

GEORGIA BOARD OF DENTISTRY
2 MLK Jr. Drive, SE, 11th Floor, East Tower
Atlanta, GA 30334
April 5, 2024
10:00 a.m.

The following Board members were present:

Dr. Michael Knight, President
Dr. Don Spillers, Vice-President
Dr. Greg Goggans
Dr. Glenn Maron
Ms. Misty Mattingly
Dr. Larry Miles
Dr. Ami Patel
Dr. David Reznik
Mr. Mark Scheinfeld
Dr. Jeffrey Schultz
Ms. Lisa Selfe
Dr. JC Shirley

Staff present:

James Joiner, Executive Director
Thomas McNulty, Assistant Attorney General
Itovia Evans, Business Operations Manager
Stacy Altman, Chief Investigator
Brandi Howell, Business Support Analyst I

Visitors:

Dr. Alan Furness, Dental College of Georgia
John Watson, ADSO

Open Session

Dr. Knight established that a quorum was present and called the meeting to order at 10:07 a.m.

Introduction of Visitors

Dr. Knight welcomed the visitors.

Approval of Minutes

Dr. Maron made a motion to approve the Public and Executive Session minutes from the March 1, 2024, meeting. Dr. Goggans seconded. Discussion was held by Dr. Reznik regarding a sentence that needed to be stricken from the Open Session minutes. After further discussion, the Board voted unanimously in favor of the motion to approve the minutes as amended.

Report of Licenses Issued

Dr. Maron made a motion to ratify the list of licenses issued. Dr. Goggans seconded, and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Rule Waiver Petition from Dr. Mariam Bakheet: The Board discussed this request for a waiver of Rule 150-3-.01. Dr. Maron made a motion to deny the rule petition as there was no substantial hardship demonstrated. Dr. Spillers seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Murilo G. Neves: The Board discussed this request for a variance of Rule 150-3-.01. Dr. Goggans made a motion to grant the petition based on the special circumstances related to the COVID-19 pandemic, as noted in the petition. The Board also found that Dr. Neves provided adequate justification for the variance since he passed the ADEX manikin-based exam in 2020. Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

General – Dr. Michael Knight

No report.

External Committee Reports

Electronic Database Review Advisory Committee (PDMP) Report – Dr. Lisa Shilman: No report.

CRDTS Steering Committee Report – Dr. Brent Stiehl: No report.

CRDTS Examination Committee Report – Dr. Ami Patel: Dr. Patel reported that CRDTS is making updates to the examination and the Committee plans to discuss those updates at its next scheduled meeting.

Dental College of Georgia Liaison Report – Dr. Michael Knight: No report.

CDCA-WREB-CITA Steering Committee Report – Dr. Ami Patel, Dr. JC Shirley, Ms. Misty Mattingly, RDH: Ms. Mattingly reported that she will be attending the dental hygiene exam at Georgia Perimeter College on April 18th and 19th.

GDHEA Liaison Report – Dr. David Reznik, Ms. Lisa Selfe, RDH: Dr. Reznik reported that the schools will soon be offering local anesthesia courses.

Attorney General's Report – Mr. Thomas McNulty

No report.

Executive Director's Report – Mr. James Joiner

Mr. Joiner reported that he is officially the Executive Director as of Monday, April 1st. He stated that the board office is continuing its cross training initiative and introduced Ms. Itovia Evans, Business Operations Manager, to the Board.

Legal Services – Mr. James Joiner

No report.

Miscellaneous

Peer Reviewer and Sedation Evaluator CV's: Dr. Maron made a motion to approve Dr. Manuel Davila as a peer reviewer for the Investigative Committee and Dr. Shivane Gupta as an evaluator for the Sedation Committee. Dr. Schultz seconded, and the Board voted unanimously in favor of the motion.

Sedation Evaluations: Dr. Maron stated that it was brought to his attention that there are not many pediatric dentist evaluators. He requested the board members reach out and see if any pediatric dentists would be interested in becoming evaluators for the Sedation Committee.

Dr. Maron commented that a colleague told him that a general dentist evaluated a pediatric dentist for a sedation permit, which is not appropriate. Dr. Shirley commented that he had three (3) pediatric dentists that were interested in becoming evaluators, but they never submitted a resume to the board office. He stated that he would continue to reach out to see if anyone would be interested. Regarding evaluations, Dr. Shirley stated that he thought there was a precedence that a pediatric dentist would evaluate a pediatric dentist for a sedation permit, an oral surgeon would evaluate an oral surgeon, etc. Dr. Maron suggested this requirement be laid out in a policy. Mr. Joiner responded by stating that it was not prohibited in the rules; however, if the Board would like to address the matter, it would need to consider a rule change.

Dr. Shirley inquired if the Board could have an internal policy for sedation applicants to be matched up with the appropriate practitioner for the evaluation without having to go through the rules process. Mr. Joiner responded by stating that the Board could operationalize it via policy in the short term while the Board pursues a rule change so it could institute the practice faster, but it should be memorialized in the rule. Dr. Knight requested Mr. Joiner provide the current list of evaluators, along with their specialty.

Georgia School of Orthodontics: Discussion was held with Dr. Randy Kluender regarding the Georgia School of Orthodontics (GSO). In regards to truth in advertising, Dr. Maron inquired if the school was an orthodontic office that teaches residents, or is it a residency program that sees patients. Dr. Maron stated that the reason he asked is that the school's website advertises it as being "Voted Best Orthodontic Practice". He added that the school has an extremely high number of residents that keeps going up. He stated that he was confused as to what the school stands for and inquired as to what the school's role was. Dr. Kluender responded by stating that he would like to have additional time to respond to Dr. Maron's questions. He stated that they are a hospital based residency that treats patients and teaches residents to become orthodontists. He further stated that they operate two (2) clinics along with a didactic component and research. Dr. Maron inquired what hospital it was at? Dr. Kluender responded by stating that it is Hudson Regional Hospital in New Jersey. Dr. Maron inquired if residents rotate at Hudson Regional Hospital. Dr. Kluender responded by stating that they do not. Dr. Maron stated that it would not be considered a hospital based program. Dr. Kluender commented that it was a hospital based program and that the Board could take it up with CODA if there was an issue.

Dr. Maron expressed his concerns over where the school stood in the public and professional eye and what its role was because the advertising appeared misleading. Dr. Maron added that he would give Dr. Kluender plenty of time to respond to the Board's questions. Dr. Kluender stated that the school does not want to do anything to mislead the public. He further stated that he would be happy to respond to the Board's questions in writing and would take a look at the information that is currently on the website. He added that if there were inaccuracies, they would be corrected. Dr. Kluender stated that he would be happy to provide a presentation to the Board about who their sponsoring hospital is. He stated that sponsorship by a hospital or university is required in order to be accredited by CODA and the hospital does not have to reside in the state the program exists. Dr. Kluender requested Mr. Joiner send him a letter regarding the questions the Board wants him to address.

Dr. Maron inquired about the school's website listing local dentists that the school recommends for patient care. He asked if the dentists pay to be listed on the website as potential referrals. Dr. Kluender responded by stating that there is "no kickback" or arrangement.

Dr. Patel stated that she receives marketing texts from the Georgia School of Orthodontics. She stated that the texts always say they are from "GSO Orthodontics" and they do not specify it is a school. She read an example of a text she received to the Board. Dr. Kluender commented that when a patient calls and makes an appointment, the school explains it is a residency program and teaching institution and the patient will be seen by multiple residents during the course of their treatment. He stated that the website does state that it is a teaching institution.

Mr. Scheinfeld stated to Dr. Maron that in regards to the list of dentists on the school's website, the reason that is on the website is because in order to treat the patient, the patient must be a patient of record at another dentist and be cleared prior to coming to GSO for treatment. He added that, while it is not direct fee sharing, the patient has to go to that dentist and be cleared and then come to GSO. Dr. Kluender commented that it was permissible for the patient to have his/her own dentist. He added that GSO does not start orthodontic treatment until the patient is cleared.

Dr. Kluender explained to the Board how he became involved with the Georgia School of Orthodontics. He stated that he was previously involved with the dental board in Colorado for many years and was Associate Dean in Colorado. He stated that GSO wanted to make sure they were compliant with CODA and came before the board nine (9) years ago and spoke to the Board about the program. He stated that Dr. Goggans was there and attended the first site visit.

Dr. Kluender stated that he would look into the advertising issues and correct them. Additionally, he stated that he would speak to the marketing department to make sure there is nothing out of the ordinary that would be perceived as unethical. He further stated that it was very important that they are doing everything correctly.

Dr. Shirley commented that at several meetings ago, Dr. Young discussed the faculty shortage at the Dental College of Georgia. He asked Dr. Kluender if that was a concern at GSO. Dr. Kluender responded by stating that GSO has enough faculty. He stated that they have foreign trained orthodontists that have gone through the program and want to stay on as faculty. He added that he has several resumes on his desk now and they recently hired Dr. Mendes, who was present at the meeting, as its Assistant Program Director. He explained that Dr. Mendes will eventually take over as Program Director once Dr. Harrell steps down from his full-time position. Dr. Kluender stated that the ratios in the clinic are 1:8 and 1:4 and the school is always in compliance with those regulations as he feels they are always being scrutinized. He continued by stating that the school is different, but they are doing things the right way. He added that he would love to give the Board a presentation of how the school is set up.

Staff Updates: Dr. Knight welcomed Mr. McNulty to the Board as Mr. Changus is no longer with the Attorney General's office. Additionally, Dr. Knight noted that Ms. Howell was resigning from the Department of Community Health and stated that the Board appreciated all the work she had done.

Dr. Goggans made a motion and Dr. Maron seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h), § 43-11-47(h), and § 43-1-2(h), to deliberate and receive information on applications. Voting in favor of the motion were those present who included Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Larry Miles, Dr. Ami Patel, Dr. David Reznik, Mr. Mark Scheinfeld, Dr. Jeffrey Schultz, Ms. Lisa Selfe, Dr. JC Shirley, and Dr. Don Spillers.

Executive Session

Appearances

- W.E.H.
- S.E.M.

Licensure Overview Committee Discussion Cases

- A.M.H.
- R.S.J.
- N.J.C.
- H.L.D.
- C.H.Z.J.M.

Applications

- M.G.N.
- I.K.Z.
- S.J.O.
- O.P.
- J.R.A.
- A.M.E.
- W.M.H.
- T.E.
- P.C.

- A.F.H.
- S.M.M.
- T.D.R.
- S.J.H.

Correspondence

- R.P.D.

Investigative Committee Report – Dr. Glenn Maron

Dr. Maron provided the Board with an update regarding the cases discussed by the Investigative Committee earlier that morning.

Report presented:

- DENT210072
- DENT210108
- DENT210348
- DENT210504
- DENT220521
- DENT230108
- DENT230425

Executive Director’s Report – Mr. James Joiner

Mr. Joiner provided the Board with an update on plans for the utilization of funds allocated to the Board under HB 915, and on the ongoing restructuring of the Board’s administrative staff.

Attorney General’s Report – Mr. Thomas McNulty

Mr. McNulty discussed the following cases:

- S.W.S.
- J.C.L.K.

Mr. McNulty presented the following consent orders for acceptance:

- M.P.
- L.C.D.
- T.A.R.
- J.J.H.

The Board received legal advice regarding Rule 150-5-.08 Use of a Dental Diode Laser by a Dental Hygienist and Rule 150-13-.01 Conscious Sedation Permits.

Legal Services – Mr. James Joiner

- No report

Miscellaneous

The Board conducted a brief closed-door discussion among the members of the Board.

No votes were taken in Executive Session. Dr. Knight declared the meeting back in Open Session.

Open Session

Ms. Mattingly made a motion to approve all recommendations based on deliberations made in Executive Session as follows:

Appearances

- | | | |
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| • W.E.H. | Denied DH Reinstatement | Refer to Legal Services |
| • S.E.M. | Denied DH Reinstatement | Table pending receipt of additional information and then refer to Legal Services |

Licensure Overview Committee Discussion Cases

- | | | |
|--------------|--------------------------|--|
| • A.M.H. | Renewal Pending | Refer to the Department of Law |
| • R.S.J. | Renewal Pending | Approved for renewal |
| • N.J.C. | DH Licensee | Schedule to meet with the Licensure Overview Committee |
| • H.L.D. | Renewal Pending | Approved for renewal |
| • C.H.Z.J.M. | Dental Faculty Applicant | Approved application |

Applications

- | | | |
|----------|------------------------------------|--|
| • M.G.N. | Dental Exam Applicant | Approved application |
| • I.K.Z. | Dental Exam Applicant | Approved application |
| • S.J.O. | Dental Credentials Applicant | Table pending receipt of additional information |
| • O.P. | Initial Moderate Enteral CS | Table pending receipt of additional information |
| • J.R.A. | Initial Moderate Enteral CS | Approved evaluation |
| • A.M.E. | Notification of Change in Location | Approved request |
| • W.M.H. | Initial Moderate Parenteral CS | Approved for provisional permit |
| • T.E. | Initial General Anesthesia | Approved for provisional permit |
| • P.C. | Notification of Additional Site | Schedule to meet with the Sedation Committee |
| • A.F.H. | Dental Reinstatement | Schedule to meet with the Licensure Overview Committee |
| • S.M.M. | Dental Reinstatement | Denied application |
| • T.D.R. | Dental Faculty | Approved application |
| • S.J.H. | Dental Faculty | Approved application |

Correspondence

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| • R.P.D. | Request regarding late renewal fee | Denied request |
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Investigative Committee Report – Dr. Glenn Maron

Dr. Maron provided the Board with an update regarding the cases discussed by the Investigative Committee earlier that morning.

Complaint Number	Complaint	Recommendation
DENT210072	Quality of Care	License Revoked – Close case
DENT210108	Quality of Care	License Revoked – Close case
DENT210348	Quality of Care	License Revoked – Close case
DENT210504	Quality of Care	License Revoked – Close case
DENT220521	Quality of Care	License Revoked – Close case
DENT230108	Quality of Care	License Revoked – Close case
DENT230425	Quality of Care	License Revoked – Close case

Chief Investigator Stacy Altman informed the Board that an investigator had resigned and that the Board would begin the process of recruiting a replacement.

Executive Director's Report – Mr. James Joiner

Mr. Joiner provided the Board with an update on plans for the utilization of funds allocated to the Board under HB 915, and on the ongoing recruitment process and restructuring of the Board's administrative staff.

Attorney General's Report – Mr. Thomas McNulty

Mr. McNulty discussed the following cases:

- S.W.S. Close case with no action
- J.C.L.K. Update provided

Mr. McNulty presented the following consent orders for acceptance:

- M.P. Public Consent Order accepted
- L.C.D. Private Consent Order accepted
- T.A.R. Private Consent Order accepted
- J.J.H. Private Consent Order accepted

The Board received legal advice regarding Rule 150-5-.08 Use of a Dental Diode Laser by a Dental Hygienist and Rule 150-13-.01 Conscious Sedation Permits.

Legal Services – Mr. James Joiner

- No report

Miscellaneous

The Board conducted a brief closed-door discussion among the members of the Board.

Dr. Reznik seconded, and the Board voted in favor of the motion, with the exception of Dr. Maron, Dr. Miles, Ms. Selfe, Dr. Goggans, Dr. Schultz, and Dr. Shirley, who opposed the vote regarding W.E.H., and Mr. Scheinfeld who abstained from the vote regarding W.E.H.

There being no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, May 3, 2024, at 10:00 a.m. at 2 MLK Jr. Drive, SE, 11th Floor, East Tower, Atlanta, GA 30334.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by J. Clinton Joiner, II, Executive Director