Erin Conner, a raise in the amount of \$3,000 effective July 1, 2015.

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

Dr. Guillory then made the motion which was seconded by Dr. LaSalle 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 February 6, 2015, new board member orientation held in New Orleans, Louisiana.

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

Dr. Guillory then made the motion which was seconded by Dr. LaSalle 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 February 27, 2015, 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.

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

Dr. Guillory then made the motion which was seconded by Dr. LaSalle 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 April 11, 2015, Louisiana Dental Association House of Delegates meeting 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.

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

Dr. Guillory then made the motion which was seconded by Dr. LaSalle 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 April 26-27, 2015, American Association of Dental Boards mid-year meeting held in Chicago, Illinois; 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.

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

Dr. Melancon then made the motion which was seconded by Ms. Cassidy that it be

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of May 8, 2015.

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

Dr. Baudean then adjourned the meeting at 4:40 P.M.

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