



Louisiana State Board of Dentistry

December 20, 2018

Senators Fred Mills and Danny Martiny
P.O. Box 94183
Baton Rouge, LA 70804

Via US Mail and Electronic Transmission

Dear Senators:

I am in receipt of the letter sent to Mr. Arthur Hickham, executive director of the **Louisiana State Board of Dentistry** dated December 17, 2018. Mr. Hickham asked me as upcoming Board president to respond which is the purpose of this correspondence. In order for you to fully understand how this came about, I'll present some points for your consideration.

1. The initial investigation several years ago occurred due to a large number of complaints against the dentist in question. The majority of the dentists currently serving on the dental board, including me, were not board members back when this transpired.
2. As part of its investigation the Board sent two patients to this dentist. These two patients had been previously examined by an expert non-board member dentist and determined not to have any dental problems.
3. These patients returned from his office with diagnoses of **moderate to advanced periodontal disease** requiring and needing costly and unnecessary **laser surgery**.
4. The Board elected to revoke his dental license based on their findings.
5. The Board decision was reversed in a court of appeals and the case was sent back to the Board, not on the merits, but because of technical errors. It was deemed that the board did not provide this dentist with appropriate due process.
6. For several years the dentist had been operating a website and sending correspondence to other licensees designed to disparage the Board. His actions had managed to get the **Inspector General** and the **Legislative Auditor** to inspect us; neither found any wrong doing. The Legislative Auditor recommended changes which have since been implemented.

7. The night before the new hearing, the attorney for this dentist asked to meet with the Board president and the Board attorney, Mr. Tom Arceneaux, to try to settle this matter rather than move forward with a formal hearing.
8. At that meeting the dentist's attorney proposed the non-disparagement clause to try to get the board to settle. The Board president accepted the agreement, and the dentist signed the consent decree that evening. We hoped this ongoing case had finally been put to rest.
9. The 2018 Board president, **Dr. Marija LaSalle**, decided to file a complaint and move forward on this matter after legal consultation with board attorneys **Kirk Groh** and **Celia Cangelosi**. This was based on comments that he made disparaging the board at the legislative committee hearing. Personally, I had a "bad feeling" about going forward with this since this was not the intent of the non-disparagement clause and expressed my concerns at the time. However, the members of the disciplinary oversight committee felt that the administrative law judge could review this matter and make the call on this convoluted and complex issue, and we would happily accept the ruling.

Admittedly, prior to our recent acquisition of attorney Albert Bossier as our new lay board member, none of us on the dental board have any legal expertise to speak of and have relied on our counsel. It would at least to me seem that we are attempting to restrict this dentist's free speech in reacting to his testimony in an adversarial fashion. For that very reason it was my intention to dismiss these charges after January 1, 2019, at the beginning of my term as Board president. I felt the real intention of the non-disparagement clause was to have him cease and desist maligning the dental board through regular mail to the dentists in the state of Louisiana, through his website, through e-mail and so forth, and from I understand, he has been in compliance.

In conclusion, I can certainly understand your disappointment with our decision to move forward on this based on the perception you've been left with over the years with what has occurred regarding this dentist and his recent testimony. We acted on the advice of legal counsel, and, although some of us were reluctant to do so, the ball got rolling.....*well, and here we are.*

Please be aware that the charges pending against this dentist have been hereby dismissed since our 2018 Board president has decided to turn this matter over to me.

I would be more than happy to continue this conversation with any of you and can be reached anytime at all at your convenience to continue this discussion. My contact information is below

Respectfully,

A handwritten signature in black ink, appearing to read 'J. Jerome Smith', with a large loop at the beginning and a horizontal stroke at the end.

J. Jerome Smith, DDS

Cell 337.257.9317

Cc: Senator Barrow Peacock