



*Senate*  
*State of Louisiana*

P. O. Box 94183  
Baton Rouge, Louisiana 70804  
(225) 342-2040

December 17, 2018

Mr. Arthur F. Hickham, Jr.  
Louisiana State Board of Dentistry  
P.O. Box 5256  
Baton Rouge, LA 70821

*Via US Mail and Electronic Transmission*

Dear Mr. Hickham,

It has come to our attention that the Louisiana State Board of Dentistry has initiated formal charges against a licensed dentist as a result of his testifying under oath at a legislative committee hearing during the 2018 Regular Session of the Louisiana Legislature. Please share with the Board our profound disapproval of not only including a nondisparagement clause in a consent decree with a licensed dentist, but invoking that clause as a result of providing legislative committee testimony. We consider this a gross abuse of power as there is no compelling state interest in restricting the speech of a licensee simply because you find his comments derogatory to the Board.

Please be reminded that the Board was created by the legislature to protect the public. There is absolutely nothing in this action by the Board that has any semblance of public protection. Rather, it appears to be an unacceptable strong-arming of a government body for self-serving and retaliatory means.

It is imperative that all individuals are free to testify before the legislature in order to share their knowledge and information on matters before us. This process enables us to make well informed decisions regarding the laws that we pass. It is unimaginable that a professional license holder would be attacked by his licensing board for exercising this right.

While we have heard anecdotally for years that licensees were intimidated and therefore reluctant to testify before the legislature regarding matters pertaining to licensing boards, we have not witnessed such a real and oppressive threat until now. It defies all standards of good government policy for the Board to include a nondisparagement clause in a consent decree, invoke that clause as a result of sworn legislative testimony, and then to sit as the trier of fact in a proceeding on

the matter. Please be assured that we will address this offensive behavior in the upcoming legislative session.

Sincerely,



Senator Fred H. Mills, Jr.  
Chairman  
Committee on Health and Welfare



Senator Danny Martiny  
Chairman  
Committee on Commerce

C: Members of the Senate Committee on Health and Welfare  
Members of the Senate Committee on Commerce  
Governor John Bel Edwards  
Attorney General Jeff Landry  
Daryl G. Purpera, Louisiana Legislative Auditor