

GEORGIA BOARD OF DENTISTRY
2 MLK Jr. Drive, SE, 11th Floor, East Tower
Atlanta, GA 30334
July 14, 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
Mrs. Misty Mattingly
Dr. Larry Miles
Dr. Ami Patel
Dr. David Reznik
Mr. Mark Scheinfeld
Mrs. Lisa Selfe
Dr. JC Shirley
Dr. Brent Stiehl
Dr. Debra Wilson

Staff present:

Clint Joiner, Executive Director
Tommy McNulty, Sr. Assistant Attorney General
Stacy Altman, Deputy Director – Investigations
Itovia Evans, Deputy Director – Licensing

Visitors:

Jackie Denmark, Pacific Dental Services
Pam Cushenan, GDHA
Iris Mason, GDHA
Theresa Garcia Robertson, GDA
Dave Pratt, GSO
Jerry Cooper, PDS
Luke Ray, DCG

Kelly Aristiguieta, PDS/RDH/ADHA
Anita LaTourette, GDHA
Michael Bonilla, Biolase
Richard Weinman, GDA
Rick Callan, SRTA/PDS
Myla Williams, USG
John Watson, ADSO

Public Hearing

Dr. Knight called the public hearing to order at 10:11 a.m.

Rule 150-13-.01 Conscious Sedation Permits

Dr. Knight asked Dr. Maron to provide a summary of the proposed amendments to Rule 150-13-.01. Dr. Maron stated that the Board's goal with these amendments is to promote the safe use of anesthetic pharmacologics in the practice of dentistry by defining anesthesia as a continuum, and identifying the elements measured to determine where a patient falls on that continuum. He continued, stating that the goal is also to clarify training requirements for Georgia sedation licenses moving forward. Dr. Maron stated that this amendment also reiterates the statutory requirement that a report be made to the board of any instance of patient morbidity or mortality occurring in connection with the dentist's practice.

Dr. Maron read aloud the changes in the rule language.

Dr. Knight asked if there were any oral comments on the rule change from the public, and none were presented.

Dr. Maron made a motion to adopt Rule 150-13-.01 as presented, and Dr. Stiehl seconded the motion. The Board voted unanimously in favor of the motion.

Rule 150-5-.08 Use of a Dental Diode Laser by a Dental Hygienist

Dr. Knight asked Mrs. Mattingly to provide a summary of the proposed Rule 150-5-.08. Mrs. Mattingly stated that this rule would allow Georgia licensed dental hygienists, under the direct supervision of a Georgia licensed dentist, to use a dental diode laser, limited to the bacterial reduction and disinfection of the gingival sulcus at settings which preclude the removal of hard and soft gingival tissue, except for incidental curettage. She continued, stating that under this rule a hygienist would have to complete 8 hours of instruction in the use of dental lasers by the Commission on Dental Accreditation, or the American Dental Association, or the Academy of General Dentistry, or a program approved by the Board. Additionally, under this rule the dental hygienist is required to maintain an additional two hours of continuing education each biennium relative to the use of dental lasers. This rule also specifies the requirements for recording keeping relative to the use of dental lasers in the practice of dental hygiene.

Mrs. Mattingly thanked the dentists who wrote to the Board in support of the adoption of this rule and the committee for their work in getting the rule to this point.

Dr. Knight asked if there were any oral comments from the public, and multiple members of the public indicated they had comments.

Dr. Knight recognized Dr. Richard Weinman for comment. Dr. Weinman stated that he had a comment, but was not speaking for or against the rule. He stated that he'd had an opportunity to talk to "a number of dentists" at a recent Georgia Dental Association meeting about this issue and that "two main areas came back" to him. The first was a question as to what the impetus was to add this rule at this time, and the second was whether the timing was right for the use of lasers for this purpose in the best interest of the patients of Georgia. Dr. Weinman stated that the literature is neutral about the use of lasers, in the sense that "we think this works" or "this might be helpful" and is not clearly improving results. He also stated that he was concerned about the cost to patients of the use of lasers, in the sense that the cost of the equipment and training on that equipment will be passed on to the patients. Dr. Weinman stated that he is asking that the Board consider that as they consider the rule.

Mrs. Mattingly stated that she would like to respond to Dr. Weinman's comment, particularly relative to documentation and research on the use of lasers. She stated that as a Board and as a committee they looked extensively at research materials relative to the use of lasers. They compiled data showing that the research does support the use of lasers to treat periodontal disease and is a benefit to patients and to the public. She continued, stating that the committee had considered fees and that fees had also been discussed by the full board. She added that patients are already paying for Arrestin with conventional methods and that the use of a laser, while usually an included cost would be cheaper even as an added cost. Further, she stated that the research the Board looked at showed that the use of a laser benefited the patient more than traditional methodology, and had greater long term benefit for patients. Furthermore, she added that there are only 7 states in the United States which do not allow the use of dental lasers in the practice of dental hygiene, and that this change would serve to bring Georgia Dental Hygienists up to the standard of the rest of the country, which has been a long term goal. Mrs. Mattingly stated that the inability to use lasers in their practice is inhibiting dental hygienists from coming to Georgia to practice as they do not want to be restricted.

Dr. Knight recognized Mr. Scheinfeld for comment. He stated that he is not for or against this rule, but wanted to know what kind of training is required for the dentist. He asked whether the dentist had the expertise to supervise the hygienist. Mrs. Mattingly responded that any dentist who authorized a hygienist to perform laser therapy would also be laser certified themselves. Mr. Scheinfeld inquired as to whether that

was anywhere in print, or whether that was Mrs. Mattingly's assumption. Mrs. Mattingly responded that in order to use a laser themselves, the dentist would have to be laser certified. Mr. Scheinfeld asked again, whether that requirement was in the rule. Mrs. Mattingly responded that the rule does not state anything as to the doctor's certification, it only states the requirements for a dental hygienist to use a laser.

Dr. Knight recognized Dr. Goggans for a question. Dr. Goggans asked if the two hours of continuing education provided for in the rule were in addition to the current CE requirement, or were part of that requirement. Mrs. Mattingly responded that those two hours were part of the regular requirement, not in addition to.

Dr. Knight asked if there were any additional comments. Dr. Maron stated that he thought Mr. Scheinfeld had brought up a good point, that there should be something in the Rules requiring the supervising dentist to be laser certified.

The Board engaged in a discussion about possible amendment language.

Dr. Maron inquired as to whether the rule would have to be brought back for a new public hearing if the Board made changes. Mr. Joiner responded that if the Board made changes, they could vote to post the rule during this meeting, but that the new draft would have to go back out for comment and a new public hearing.

Dr. Knight stated that his only concern was that no other members of the laser committee were present for this meeting. Mrs. Mattingly responded that, while they were not present today, the rule in its current form is what the committee voted upon and approved. She continued, saying she does not believe that their presence or absence makes a difference, and that they are supportive of the way the rule is written. Dr. Maron inquired as to whether this comment had been brought to the attention of the committee at the time they voted to approve. Mrs. Mattingly admitted that it had not. She continued, stating that this would be like bleaching, in the sense that the Board does not require a dentist to be certified to bleach teeth. Dr. Miles stated that dentists are now being taught the use of lasers in their periodontal courses in dental school. Dr. Goggans added that he can see both sides of the argument, but is concerned the Board may be headed down a slippery slope. He does not want to see a situation where, in a general dentistry setting, an expanded duties dental assistant gets training in orthodontics, that the Board requires the dentist to now be trained in orthodontics. He stated, he does not want to get into a situation where the Board is requiring the dentist to go back to get additional training for everything the Board approves. Dr. Spillers added that he agreed with Dr. Goggans.

Dr. Knight recognized Dr. Weinman for additional comment. Dr. Weinman stated, addressing Dr. Goggans comment, that lasers are different in that you can burn tissue with a laser and with the technology changes he thinks the Board should require the dentist be certified. He stated that it was similar to sedation, when a dentist uses a nurse anesthetist: the doctor must be certified to do as the nurse under his supervision does.

Dr. Goggans responded, reiterating that he believes it could go both ways. Mrs. Mattingly added that she also believes it is a slippery slope to add it. She asked if it was the case that because "our hygienists are trained to a higher level on perio procedures than some of the doctors are" if all of the dentists should be required to go back and get additional periodontal training.

Mr. Michael Bonilla stated that in terms of technology, dental lasers have pre-set device settings profiles, and that if you go by the device protocols you cannot do harm to a patient. Mrs. Mattingly added that because hygienist are only using a hygiene diode laser it can only go to hygiene settings. Dr. Maron stated that while he understands what is being said, he did not know how a dentist who has not been trained in the use of lasers would know what to look for when checking the hygiene patient post-treatment. Dr. Maron

then inquired whether there was a difference in the treatment when using hand instruments versus using a laser. Mrs. Mattingly explained that the difference was that the hygienist would be performing bacterial reduction with the laser, so the tissue would look better after treatment with the laser. Dr. Maron responded that the tissue is supposed to look better, but that if the dentist does not know what they are supposed to look for after laser treatment, how can the dentist check the patient. Mrs. Mattingly responded that the dentist should know what to look for because they know what healthy tissue looks like. She continued, stating that under direct supervision, the dentist has to expressly authorize the treatment, meaning that the dentist sees the patient before and after treatment by the hygienist. Dr. Maron replied that if the dentist does not know what the patient is supposed to look like after treatment with the laser versus treatment with a hand instrument, that is where he sees the problem.

Dr. Goggans inquired as to whether a dentist could buy a laser without certification. Drs. Maron and Spillers responded that you could buy a laser online without certification.

Mrs. Pam Cushenan stated that a dental hygienist has to be certified to use a laser in the practice dental hygiene, however a dentist, in order to purchase a laser, must complete a “modular education course” in laser use. Mrs. Cushenan continued, stating that it is not supposed to occur that a dentist could buy a laser the use of which they are not familiar. The dentist is supposed to be able to recognize the proper appearance of tissue after treatment with a laser give prior examination and determination of the level of disease being treated. She further stated that when the patient is re-evaluated in four to six weeks after the scaling and root planing procedure, the patient will have their tissue response that the dentist will get to view again.

Dr. Knight thank Mrs. Cushenan for her response, and stated that he believes the issue is whether a hygienist needs oversight from a dentist who has adequate training equal to the treatment the hygienist would be providing. Dr. Maron added that while Mrs. Cushenan was delivering her comments, he had performed a Google search and found that he could purchase a used laser online without training. Dr. Maron continued, stating that the Board is not considering the “ideal person,” but rather that the job of the Board is to protect the public from the practitioner who is not doing the ideal thing. Dr. Maron acknowledged that amending the rule would delay the Board’s adoption of the rule, but in his opinion would put this issue into correct perspective to say that the dentist is required to have laser training prior to authorizing the use of a laser in the practice of dental hygiene.

Dr. Knight recognized Mrs. Lisa Selfe for comment. Mrs. Selfe asked if dentists were trained in the use of Arestin or a Cavitron unit when these are used in the practice of dental hygiene.

Dr. Knight recognized Dr. Shirley for comment. He stated that he is not against hygienists being able to use lasers in their practice, but that he had to acknowledge that Mr. Scheinfeld’s question about the dentists training was a point that could be an issue. He also inquired as to whether Rule 150-5-.03 would need amendment with the adoption of the proposed rule. Specifically, Dr. Shirley read Rule 150-5-.03(11), which states in part: “Only dentists licensed by the Georgia Board of Dentistry shall be authorized to perform procedures involving laser technology which alters tissue, creates thermal effect, or is intended to cut, coagulate, photocoagulate, vaporize, or ablate essentially any soft or hard tissues of the body.” Mr. Joiner responded that Rule 150-5-.03 may need amendment after the adoption of the rule under consideration, but added that the Board could make the change to Rule 150-5-.03 later, without delaying the adoption of the Rule under consideration. Mr. McNulty added that the Board could pass this rule, and subsequently amend the conflicting rule to create an exception for the use of diode lasers provided in Rule 150-5-.08. Mrs. Mattingly stated that her understanding of the portion of Rule 150-5-.03(11) read by Dr. Shirley, was that dentists had been permitted to use lasers in Georgia without certification for many years, and observed that proposed Rule 150-5-.08 requires dental hygienists to be certified.

Dr. Knight recognized Dr. Stiehl for comment. Dr. Stiehl stated that he could see both sides, and expressed concern for the lack of a training requirement for dentists. Dr. Spillers added that a previous comment during this hearing mentioned that some dentists did not know the difference in the appearance of the tissue, and that this statement caused him further concern about the lack of a training requirement for the supervising dentist.

Mrs. Mattingly stated that her concern was that if the Board required the supervising dentist to be trained for a hygienist to use a laser, that the Board would have to go back and require the dentist to be trained relative to all equipment used in the practice of dental hygiene. Mrs. Mattingly reiterated that dentists have been permitted to use lasers in the practice of dentistry since 1992 and that the Board has not at any time required specialized laser training for dentists.

Mrs. Mattingly stated that the use of lasers would be under direct supervision. The dentist would examine the patient first, direct the hygienist as to the treatment the dentist would like performed, and then the dentist will re-examine the patient after the treatment. Dr. Maron responded that he agreed with Mrs. Mattingly's statement of the rule regarding direct supervision, however his concern remained that a dentist does not know what to look for post-treatment if they have not been trained in the use of a laser.

Dr. Goggans stated that he understands everyone's arguments, but that if the Board went down this path, it would be necessary for the Board to determine how much training a general dentist needs to perform certain specialized treatments, such as orthodontic treatment. The Board would need to determine how many hours of training are required for a general dentist to be safe to treat patients. He stated that he does not want to go down that road.

Dr. Knight recognized Mrs. Teresa Garcia Robertson for comment. Mrs. Robertson stated that the Georgia Dental Association is not advocating for or against the adoption of this Rule. She stated that GDA is interested in the best trained providers providing care to patients in Georgia. She continued, stating that if a particular procedure is being performed under direct supervision, and may only be performed under direct supervision, then the dentist should be trained in what they are supervising. She stated that this protects the dentist and the dental hygienist from a legal standpoint. She stated that she believes it only benefits the dentist to be so trained. She concluded stating that she did not believe a more highly trained provider was bad for Georgia.

Dr. Goggans inquired whether GDA would support a similar training requirement for all dental procedures. Mrs. Robertson stated that she could not speak to that question from GDA. Mrs. Mattingly inquired whether dentists should be required to have training on the use of a Cavitron unit for the removal of calculus, as she did not believe most doctors would be comfortable using one. She further observed that scaling and root planing using a Cavitron may only be performed under direct supervision. Mrs. Robertson stated that she could see a slippery-slope situation occurring on both sides of the issue.

Dr. Knight inquired about whether the Cavitron was used above the gumline. Mrs. Mattingly responded that it could be used that way, but that between the two devices, the Cavitron and the diode laser, she believed the Cavitron to be much more capable of harm to a patient than a diode laser.

Dr. Knight recognized Mr. Joiner for comment regarding a potential solution. Mr. Joiner stated that one of the changes made to the Board's rules after the adoption of the local anesthesia rule (R. 150-5-.07), was an addition to the Board's rules regarding professional conduct, specifically Rule 150-8-.01(s), which provides that it shall constitute unprofessional conduct for a supervising dentist to authorize "a dental hygienist who has not met the requirements of Rule 150-5-.07(2) to administer local anesthesia." He stated that, if this Rule is adopted, the Board would, he imagined, be returning to this Rule to amend it to add similar language relative to the new Rule 150-5-.08 regarding use of a dental diode laser. He continued, stating that a second

post-adoption addition could be made to Rule 150-8-.01, stating that it constitutes unprofessional conduct for a dentist who is not himself/herself certified in the use of a laser to authorize a dental hygienist to utilize a laser. He stated that these prospective amendments to Rule 150-8-.01 create a path by which the Board may adopt prospective Rule 150-5-.08 at this hearing, and bring those follow-up amendments for a vote to post at a future meeting. Dr. Knight inquired whether it would be easier to table Rule 150-5-.08 today, and adopt all of the Rule changes at one time.

Dr. Knight inquired as to whether there was a quorum of the Laser Committee present, and it was determined that there was. Dr. Knight then asked the Board members if the Board was ready for a motion and vote on the rule.

Mrs. Mattingly thanked all the members of the public, particularly the dentists, who submitted written comments to the Board, and noted that every comment received by the Board was in favor of the adoption of this rule.

Mrs. Mattingly made a motion to adopt Rule 150-5-.08, and Mrs. Selfe seconded the motion. The Board voted in favor of the motion.

Open Session

Dr. Knight established that a quorum was present and called the meeting to order at 11:11 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 June 14, 2024, meeting. Mr. Scheinfeld seconded, and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Aleena Akbar: The Board discussed this request for a variance of Rule 150-3-.01(4). The Board reviewed the petition and the procedural history of Dr. Akbar's application. The Board approved Dr. Akbar's petition for waiver of Rule 150-3-.01(7)(f). Subsequently, Dr. Akbar applied for licensure and at its meeting on June 14, 2024, the Board voted to table the application and advise Dr. Akbar to file a second rule variance petition, which is the instant petition. Dr. Goggans made a motion to approve this petition. Mrs. Selfe seconded, and the Board voted in favor of the motion.

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

No Report

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

Dr. Shirley advised the Board that he and Dr. Patel would be attending the CDCA-WREB-CITA annual legislative summit in September in Louisville, Kentucky.

GDHA Liaison Report – Dr. David Reznik, Ms. Lisa Selfe, RDH

No Report

Attorney General's Report – Mr. Tommy McNulty

No Report

Executive Director's Report – Mr. Clint Joiner

Mr. Joiner advised the Board that they are in the hiring process for the Board's two open customer service representative positions and that both candidates selected should be starting before the Board's next meeting. He also advised the Board that they had filled the Business Support Analyst position and that the candidate in this role will be starting before the next meeting as well.

Legal Services – Mr. Clint Joiner

No Report

Miscellaneous

Peer Reviewer Consideration

Dr. Maron put forward Dr. Hari Digumarthi for approval as an oral surgery peer reviewer for the Board.

Dr. Maron made a motion to approve Dr. Digumarthi as a peer reviewer, and Dr. Goggans seconded the motion. The Board voted unanimously in favor of the motion.

Dr. Goggans made a motion and Mrs. Mattingly seconded, and the Board voted to enter **Executive Session** in accordance with O.C.G.A. § 43-1-19(h), § 43-11-47(h), § 43-1-2(h) and § 50-14-3(b)(2), to deliberate and receive information on applications. Voting in favor of the motion were those present who included Dr. Michael Knight, Dr. Don Spillers, Dr. Greg Goggans, Dr. Glenn Maron, Mrs. Misty Mattingly, Dr. Larry Miles, Dr. Ami Patel, Dr. David Reznik, Mr. Mark Scheinfeld, Mrs. Lisa Selfe, Dr. JC Shirley, Dr. Brent Stiehl, and Dr. Debra Wilson.

Licensure Overview Committee Discussion and Appearance Cases

C.T.D.
N.J.B.
M.H.
A.E.Y.
T.H.

Applications

A.A.
S.P.
E.F.
K.B.
M.P.
J.Y.
V.C.
W.C.
P.P.

Investigative Committee Report – Dr. Brent Stiehl

DENT240250
DENT240251
DENT250009
DENT180002
DENT180097
DENT180133
DENT180137
DENT180299
DENT180314
DENT180375
DENT180329
DENT180330
DENT180348
DENT180361

Attorney General’s Report – Mr. Tommy McNulty

Executive Director’s Report – Mr. Clint Joiner

Legal Services – Mr. Clint Joiner

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

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

Licensure Overview Committee Discussion and Appearance Cases

C.T.D.	Exam	Approved
N.J.B.	Renewal – probation removal	Licensee can request license be placed on inactive status. She may reinstate when she is actively practicing in Georgia again.
M.H.	Examination	Approved
A.E.Y.	Examination	Approved
T.H.	Examination	Approved

Applications

A.A.	Examination	Approved
S.P.	Sedation	Approved
E.F.	Sedation	Approved
K.B.	Sedation	Approved
M.P.	Sedation	Approved
J.Y.	Sedation	Approved
V.C.	Sedation	Approved
W.C.	Sedation	Approved
P.P.	Sedation	Approved

Investigative Committee Report

DENT240250	C.S.	Close No Action
DENT240251	V.G.	Close No Action
DENT250009	L.H.	Close No Action
DENT180002	A.A.	Close No Action
DENT180097	E.B.	Close No Action
DENT180133	M.B.	Close No Action
DENT180137	J.T.	Close No Action
DENT180299	H.H.	Close No Action
DENT180314	U.P.	Close No Action
DENT180375		
DENT180329	H.P.	Referral to Local Law Enforcement
DENT180330	S.S.	Ltr – Requesting Licensee contact board within 60 days pending suspension.
DENT180348	F.A.A.	Close No Action
	C.B.	
DENT180361	A.K.	Close No Action

Mrs. Mattingly seconded, and the Board voted unanimously in favor of the motion.

There being no further business to come before the Board, the meeting was adjourned at 12:29 p.m.

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

Minutes recorded by Clint Joiner, Executive Director