

**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, MAY 6, 2016**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, May 6, 2016, 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. Rusty Mayer, President.

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

PRESENT

Dr. Rusty Mayer, President
Dr. Claudia Cavallino, Vice President
Patricia Cassidy, R.D.H., Member
Dr. Robert Foret, Member
Dr. Wilton Guillory, Member
Dr. James Hargrove, Member
Dr. Ike House, Member
Dr. Dean Manning, Member
Dr. Ronald Marks, Member
Dr. J. Jerome Smith, Member
Dr. Richard Willis, Member
Dr. Mohammad Zadeh, Member

ABSENT

Dr. Leonard Breda, Member
Dr. Marija LaSalle, Member

ALSO PRESENT BY BOARD INVITATION WERE

Arthur Hickham, Jr., Executive Director
Kirk Groh, Board Counsel
Erin Conner, Director of Licensing
Rachel Daniel, Board Staff
Dr. John Gallo, LSUSD
Ward Blackwell, LDA
Sharon Chaney, RDH, ULM
Dr. John Landreneau
Dr. Kurt Touchstone

Dr. Janice Townsend
Dr. Andromeda Pearson
Bruce Neely
Dr. Seth Kunen, Louisiana Physicians' Health Foundation
Dr. John Heaton
Jason Jarrett, CRNA

Dr. Mayer thanked everyone for attending the meeting and asked all guests to introduce themselves. After the introductions, Dr. Mayer 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 special board meeting of February 19, 2016, in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Next, Dr. Marks 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 February 19, 2016, 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.

LICENSING AND CREDENTIALS COMMITTEE, Dr. Dean Manning, Chairman

Dr. Manning made the 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 in the State of Louisiana, granting them all the privileges, duties, and responsibilities associated therewith.

- a. Dr. Dana Fender
- b. Dr. Chris Galea
- c. Dr. Joanne Hoppe
- d. Dr. Scott Law
- e. Dr. Elizabeth Martin

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

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to take up discussion of the dental license application of A.P.

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

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

RESOLVED, having considered the application for licensure by credentials in the State of Louisiana by Dr. A.P., the Louisiana State Board of Dentistry hereby denies said application for a license to practice dentistry in the State of Louisiana.

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

Dr. Guillory then made the motion which was seconded by Ms. Cassidy 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. Raphael Deboisblanc	LSU School of Dentistry
Dr. Giulio Fortuna	LSU School of Dentistry
Dr. Faye Mascarenhas	LSU School of Dentistry
Dr. Ryan Robertson	LSU School of Medicine
Dr. Bhushan Thakkar	LSU School of Medicine
Dr. Christopher Spencer	LSU School of Dentistry

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves the proposed changes to the LSUCDE Expanded Duty Dental Assistant course to allow the didactic portion be completed online.

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

OFFICE MANAGEMENT COMMITTEE, Dr. Wilton Guillory, Chairman

Dr. Guillory asked Mr. Hickham to review the financial statements for the quarter ending March 31, 2016. Mr. Hickham reviewed the information and reported that attorneys' fees and operating services were significantly lower than had been budgeted. Other expenses and revenues were also slightly different from what had been budgeted. These changes necessitated an amendment to 2015-2016 budget. Dr. Manning then made the motion which was seconded by Ms. Cassidy that it be

RESOLVED, the Louisiana State Board of Dentistry, having reviewed its budget for fiscal year 2015-2016, hereby amends its revenue and expense sections as per the attached documentation.

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

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

RESOLVED, the Louisiana State Board of Dentistry has considered the proposed changes to the training requirements section of the policies and procedures manual; and

BE IT THEREFORE RESOLVED, those changes are hereby adopted.

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

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

RESOLVED, the Louisiana State Board of Dentistry has considered the proposed changes to the reporting section of the policies and procedures manual; and

BE IT THEREFORE RESOLVED, those changes are hereby adopted with the attached changes.

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

Dr. Cavallino 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 Agenda item 12 **Anesthesia Committee**.

All members voted in the affirmative except Dr. Guillory. The motion failed.

EXAMINATION COMMITTEE, Dr. Marija LaSalle, Chairperson

As Dr. LaSalle was absent, Dr. Manning discussed the current CITA examinations and upcoming AADB and CITA meetings. Dr. Cavallino made the motion which was seconded by Dr. Zadeh 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 and the Council of Interstate Testing Agencies for 2016-2017: Drs. Cavallino, Foret, and Hargrove, and Ms. Cassidy.

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

The board then review the dates of the CITA examinations for the remainder of 2016.

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

RESOLVED, the Louisiana State Board of Dentistry hereby appoints Dr. Ike House as its non-voting CITA member.

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

LEGISLATIVE COMMITTEE, Dr. Claudia Cavallino, Chairperson

Dr. Cavallino reviewed the current pending legislation which would impact the board. Senate Bill 471 pushes the domicile change to Baton Rouge back to January 1, 2018. SB 934 had been requested by the LDA and would make it easier for licensees to appeal board decisions. SB 812 could force the board to move its offices to a state owned building.

RULEMAKING COMMITTEE, Dr. Ronald Marks, Chairman

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

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to ratify the minutes of the February 19, 2016 Rulemaking Committee meeting.

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

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

RESOLVED, that the minutes, as circulated, of the Rulemaking Committee meeting of February 19, 2016, 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. Guillory then 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.1709 and .1711 and hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to proceed with the completion of the amendments; and

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

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

Clarification of the limits on hygienists working under general supervision in nursing homes was referred to the Rulemaking Committee.

Dr. Kirt Touchstone withdrew his request regarding the discussion of Rule 124.

IMPAIRED DENTIST COMMITTEE, Dr. Jerome Smith, Chairman

Dr. Smith requested that Dr. John Landreneau speak to the board prior to Dr. Seth Kunen's PHF report as Dr. Kunen would be able to respond to the board regarding Dr. Landreneau's presentation.

Dr. Kunen briefly reviewed the Physicians' Health Foundation's 2015 annual report.

ANESTHESIA COMMITTEE, Dr. Richard Willis, Chairman

Dr. Willis began his report by stating that he had seen an increase in dentists applying for office permits allowing a third party to administer sedation to their patients.

Dr. Guillory stated that he felt the current requirement of ACLS for dentists holding an office permit allowing a CRNA to administer sedation was onerous and unnecessary.

The Anesthesia Committee was directed to discuss possible revisions to Rule 1509 to require dentists be certified in PALS when employing third parties to administer sedation to pediatric patients as well as require two ACLS certification holders for office sedation permits. These possible revisions would then be referred to the LSB/D/LDA Task Force.

NEW BUSINESS AND ANY OTHER BUSINESS WHICH MAY PROPERLY COME BEFORE THE BOARD

Discussion ensued regarding the recent ADA/ADEA letter to the board about the acceptance of clinical licensure examinations. Dr. Cavallino made the motion which was seconded by Dr. Manning that it be

RESOLVED, the Louisiana State Board of Dentistry hereby instructs its President and Executive Director to reply to the ADA and the ADEA stating that license portability is important to the Louisiana State Board of Dentistry; emphasizing the fact that the ADEX examination was originally designed to be a national examination to improve license portability; and urging the organizations to encourage all licensing jurisdictions to accept the ADEX examination for licensure.

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

The board then set the following dates for 2016:

March 10, 2017	special board meeting
May 12, 2017	special board meeting
August 18, 2017	special board meeting
December 1-2, 2017	annual board meeting

It was reported that the LDA House of Delegates voted favorably on the board's desire to remain in New Orleans.

It was noted that the LSB/D/LDA Task Force was still discussing proposed legislation regarding the retired dental license.

Dr. Cavallino then discussed LSU's recently concluded accreditation site visit by CODA. She stated CODA had no recommendations and several "unofficial" commendations for the dental program.

Dr. Cavallino then discussed the 2017 Southern Conference of Dental Deans and Examiners which would be held in New Orleans January 20-22, 2017 at the JW Marriott and would include CE courses and lectures. She stated she had been in contact Dr. Gremillion from the school and was in the process of scheduling various vendors and sponsors.

The board members then reviewed the LDA Peer Review Report. The board was satisfied with the report.

Dr. Mayer then appointed Dr. Manning as the board representative to the ADEX Dental Examination Committee.

Dr. House then made the motion which was seconded by Dr. Smith 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, 2016 through May 31, 2019** and not to exceed a maximum of **\$200,000** 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 **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.

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

Dr. House then made the motion which was seconded by Dr. Smith 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 **BLANCHARD, WALKER, O'QUINN & ROBERTS** be executed July 1, 2016 and ending on June 30, 2019 and not to exceed a maximum of \$150,000.00 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 **BLANCHARD, WALKER, O'QUINN & ROBERTS** 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. Zadeh then made the motion which was seconded by Dr. Hargrove that it be

RESOLVED, the Louisiana State Board of Dentistry hereby amends its agenda to take up Agenda item 15 **Per Diem**.

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

Dr. Smith then made the motion which was seconded by Dr. House 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 19, 2016, 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. Smith then made the motion which was seconded by Dr. House 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 1, 2016, Task Force meeting held in Baton Rouge, Louisiana.

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

Dr. Smith then made the motion which was seconded by Dr. House 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 10-11, 2016, 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. Smith then made the motion which was seconded by Dr. House 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 16, 2016, 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. Smith then made the motion which was seconded by Dr. House 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 16, 2016, Louisiana Dental Association Board 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. Smith then made the motion which was seconded by Dr. Zadeh 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. Smith that it be

RESOLVED, that the action of the President in entering into a resolution in the matter involving Dr. Charles E. Brewer via Consent Decree by and between the Louisiana State Board of Dentistry and Dr. Charles E. Brewer (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. Hargrove 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, 2016.

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

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

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of May 6, 2016.

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

Dr. Mayer then adjourned the meeting at 4:30 PM.

Marija LaSalle, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry