

1. Introduction

- a. Thank you, Mr. Chairman and Committee members for your time and interest in this issue.
- b. Diana Chenevert
- c. I worked at the Louisiana State Board of Dentistry from 2005-2015 as an Administrative Coordinator 4 in charge of Licensing, Anesthesia Permits, Data Input, some Mobile and Portable permits and for my last 3 years I was the Board's Records Retention Manager
- d. Although I was not in charge of disciplinary issues I saw and heard many things relating to them.

2. My testimony today includes additional facts and documents not included in my testimony to the Senate Commerce Committee. Today's verbal and written testimony should be viewed as my complete testimony. After speaking in the Senate Committee I was asked many questions and received additional information which I will include today. The following testimony includes specifics of what I saw and heard both while working at the Board as well as information I've received from others since then.

- a. I witnessed unethical and potentially illegal Informal Hearing and Consent Decree Methods. They Board acted as the Accuser, Judge, Jury and Prosecution.
 - i. **Prior** to informal hearings consent decrees were typed with penalties and fines. Since the dentists weren't allowed to have attorneys present, most were scared into signing them. The informal hearing was a waste of time. The dentists were declared guilty by both board members on and not on the disciplinary committee **before** informal hearings and rarely were any decrees ever changed after listening to what each dentist had to say.
- b. I saw Board members both filing complaints and directing penalties against dentists practicing in their own areas. The worst ones were:
 - i. Dr. H.O. Blackwood did this against Dr. Haygood and Dr. Gary Chumley
 - ii. Dr. Conrad McVea did this against Dr. Joey Lacoste, Dr. Gregory Greenwood, and Dr. Greg Folse
 - iii. Dr. Claudia Cavalino against Dr. Sarr
- c. I witnessed illegal investigations taking place.
 - i. The Board set up illegal investigations using employees of a competing dentist, a friend of dr. H.O. Blackwood, as private investigators who went into Dr. Haygood's office to gather information. The Board then used the illegally obtained information to prosecute Dr. Haygood and take his license away. The OIG's office was informed of all of this illegal activity.
 - ii. Dr. Sarr, a PHD who legally owned a mobile dental practice, was ruthlessly investigated and denied mobile permits without EVER receiving a complaint against her or being allowed to testify at a formal or informal hearing.

- d. I know Personal emails of Board members were used to conduct and discuss disciplinary actions and complaints against Dr. Haygood.
 - i. Even though I specifically told staff and Board members not to destroy anything once we received the lawsuit information from Dr. Haygood I was personally copied on emails regarding his case and informed Payton (Pete) Burkhalter. He yelled at me and instructed Board members not to cc me.
 - ii. During Dr. Haygood's lawsuit Dr. Phillipe also had to repeat instructions to the Board and staff not to include him in any personal emails.
 - iii. I witnessed Personal emails containing disciplinary and law suit information being scrubbed off of personal laptops and tablets Erin. I reported this to my supervisor and later to the OIG's office.
- e. I saw Legal and Disciplinary Documents destroyed by Board personnel.
 - i. The Board received orders by the court to retain all documents including even the smallest messages on all topics.
 - ii. Documents concerning lawsuits and complaints were gathered and sent to the shredding bin by Board personnel.
 - iii. There was a big blue bin in the Board office that was filled and subsequently sent to a shredding company after the court order for retention was received and my instructions as Records Retention Manager were given. I informed my Supervisors Barry Ogden and then Pete Burkhalter. I'm not sure what actions they took or if they were party to the destruction.
- f. I heard investigations being authorized by Board members against their local competitors without complaints being filed.
 - i. Specifically I overheard Dr. Conrad McVea instruct the Board's investigator Camp Morrison to go after Dr Joey Lacoste without any complaint sent in to the Board. I witnessed a relentless and continual investigation of Dr. Lacoste with only the personal animosity against Dr. LaCoste by both Camp Mossison and Dr. McVea.
 - ii. Dr. Sarr's investigation had no complaints besides the personal vendettas by Dr. Cavalino, Erin O'connor, and Camp Morrison. Otherwise Hearings would have been held.
- g. Speaking of personal vendettas, I witnessed personal vendettas by Board members against their competitors
 - i. I have to discuss School Based Dentistry and the State Board fight against it. Many Board members fought against School Based Dentistry and continue to do so today. The entire fight was a lie created to protect the income of the

dental offices treating Medicaid kids. A group of dentists directed and funded by the LDA and 2 dental PACs with lobbyists and huge bank accounts teamed up with Dr. 's Cavalino and McVea, other Board Members, and LDA backed pediatric dentists, in attempts to destroy good dentists providing care to poor kids. It was horrible. Honorable dentists watching the attacks on the dentists who were trying to do good for poor kids called the group *The Medicaid Mafia*. I like that name. I doubt any kids would have been treated outside the offices of this group had they won. Sadly, even though our House of Representatives, the Senate, the State Board of Dentistry, DHH and the Governor all approved mobile dentistry to serve the untreated children in our state the Medicaid Mafia was successful in shutting down all of the existing practices at the time. But guess what? Some of the biggest opponents who fought against it have since started their own mobile practices...

- ii. The How and Why mobile dentistry, and accepted delivery model across the country, was attacked so viciously is simple.
- iii. Here's the How:

I've provided a schematic of how the Mafia works. Please refer to it in my written testimony. The original Mafia leader and organizer, Dr. Don Donaldson, organized and enabled those listed in Box 1 who had position, influence, and authority within the State Board, the LDA, Molina, MCNA, DHH and the Dental PAC (DAP-PAC). Those individuals used their organizations to lead the anti-competitive activities in Louisiana using their influence and authority to demonize practice models, practices, and providers to this Legislature, DHH, various Law Enforcement Agencies, the Board of Dentistry, Local School Boards and the public. The result of their attacks was the *closure* of efficient, more convenient access to care models including the Mafia's local competitors, Mobile Dentistry, and potentially new access to care models and modalities.

The mafia's employed an effective campaign of using their personal and organizational clout to call, meet with, or write repeated and continual complaint letters to the agencies listed against the models or practices they didn't like. The tactic worked well to the delight of them all. The letters came from past and present State Board Members, Mafia members, the LDA itself, the LDA's Medicaid Task Force and its members and other LDA members. To this day the mafia continues to issue complaints about mobile dentists to governmental agencies while telling everyone the mobile dentists are "under investigation". Of course they are – the mafia is causing the investigations, leaving the most vulnerable children of Louisiana untreated, and ruining the reputation of great caring dentists.

In summary the Mafia used multiple and continual complaints and the help of private, State and Federal agencies to harass, demonize, and run these providers out of Louisiana.

More on the How can be found in my written testimony. Here I'll focus on State Board Member activities.

1. After the initial school based dentistry won the right to practice, the LDA added Dr Claudia Cavalino, one of the vocal anti-mobile dentist spokespersons, to the Board who was specifically against mobile dentistry although she strongly supports the Tooth Bus that saw patients in her area. Shortly after she got on the board, I was instructed by Dr. Cavalino to give Dr. Rabel his mobile permit without the necessary inspection. I refused. Erin eventually wrote his permit. I'm not sure if he was ever inspected. That consideration would have never been given to the dentists who fought for mobile dentistry.
2. Eventually the 3 mobile practices that were shut down belonged to Dr. Luciana Sweis, Dr. Yaye Sarr, and Dr. Greg Folse. Their closure was caused and directed by the Mafia, the State Board, Molina, and MCNAwn This was accomplished by:
 - a. Illegal and unjust recoupement demands.
 - i. Molina collects a high percentage of all recoupment money collected. Their interpretation of confusing rules on X-Rays was used to recoup thousands of dollars from dentists all over the state. As they make money for every dollar collected they never clarified the rule and continued to trap unsuspecting dentists. Sadly mobile dentists billing the same way as those dentists were demonized, turned in to the Attorney General and the State Board. Information from the confidential recoupment proceedings was turned over to the Mafia and used by them to sue at least one mobile dentist. All 3 mobile dentists practicing in the New Orleans area suffered from unjust recoupment demands.
3. Attacks by the State Board.
 - a. After the initial fight over mobile dentistry was over, State Board member Dr. Conrad McVea threatened a mobile dentist with changing the dental laws to effectively shut a mobile

practice down, threatened to do repeated and multiple inspections, lobbied a local school board testifying as a State Board member, which is illegal, that the mobile practice trying to serve the 7000 untreated children in Dr. McVea's parish was bad making several untrue accusations, and shut down the efforts to treat those children by the mobile practice in his parish.

- b. Dr. Claudia Cavalino, LDA spokesperson during the fight against mobile dentistry and Louisiana State Dental Board member teamed with Dr. Don Donaldson, the initiator of the anti-mobile dentistry activities of the Louisiana Dental Association and LDA's Chair of the Medicaid Task Force, met with a mobile dentist, Dr. Luciana's Sweis, and deemed her practice a cherry picking practice. After that meeting Dr. Sweis's practice was demonized by Molina. She was accused of several billing problems, recoupments were demanded, and payments were stopped for the services she provided. The final nail in her practice's coffin was MCNA which refused to credential her practice effectively forcing its closure leaving all the children she was treating to the status quo. I can find no adverse actions against her by any agency that are on the record. She was innocent except for the fact that Dr. Cavalino, an influential State Board Member and Dr. Donaldson, the LDA's Medicaid Task Force Chair, both backed by the LDA itself, were against her. Please note she also practiced in New Orleans in the same area as both Dr.'s Donaldson and Cavalino.

My Question: How can a meeting with two dentists who are actively against Mobile dentistry yet have no position of governmental authority cause attacks by governmental agencies and contractors and the destruction of a practice?

- c. A similar fate awaited occurred with Dr. Yaye Sarr's mobile practice. She is here today providing written testimony detailing the horrible treatment by the Board and The Mafia's attack on her practice. Again Dr. Sarr practiced in New Orleans in the same area as both Dr.'s Cavalino and Donaldson. Her mobile practice was attacked by the Mafia in conjunction with LA Medicaid, MCNA, and the State Board. Dr. Sarr was attacked first by the State Board through multiple complaints then attacked by MCNA, the new Medicaid contractor, which, without cause, stopped paying for the all of dentistry that Dr.

Sarr was providing to poor children in New Orleans. Again untrue accusations, recoupments were then demanded, payment of legally billed fees was stopped without cause, and Dr. Sarr's practice was demonized by Dr. McKoen MCNA's Louisiana Executive Director. He actually made multiple calls to the dentists treating the children in her practice threatening that they would lose their dental licenses and be charged with crimes if they continue to provide mobile care. Additionally he even called the schools where she provided care and Dr. Sarr was made out to be a fraudulent and illegally practicing dentist. She isn't a dentist – she has a PHD and can legally run a non-profit dental practice using Louisiana dentists. With all the attacks and lack of funding she was forced out of business and suffered considerable financial hardships. Worse than that, the children she served were left to the model of care that failed them. Again she was practicing in the same area as Dr.'s Donaldson and Cavalino.

4. Failure of MCNA to credential Mobile Dental Practices and Doctors
 - a. MCNA is known to be Anti-Mobile Dentistry and as I will explain has a huge financial incentive to be so (see vii 1. below).
 - b. Prior to MCNA receiving the Louisiana contract they assured all dentists that were credentialed prior to their takeover of Medicaid dentistry would again be credentialed by them.
 - c. MCNA subsequently refused to credential all 3 mobile practices in Louisiana effectively closing them all down.
5. Continual and Constant harassment by the State Board and the Mafia.

iv. Now for the Why:

1. In the House and Senate you heard the cries of Dr. Donaldson and Board Member Dr. Claudia Cavalino about mobile dentistry's purported unclean, unsafe, unsanitary practice with no follow-up care. What you didn't hear were the initial plea's to the LDA Board to fight against mobile dentist including my favorite LDA member quotes:
 - a. "It's gonna be more and more difficult for the private dentist to make a living trying to see these kids..."
 - b. "...I sure, personally would not like to see us giving all these groups a leg up to compete against our members."

- c. "They are eliminating the private sector. That's not what I want."
- d. "(Mobile dentists) would be (happy) because they're getting the first shot" (at potential patients and income). Another LDA Board member then said "It's unfair."
- e. "...you can't get the patients that you do need in certain areas. See they focus, they will focus on certain areas obviously wherever the children are."

Nothing was said in that meeting using the negative treatment verbiage heard here to politically to destroy the model.

2. Follow the Money

Please refer to the *MCNA's Profit Diagram* I've provided.

MCNA is paid on a capitated rate and receives money for every child on Medicaid. MCNA pays dentists, however, only for the treatment they provide. By stopping children from being treated by mobile dentists, who would never get care otherwise, MCNA puts money directly in their pockets. The bottom line is that *Every child in Louisiana not treated increases MCNA's profits!!* And the children of Louisiana lose...

- 3. Mafia dentists profit directly by closing mobile dental practices as the only model left standing is their brick and mortar offices, the inside of which will never be seen by hundreds of thousands of Medicaid children in Louisiana.
- 4. Hypocritically while the mafia was successful in shutting down 3 mobile practices two of the biggest opponents of mobile dentistry started their own mobile practices. The President of one of the dental PACs that gives hundreds of thousands of dollars to legislatures every year, Dr. Bret Rabel, started a mobile school based dental practice immediately after the Board fight was over. Dr. Nelson Daly, LDA Past President and vocal against mobile dentistry, started his own Mobile dental practice shortly after the fight. Recently and again backed by the LDA, Dr. Daly stopped a regulation change that would have allowed hygienists to clean teeth in nursing homes without a dentist being there. 43 other states allow it. That change would have been bad for his more expensive practice that uses only dentists to clean teeth.
- 5. Dr. McVea was the worst with unfair fighting and attempted character destruction. He personally sent in complaints using names of his

existing patients. Once I personally received fax from him with a complaint he wrote against Dr. Folse. He instructed us to use a patient's name we couldn't contact. He even said in his fax the patient's number and address weren't real.

- h. I know of unfair and burdensome penalties given to the competitors of Board members who actually gave out the penalties
 - i. Dr. Haygood, Dr. Katherine Sutherland Beauregard, Dr. Gregory Greenwood, and Dr. Randal Wilk are examples of this.
- i. I saw the destruction of Dr. Wilk's renewal check by Erin at the Board. Loss of that check caused Dr. Wilk endless Board attacks and countless legal expenses. Erin claimed she found it in a drawer over a year after it was issued. Dr. Wilk got in trouble with the board because the Board said he didn't pay his renewal fee that year and that started a huge fight against Dr. Wilk by the board and cost Dr. Wilk thousands of dollars in fines and legal fees. I talked to Pete Burkhalter, my boss, about the check and was told to "Mind your business - Dumb Dumb Stupid Stupid". He routinely threatened my job.
- j. I suffered retaliation by Board members and staff both before and after my truthful testimony in a deposition during Dr. Haygood's successful fight to regain his dental license.
 - i. Before my deposition
 - 1. I was confronted and threatened with firing by the Executive Director Pete Burkhalter if I told the truth. I was told to be sick the day of my deposition. I was told to say I don't remember. I was yelled at and demeaned. I recorded the attack and he quit the following Monday. Although he resigned he is still on a \$150,000 contract with the Board.
 - 2. I was confronted and threatened with jail and firing by Dr. McVea if I told the truth regarding the income several board members were receiving from the testing agency CITA. Dr. McVea served on CITA's Board and our Dental Board at the same time was being paid by them both. He was instrumental in lobbying the Board to approve CITA as Louisiana's testing agency, which it did. Many dental leaders were against CITA and testified at the Board that CITA would hurt Louisiana, especially the dental school. CITA was put in place anyway. The conflict of interest here is quite obvious.

3. I was told by Dr. Cavalino: "You're either for the board or against it", and I knew the truth would put me at odds with several Board members, especially those in the Medicaid Mafia.
 4. I was confronted and threatened by both Erin and Racheal, my co-workers, and told not to be truthful.
- ii. After my deposition
1. In the elevator on the way out of the building Dr. Blackwood actually hit me in the leg with his cane and fussed at me. Several witnesses saw this including the opposing counsel to the board.
 2. I again was confronted at the door by Racheal and Erin with yelling and screaming at me. I was antagonized by them every day until I resigned.
3. I was asked if I reported the bad behaviors I witnessed to the authorities. Here are some facts
- a. I met with the Louisiana OIG's office 4 times
 - b. I provided testimony to all of these facts to them.
 - c. I know of many dentists who did also
 - d. Tape recordings of threats, extortion, and blatant anti-competitive activities of Board and Mafia members were presented to the OIG's office.
 - e. Evidence of blatantly illegal investigations and investigation procedures was presented to the OIG.
 - f. I was told by OIG personnel that arrests were eminent.
 - g. Since then the case was apparently dropped and the bad actors were never prosecuted.
4. In my humble opinion the good ol boys, and girls, won. Please, Please pass this bill. Also please pray for me because my testimony will undoubtedly cause me to be attacked by the very evil people who do great harm to others.
5. I'll take any questions you may have

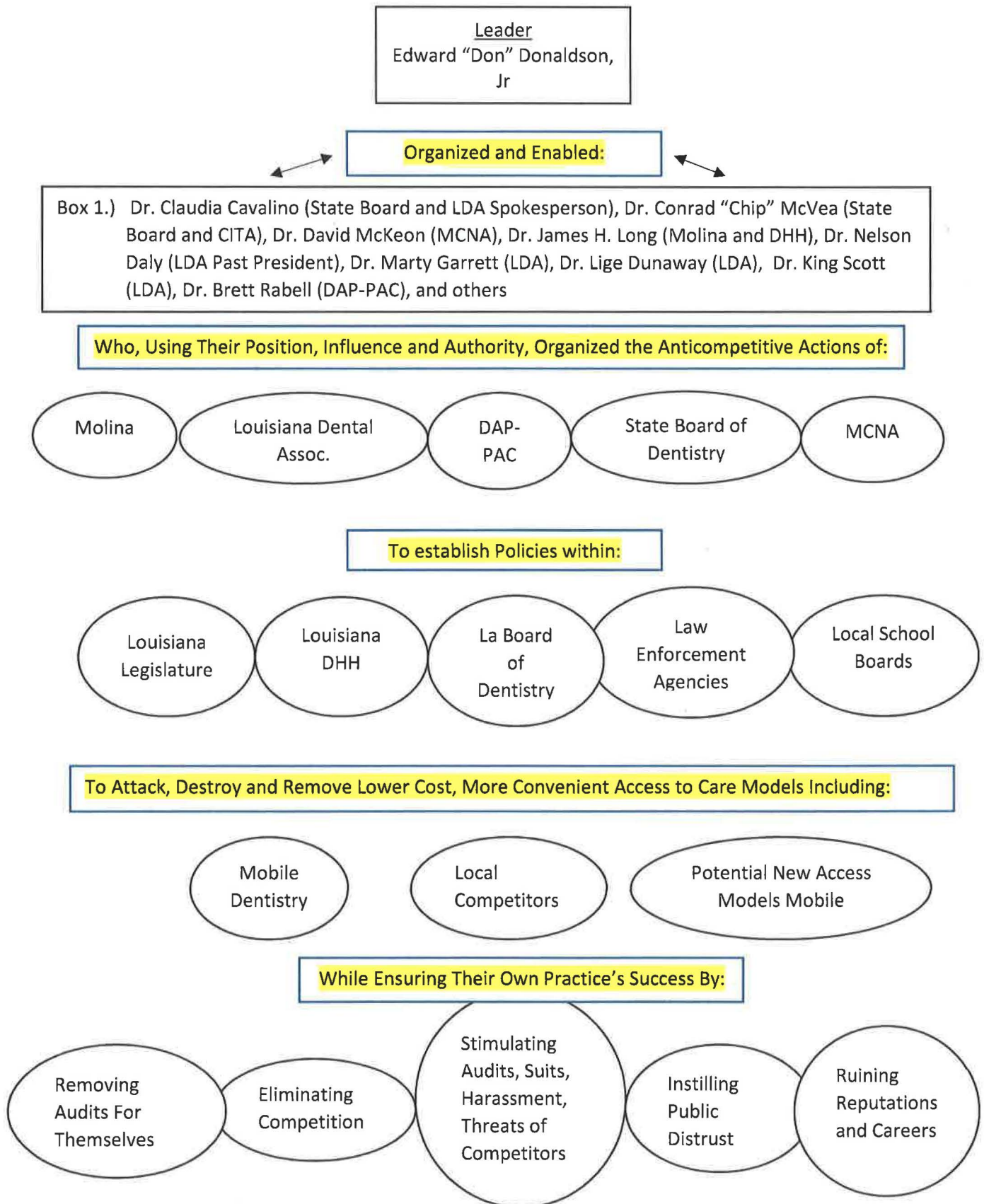
Diana Chenevert
Testimony 5/8/2018

Addendum to my Senate Testimony:

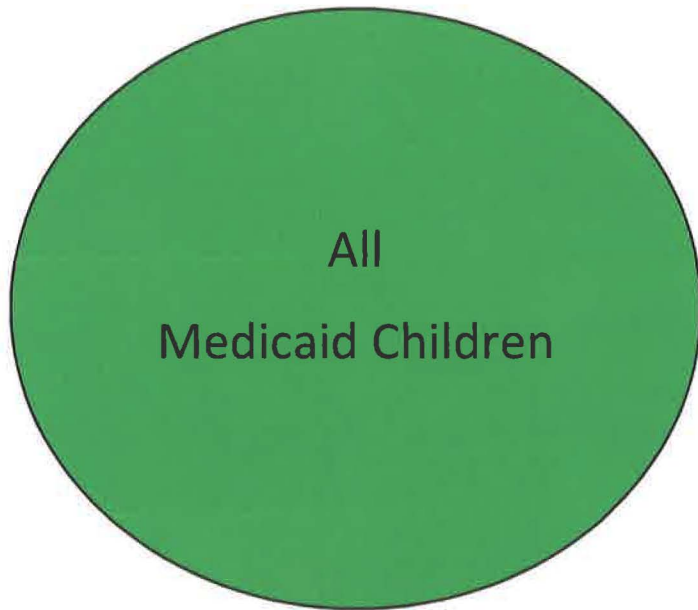
1. Please note that due to time restraints during the testimony I was nervous, lost my place on occasion, and was unable to read all of this written testimony during the hearing.
2. I was asked during the hearing if I reported any of this to authorities. Yes, I did. I reported bad behaviors to my superiors yet as you heard my job was threatened routinely especially by Mr. Burkhalter. As a single mother with 3 children and a grandchild at home losing my job would have been devastating. I did work with and fully cooperated with Louisiana's OIG Office. I met Joe Lotwick and/or Peter Okinco at least 4 times and cooperated with them fully. At one time I was assured by them that arrests were going to be made at any time and then I heard nothing. As I know cases like this can take a long time I thought things were still pending. Why nothing has happened yet is a mystery to me. Also, when I arrived at the Board in January 2005 many of the things the Board and staff were doing were standard practice of the Board. As a good employee I did what I was told without knowledge of the any laws governing disciplinary or administrative procedures. It wasn't until the fight against mobile dentistry that I started looking at what the Board was doing because I felt some of the attacks were just wrong.
3. It was said during the hearing that past Executive Director Pete Burkhalter is not associated with the Board anymore. I just found out he is still on a \$150,000 contract with the board as reported under contract number 4400013275.

Diana Chenevert 4/5/2018

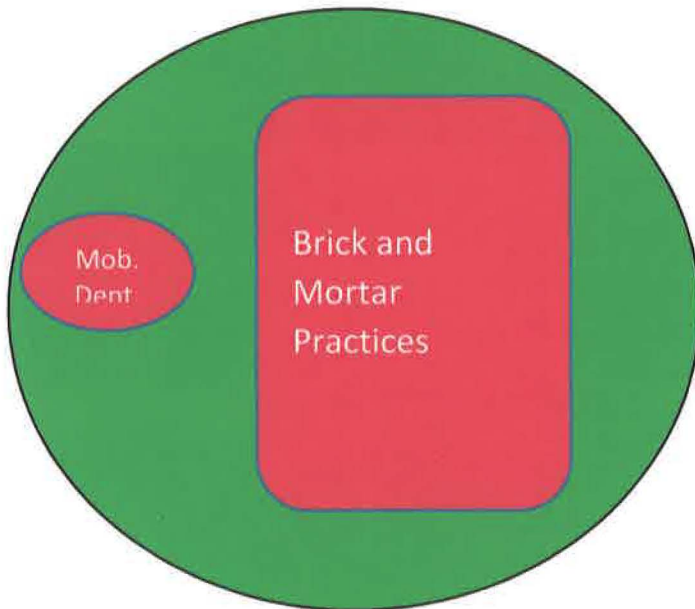
Louisiana's Dental "Medicaid Mafia" and How They Function



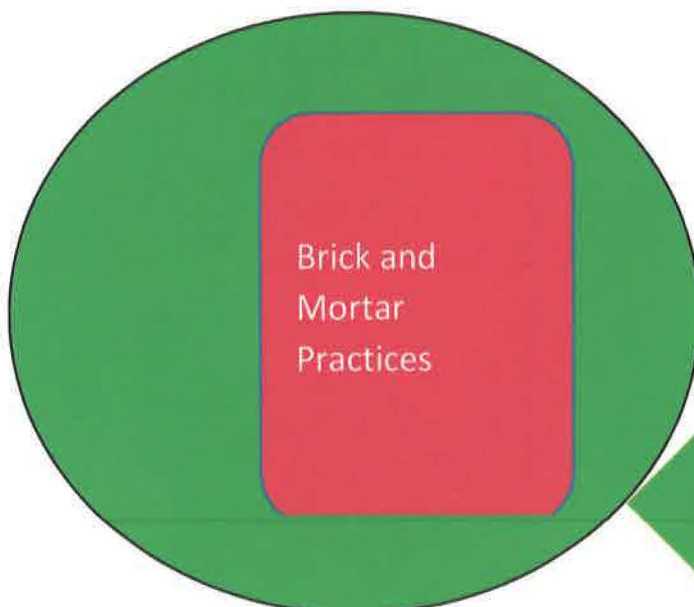
MCNA's Profit Diagram



MCNA Receives Money for
Every Child Covered by Louisiana
Medicaid



MCNA Pays Dentists Fee-For
Service Loosing Profit for Every
Child Treated



Denying Mobile Dental
Services to Children Who Will Never
Be Treated In an Office Simply
Increases Profits for MCNA and
Ensures That All Services Are
Completed Within the Brick and
Mortar Offices of Their Friends. Of
Course They're All Against It!!

