

**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 10:30 A.M. ON
FRIDAY, MAY 20, 2011**

A special meeting of the Louisiana State Board of Dentistry was held on Friday, May 20, 2011, 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 10:35 a.m. by Dr. Romell Madison, President.

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

PRESENT WERE:

Dr. Romell Madison, President

Dr. David Melancon, Vice-President

Dr. Dean Manning, Secretary-Treasurer

Dr. Aubrey Baudean, Member

Dr. H.O. Blackwood, Member

Mrs. Patricia Cassidy, R.D.H., Member

Dr. Wilton Guillory, Member

Dr. Frank Martello, Member

Dr. Rusty Mayer, Member

Dr. Conrad McVea, Member

Dr. James Moreau, Member

Dr. John Taylor, Member

Dr. Sam Trinca, Member

ABSENT:

Dr. Lynn Philippe, Member

ALSO PRESENT BY BOARD INVITATION WERE:

C. Barry Ogden, Executive Director

Brian Bégué, Board Counsel

Erin Conner, Director of Licensing

Diana Chenevert, Board Staff

Rachel Daniel, Administrative Assistant

John Roth, Board Staff

Alison Schenk

Camp Morrison, Board Investigator

Peyton "Pete" Burkhalter, Attorney at Law

Benjamin R. Record, D.D.S.

Mark Josephs, D.D.S.

Jennifer Marusak, Louisiana Medical Society

Carrie Mason, R.D.H., LSUSD

Joseph Cangelosi, D.D.S.

Chris Brown, D.D.S. – LDA

F. Thomas Giacoma, D.D.S., LDA

Ward Blackwell, Executive Director, LDA

Jamie Manders, D.D.S.

Mark Van Horn, Attorney at Law

James Bush, D.D.S.

Henry Gremillion, D.D.S., Dean, LSUSD

At this point, Dr. Madison asked all guests to introduce themselves. After the introductions Dr. Madison asked if there were any public comment. Hearing none, he turned to Agenda item number 4 wherein Dr. Manning made the motion which was seconded by Dr. McVea that it be:

RESOLVED, that the minutes, as circulated, of the Special Board meeting of February 18, 2011 in New Orleans, Louisiana, are hereby adopted, ratified and approved in their entirety.

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

Next, Dr. Blackwood made the motion which was seconded by Dr. Melancon 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 18, 2011, 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. Madison then referred to Agenda item number 6, **Licensing and Credentials Committee**, Dr. Dean Manning, Chairman. Dr. Manning reported that several applicants for licensure by credentials had met all but a few requirements for the granting of their license, at which point, 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 Kelly Fabre, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Kelly Fabre, R.D.H., her requested license to practice dental hygiene in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith.

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

Next, 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 Dr. Andrew Bunker, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Andrew Bunker, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of his training program.

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

Next, 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 Dr. Joseph Cangelosi, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Joseph Cangelosi, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon his successful completion of the examination in jurisprudence.

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

Next, 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 Dr. David Clark, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. David Clark, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of his training program.

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

Next, 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 Dr. Suzanne Fournier, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Suzanne Fournier, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence.

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

Next, 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 Dr. Zachary Paukert, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Zachary Paukert, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence.

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

Next, 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 Dr. Allen Sawyer, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Allen Sawyer, his requested license to practice dentistry in the State of Louisiana, granting him all the privileges, duties, and responsibilities associated therewith.

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

Next, 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 Dr. Amy Sawyer, the Louisiana State Board of Dentistry hereby approves said application and awards Dr. Amy Sawyer, her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence and receipt of her fingerprints.

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

Next, 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 Amanda Martin, R.D.H., the Louisiana State Board of Dentistry hereby approves said application and awards Amanda Martin, R.D.H., her requested license to practice dentistry in the State of Louisiana, granting her all the privileges, duties, and responsibilities associated therewith contingent upon successful completion of the examination in jurisprudence.

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

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

Dr. Nicholas Berns	LSU—Shreveport
Dr. Cody Giesler	LSU—Shreveport
Dr. Lindsey Merchant	LSU—Shreveport
Dr. Render Parkman	LSU—Shreveport
Dr. Donald Pritchett	LSU—Shreveport
Dr. Amro Shihabi	LSU—Shreveport

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

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

RESOLVED, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 24 dentists who failed to timely renew their dental licenses for the calendar years 2011-2012 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.

Name	License No.	Response
Dr. Miles Mitchem	1591	1st letter returned; 2nd card signed by M. Mitchem
Dr. Kent Percy	2224	both letters returned
Dr. Larry Smith	2556	1st card signed by Larry Smith; 2nd letter returned
Dr. William Wood	2621	1st card signed by Jill Patrick; 2nd card signed by Lisa Hadfield
Dr. Dennis Norris	3865	both letters returned
Dr. Joe Pearson	3998	1st card signed by Linda Mayard; 2nd card signed by Bridget Adamson
Dr. Kenneth Swanston	4515	1st card signed by K. Swanston; 2nd card signed by illegible name
Dr. Karen Watson	4592	1st card signed by K. Swanston; 2nd card signed by illegible name
Dr. Daniel Sena	4750	both cards signed by Daniel Sena
Dr. Sarah Welch	5227	notified board of non-renewal intentions
Dr. Tricia McCue	5259	1st letter returned; 2nd letter returned
Dr. Mike McClure	5304	1st card signed by Melissa Goolie; 2nd card signed by Mike McClure
Dr. Robert Thornton	5374	1st card signed on 2/28/2011; 2nd card signed by K. Childers
Dr. John McLaughlin	5488	1st card signed by Rachelle S.; 2nd card signed by John McLaughlin
Dr. Xuan Tran	5826	1st card signed by illegible name; 2nd card signed by Thom Nguyen
Dr. Carol Sherman	5837	both cards signed by illegible name
Dr. Elicia Thompson	5858	both letters returned
Dr. Jay Rutz	5864	notified board of non-renewal intentions
Dr. Katherine Ramos	5865	notified board of non-renewal intentions
Dr. Lashunda Thompson	5875	notified board of non-renewal intentions
Dr. Gregory Russell	5912	notified board of non-renewal intentions
Dr. David Treff	5930	1st card signed by David Treff; 2nd card signed by Kim Saxton
Dr. Arnell Prato	5941	both cards signed by illegible name
Dr. Jonathan Wang	5992	both letters returned

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

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

RESOLVED, that the Louisiana State Board of Dentistry accepts the listing prepared by its Secretary-Treasurer, covering the 16 dental hygienists who failed

to timely renew their dental hygiene licenses for the calendar years 2011-2012 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.

Name	License No.	Response
Judy Quina, R.D.H.	104	1st card signed by Judy Quina; 2nd card signed by illegible name
Claire Robert, R.D.H.	636	both cards signed by Claire Robert
Karen McMorris, R.D.H.	1332	both letters returned
Sherry Smith, R.D.H.	3039	both letters returned
Linda Shores, R.D.H.	3118	both cards signed by Linda Shores
Kristy Essick, R.D.H.	3476	both letters returned
Anh Nguyen, R.D.H.	3542	both cards signed by Anh Nguyen
Vicki Vanderburg, R.D.H.	3681	notified board of non-renewal intentions
Ashley Merritt, R.D.H.	3776	both letters returned
Jennifer Waters, R.D.H.	3876	both cards signed by Doug Waters
Mckenzie Peters, R.D.H.	4038	notified board of non-renewal intentions
Lindsay Rivet, R.D.H.	4045	1st card signed by illegible name; 2nd letter returned
Jennifer Strohl, R.D.H.	4151	notified board of non-renewal intentions
Jennifer Stevens, R.D.H.	4211	notified board of non-renewal intentions
Brittnee Northcutt, R.D.H.	4251	notified board of non-renewal intentions
Kristi Trusty, R.D.H.	4261	1st card signed by R. Trusty; 2nd letter returned

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

Discussion then ensued on the term “Graduation” as it applies to fellowship programs.

After some discussion, Dr. Melancon made the motion which was seconded by Dr. Baudean that this matter be referred to the Licensing and Credentials Committee to report back at the next meeting with proposed language for a Notice of Intent in regards to the discussion held today.

Next, Dr. Mark Josephs addressed the board. He requested a license by credentials prior to graduating from his specialty program. Apparently, he had missed the deadline for applying for a license by examination by six months. He had already passed the NERB exam. However, because he was thirteen months shy of graduating from oral surgery school, no action was taken on his request. He was directed to apply for license by credentials in March of 2012.

Dr. Madison then referred to Agenda item number 7, **Office Management Committee**, Dr. Lynn Philippe, Chairman. As Dr. Philippe was absent, Mr. Ogden substituted for Dr. Philippe. Mr. Ogden brought the board's attention to the statement of revenues and expenses for the nine month period ending March 31, 2011. Mr. Ogden related that it was wise for the board to have increased its budget for its subcontract labor because the board was presently utilizing two temporary helpers. One has been replacing Ms. Carolyn Perez who has been out for several months due to illness and the other is helping with the scanning and shredding of documents as the board goes paperless. Mr. Ogden also brought the board's attention to the legal expense which had accounted for almost 28% of the board's expenses for the nine month period. He also stated that investigative expenses had accounted for approximately 11% of the expenses in the nine month period. Mr. Ogden related that this is all due to a very high number of formal disciplinary actions the board had been involved in over the previous year.

Mr. Ogden then advised that the legislative auditor had decided that the Louisiana State Board of Dentistry no longer had to undergo a full audit every year because the board did not receive any state or federal funds and had no bonded indebtedness. As such, the new audit will be entitled "Agreed Upon Procedures Report (AUP)" which is a less encompassing audit and will cost less as well. Mr. Ogden stated that he intended to use the same CPA firm which conducted its audit last year.

Mr. Ogden then explained the need for the officers to sign the Louisiana Compliance Questionnaire, which is necessary for the upcoming audit. All agreed that the answers were correctly answered.

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

RESOLVED, the Louisiana State Board of Dentistry has reviewed the Louisiana Compliance Questionnaire for the Audit Engagements of Government Entities and hereby approves same.

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

Mr. Ogden then went over the Louisiana State Board of Dentistry emergency plan as the hurricane season was now upon us.

Dr. Madison then referred to Agenda item number 8, **Impaired Dentists Committee**, Dr. H.O. Blackwood, Chairman. At this point, Dr. Blackwood presented a plaque to Dr. Jamie Manders for her many years in serving as the Chairman of the Louisiana Dental Association Well-Being Committee. Dr. Manders has been serving in this capacity for over twenty years on a pro-bono basis. However, she is planning to retire and the Louisiana Dental Association is

now working on legislation in order to assess a fee to all licenses which will fund a new well-being program for the Louisiana Dental Association.

Dr. Madison then referred to Agenda item number 9, **Examination Committee**, Dr. Samuel Trinca, Chairman. Dr. Trinca began his report by asking all board members who are interested in participating in the activities of the American Association of Dental Boards and the Council of Interstate Testing Agencies for the fiscal year 2011-2012. At this point, Dr. Blackwood made the motion which was seconded by Dr. Melancon 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: Drs. Mayer, Trinca, Manning, Martello, Madison, Mrs. Cassidy, Mr. Ogden, and Dr. McVea (CITA only).

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

Next, Dr. Trinca brought the board's attention to the 2012 proposed examination schedule for CITA. This had been discussed at an earlier meeting but he wanted to make sure that everyone was aware of the dates that the examinations will be conducted, especially in Louisiana.

Dr. Trinca then brought the board's attention to the question of whether the Louisiana State Board of Dentistry or CITA should reimburse the Louisiana State Board of Dentistry members attending extraordinary meetings of CITA. After some discussion, the board decided that these expenses should be borne by CITA, not the Louisiana State Board of Dentistry.

Discussion then ensued on the termination of the acceptance of all regional licensing clinical examinations. Dr. Henry Gremillion, Dean of Louisiana State University School of Dentistry, addressed the board. He stated that he is still hoping that the various regional examinations can come together and form one national examination. He was worried for students going into the military or residing in other states. Dr. Gremillion stated that LSU will only offer its facilities to CITA for testing purposes as long as the board continues to approve the CITA exam. He also felt that other examinations should be monitored on a yearly basis for continuing validity. He was concerned that if their students did not take the CITA exam but wanted to come back later, could they? Dr. Trinca advised Dr. Gremillion that after three years they could return via license by credentials. Dr. Gremillion wondered whether accepting only CITA would be detrimental to access to care, which is a problem for all of us. He was also worried about inconvenience and asked the board to take a look at this issue from the standpoint of both the board and the students. Dr. Gremillion wondered if this was a step forward.

Dr. Chris Brown stated on behalf of the Louisiana Dental Association that their concern was maintaining access to care. He reiterated Dr. Gremillion's observation that the board should stay involved with other examinations by monitoring their validity on a yearly basis.

After further discussion, Dr. McVea made the motion which was seconded by Dr. Melancon that it be:

RESOLVED, the Louisiana State Board of Dentistry having duly considered the quality of all clinical licensing examinations, and the inability of the Louisiana State Board of Dentistry to adequately monitor all regional licensing examinations on a yearly basis to determine continued validity; and

BE IT THEREFORE RESOLVED, that after the 2011 examination cycle, the only clinical licensing examination acceptable for initial license via examination shall be the clinical licensing examination as administered by the Council of Interstate Testing Agencies.

All but Dr. Trinca who recused himself voted unanimously in the affirmative, the motion was declared passed. Mr. Ogden was instructed to send letters to the regional testing agencies advising them of this decision.

Dr. Madison then referred to Agenda item number 10, **Legislative Committee**, Dr. Wilton Guillory, Chairman. Dr. Guillory stated that he and Dr. McVea had attended the Dentists Day at the legislature. He related that all had gone well except that one lone dentist voiced his disdain for the board.

Dr. Guillory stated that there were no pending bills during this session which had a direct effect on the Louisiana State Board of Dentistry. However, there is a bill regarding appointments to Boards and Commissions by the Governor and should reflect the diversity of the population in the state of Louisiana.

Dr. Guillory also stated that the Louisiana Dental Association was working on a bill which would allow the board to assess a fee of all licenses to fund a Well-Being Committee similar to that of the Medical Society.

Dr. Madison then referred to Agenda item number 11, **Anesthesia Committee**, Dr. Lynn Philippe, Chairman. As Dr. Philippe was absent, Dr. Martello substituted for him. Discussion then ensued on inspections. After which, Dr. Melancon made the motion which was seconded by Dr. Blackwood that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby places office inspections under the jurisdiction of both the Anesthesia Committee and the Licensing and Credentials Committee.

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

Discussion on voluntary inspections for a fee was tabled until the next meeting.

Dr. Ben Record of Louisiana State University then addressed the board. He stated that he had been working with Drs. Gremillion, Philippe, and Martello to make changes to the anesthesia section of the Louisiana Dental Practice Act which would bring it more in conformity with the nomenclature used by the American Dental Association. After some discussion, Dr. McVea made the motion which was seconded by Dr. Moreau that it be:

RESOLVED, the Louisiana State Board of Dentistry has received and reviewed the suggested statutory changes from Dr. Ben Record and hereby refers these changes to the Anesthesia Committee for review and then to the Louisiana Dental Association/Louisiana State Board of Dentistry task force for furthering the legislation in the 2012 regular session of the legislature.

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

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

RESOLVED, the Louisiana State Board of Dentistry having considered the issues hereby authorizes, instructs, and empowers the staff to issue nitrous oxide office permits to licensees previously approved for nitrous oxide personal permits.

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

Dr. Madison then referred to Agenda item number 12, **Rulemaking Committee**, Dr. David Melancon, Chairman. Dr. Melancon first brought the board's attention to the Notices of Intent which were published in the *Louisiana Register* on February 20, 2011 which became rules as of May 20, 2011 relating to LAC 46:XXXIII.306, .313, .701, .712, .714, .720, .1511, .1709, and .1711. Mr. Ogden related that rules .130 "Automated External Defibrillator" and .132 "Administration of Botox and Dermal Fillers" had been put on hold pending discussion during this meeting.

Dr. Melancon then brought the board's attention to the Emergency Rule regarding LAC 46:XXXIII.1509 published in the *Louisiana Register* on April 20, 2011 which is also being promulgated as a regular Notice of Intent beginning on the same date. The other Notices of Intents published on April 20, 2011 pertained to LAC 46:XXXIII.301, .415, .419, .1509, .1611, .1709, and .1711.

Dr. Melancon then brought the board's attention to the rules which became effective on February 20, 2011 pertaining to LAC 46:XXXIII.419, .701, and .1509.

Discussion then ensued on LAC 46:XXXIII.124 "Guidelines for Returning to Active Practice" wherein Dr. Trinca made the motion which was seconded Dr. Melancon that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to go forward with the amendments of LAC 46:XXXIII.124; and

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

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

Discussion then ensued on LAC 46:XXXIII.130 “Automated External Defibrillator.”

The board heard from several opponents and proponents of this rule which were transcribed.

That transcription is attached hereto and made a part of these minutes.

After much discussion Dr. Melancon made the motion which was seconded by Dr. Taylor that it be:

RESOLVED, the Louisiana State Board of Dentistry has heard arguments pro and con for the proposed rule LAC 46:XXXIII.130 “Automated External Defibrillator;” and

BE IT THEREFORE RESOLVED, the Louisiana State Board of Dentistry defers action on this rule at this time and forwards same to the Louisiana Dental Association/Louisiana State Board of Dentistry task force for further refinement.

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

Discussion then ensued on LAC 46:XXXIII.132 “Administration of Botox and Dermal Fillers.” The discussion concerning this rule was transcribed and that transcription is attached hereto and made a part hereof.

Dr. Melancon related that the board had received written comments from Thomas Rhodes of the American Academy of Facial and Reconstructive Surgery; Chad L. Pratner, M.D., and W. Trent Massengale, M.D., of the Louisiana Dermatologic Society; Cecilia Mouton, M.D., Director of Investigations for the Louisiana State Board of Medical Examiners; Richard G. Bennett, M.D., President of the American Society for Dermatologic Surgery; Robert L. Marier, M.D., Executive Director of the Louisiana State Board of Medical Examiners; and information from Louis Malcmacher, D.D.S. After which, Dr. Blackwood made the motion which was seconded by Dr. McVea that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby directs, empowers, and authorizes its Rulemaking Committee, President, Executive Director, and Counsel to go forward with the amendments of LAC 46:XXXIII.132 “Administration of Botox and Dermal Fillers;” and

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

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

Discussion on LAC 46:XXXIII.126 “Requirements for Renewal of Dental Licenses Granted via Credentials” was tabled until the next meeting.

Dr. Madison then referred to Agenda item number 13, **Continuing Education Committee**, Dr. John Taylor, Chairman. Dr. Taylor brought the board's attention to LAC 46:XXXIII.1615 "Approved Courses" subpart 10 to add the Accreditation Council for Continuing Medical Education so that dentists may receive credit for continuing medical education. At this point, Dr. Blackwood made the motion which was seconded by Dr. Baudean that it be:

RESOLVED, the Louisiana State Board of Dentistry hereby accepts continuing education as approved by the counsel for continuing medical education for satisfaction of dental and dental hygiene continuing education requirements.

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

Discussion then ensued on LAC 46:XXXIII.1611 "Continuing Education Requirements for Relicensure of Dentists" subpart 11.

After some discussion Dr. Baudean made the motion which was seconded by Dr. Trinca that it be:

RESOLVED, the Louisiana State Board of Dentistry refers LAC 46:XXXIII.1611(L) "Continuing Education Requirements for Relicensure of Dentists" to the Continuing Education Committee for further refinement.

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

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

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

RESOLVED, the Louisiana State Board of Dentistry hereby approves and ratifies the contract entered into by the board president with Jimmy R. Faircloth, Jr., Attorney at Law.

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

Next, Dr. Melancon made the motion which was seconded by Dr. McVea 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'Quinn and Roberts.

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

Dr. Mayer then made the motion which was seconded by Dr. Melancon that it be: **RESOLVED**, that the action of the President in entering into a resolution in the matter involving James R. Bush, Jr., D.D.S., via First Amendment to Agreement Containing Consent Decree by and between the Louisiana State Board of Dentistry and James R. Bush, Jr., D.D.S., (as per copy of First Amendment to 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.

All voted in the affirmative, except Dr. Trinca. The president declared the motion passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Joseph Ellis Bernard, D.D.S., via First Amendment to Agreement Containing Consent Decree by and between the Louisiana State Board of Dentistry and Joseph Ellis Bernard, D.D.S., (as per copy of First Amendment to 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 voting unanimously in the affirmative, the motion was declared passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Frederick P. Beringer, Jr., D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Frederick P. Beringer, Jr., 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 voting unanimously in the affirmative, the motion was declared passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Maria K. Blake, D.D.S., via Consent Decree by and between the Louisiana State Board of Dentistry and Maria K. Blake, 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 voting unanimously in the affirmative, the motion was declared passed.

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

RESOLVED, that the action of the President in entering into a resolution in the matter involving Brenda Hunter, R.D.H., via Consent Decree by and between the Louisiana State Board of Dentistry and Brenda Hunter, R.D.H., (as per copy of Agreement Containing Consent Decree which is attached hereto and made a part hereof), be adopted, confirmed, and ratified by this Board; and further that all acts of the President, Board members, and Executive Director in the furtherance of this purpose are hereby ratified.

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

Discussion then ensued on the dates for calendar year 2012. The board decided:

March 2, 2012—board meeting

March 8-10, 2012—CITA examination at LSUSD

May 25, 2012—board meeting

May 31 – June 1, 2012—CITA examination at LSUSD

August 10, 2012—board meeting

December 7-8, 2012—annual board meeting

Discussion then ensued on the issue of mid-level providers. As the meeting had taken a long time up to this point, this matter was tabled until the August meeting when it could be given further thought.

Discussion then ensued on amendments to the normal disciplinary oversight committee procedures.

After some discussion, it was the concurrence of the board that the executive director upon reviewing complaints has the discretion to seek a response from the subject of the complaint prior to submitting the complaint to a disciplinary oversight committee so that they may have the benefit of both at the original review.

Discussion regarding the utilization of the president on a disciplinary oversight committee was tabled until the August meeting.

Discussion regarding a new procedure for Medicaid violations was tabled.

No action was taken on adding the persons copied on a complaint to the subject line of the emails.

Discussion then ensued on whether or not to conduct another yellow page campaign. The board asked Dr. Madison to appoint an Ad Hoc Committee to review this issue.

Discussion regarding the placement of disciplinary orders and consent decrees on the website was tabled.

In regards to dental assistant taking impressions, it was the concurrence of the board that a dentist is responsible for a final crown. However, a dental assistant may take pictures for the dentists' review.

Discussion regarding the recognition of the Dental Assisting National Board designation for dental assistants was tabled until the August meeting.

Next, discussion ensued on dentists "Pay-Per-Lead" advertising campaign. Mr. Bégué was instructed to open dialogue with the attorney for 1-800-DENTIST to determine whether this is in violation of the prohibition on fee splitting.

Discussion then ensued on the "Petition for Declaratory Order or Ruling" filed on Behalf of Dr. Randall M. Wilk in regards to the board's interpretation of R.S. 37:793(H)(2). After which, Dr. Guillory made the motion which was seconded by Dr. Martello that it be:

RESOLVED, that LSA-R.S. 37:793 (H)(2), which provides that certain trained and qualified professionals are exempt from the requirement that anesthesia be administered in Louisiana dental offices by persons holding a personal permit from the Louisiana State Board of Dentistry to do so, applies only to third parties providing anesthesia to patients in dental offices, not a dentist who owns the practice and the facility which has been granted an office anesthesia permit, that the Board interprets and applies the words “trained medical doctor” in LSA-R.S. 37:793 (H)(2) to refer to those medical doctors who are anesthesiologists, with specialty training and certification in the administration of anesthesia, the credentials of which are reviewed by the Board prior to the issuance of an office permit to the dentist applying for the exemption, that it interprets and applies the words “qualified oral and maxillofacial surgeon” in LSA-R.S. 37:793 (H)(2) to refer to those oral and maxillofacial surgeons who have applied for and hold personal anesthesia permits from the Louisiana State Board of Dentistry, that the provisions of LSA-R.S. 37:793 (H)(2) are not interpreted by the Board to exempt medical doctors not specialists in anesthesiology or oral and maxillofacial surgeons not possessing personal anesthesia permits from the Louisiana State Board of Dentistry from the requirements that all dentists, including oral and maxillofacial surgeons, who administer anesthesia in their dental offices must apply for and be granted a personal anesthesia permit as set forth in LSA-R.S. 37:793 D and Title 46, Part XXXIII, §1501 through 1515, particularly §1503, 1505, 1506, 1507, 1508 and 1509.

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

The board then reviewed the Louisiana Dental Association Peer Review report and their Well-Being report. The board was satisfied.

Next, discussion ensued upon the resolutions taken by the Louisiana Dental Association House of Delegates. Mr. Ogden related that one of their resolutions was to change the requirement that services be smaller than the phrase “Family or General Dentistry” which must be in larger and noticeably bolder print. The Louisiana Dental Association had requested that this phrase be changed to 25% larger. Mr. Ogden related that this would create a constitutional problem and cause the board to undergo the costs of another poll to prove its validity in decreasing confusion to the consumer.

Additionally, the Louisiana Dental Association did not want the board to rescind its prohibition on in-person or telephone solicitations. Mr. Ogden related that although he would prefer to see this prohibition remain in place, he was of the opinion that this may cause a constitutional question and should be rescinded before the question arises.

Next, Mr. Ogden informed the board that following his retirement he will provide a service to all dentists for a fee. He will pre-approve dental advertising and states that if he approves an advertisement and the board fines the subject, Mr. Ogden will pay the fine. All were satisfied.

At this point, Dr. Taylor made the motion which was seconded by Dr. McVea 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 voting unanimously in the affirmative, the motion was declared passed.

Upon returning from Executive Session, Mr. Peyton “Pete” Burkhalter was introduced to the audience. Dr. Manning stated that his search committee had settled on Mr. Burkhalter to succeed Mr. Ogden when he retires. At this point, a vote was taken. All voted in the affirmative and the board declared Mr. Burkhalter to be the next Executive Director of the Louisiana State Board of Dentistry commencing November 1, 2011.

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

RESOLVED, the Louisiana State Board of Dentistry hereby grants its director of licensing, Erin Conner, a raise in the amount of 10% of her salary effective this date.

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

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

RESOLVED, that effective July 1, 2011 Diana Chenevert, John Roth, and Carolyn Perez shall receive an optional pay increase according to board policy in the amount of 7%.

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

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

RESOLVED, that effective August 2, 2011 Rachel Daniel shall receive an optional pay increase according to board policy in the amount of 7%.

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

Next, Dr. Trinca made the motion which was seconded by Dr. Melancon 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 17, 2011 meeting to interview applicants for the position of executive director held in New Orleans, Louisiana.

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

Next, Dr. Trinca made the motion which was seconded by Dr. Melancon 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 18, 2011 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 voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Trinca made the motion which was seconded by Dr. Melancon 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 March 18, 2011 Louisiana State Board of Dentistry and Louisiana Dental Association task force meeting 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 voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Trinca made the motion which was seconded by Dr. Melancon 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, 2011 public hearing pertaining to LAC 46:XXXIII.132 "Administration of Botox and dermal fillers" 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 voting unanimously in the affirmative, the motion was declared passed.

Next, Dr. Trinca made the motion which was seconded by Dr. Melancon 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 1-4, 2011 Council of Interstate Testing Agencies and American Association of Dental Boards meetings 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.

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

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 13-14, 2011 disciplinary hearing 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 voting unanimously in the affirmative, the motion was declared passed.

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

be:

RESOLVED, that the Louisiana State Board of Dentistry hereby adjourns its meeting of May 20, 2011.

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

Dr. Madison then adjourned the meeting at 5:50 PM.

**Dean L. Manning, D.D.S.
Secretary/Treasurer
Louisiana State Board of Dentistry**