

GEORGIA BOARD OF DENTISTRY
2 MLK Jr. Drive, SE, 11th Floor, East Tower
Atlanta, GA 30334
June 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. Lacey Green
Dr. Glenn Maron
Dr. Larry Miles
Dr. Ami Patel
Dr. David Reznik, remotely via Microsoft Teams
Mr. Mark Scheinfeld
Dr. Jeffrey Schultz
Ms. Lisa Selfe
Dr. JC Shirley
Dr. Brent Stiehl
Dr. Debra Wilson
Dr. Nancy Young, remotely via Microsoft Teams

Staff present:

Clint Joiner, Executive Director
Tommy McNulty, Sr. Assistant Attorney General
Stacy Altman, Chief Investigator
Itovia Evans, Business Operations Manager

Visitors:

John Watson, ADSO
Randy Kluender, GSO

Callie Michael, GSO
Pam Cushenan, GDHA

Open Session

Dr. Knight established that a quorum was present and called the meeting to order at 10:05 a.m.

Following the call to order, the Board entered into Executive Session to receive legal advice from representatives of the Attorney General's Office.

Dr. Maron made a motion and Dr. Stiehl 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), § 43-1-2(h) and § 50-14-3(b)(2). Voting in favor of the motion were those present who included Dr. Michael Knight, Dr. Don Spillers, Dr. Greg Goggans, Dr. Lacey Green, Dr. Glenn Maron, Dr. Larry Miles, Dr. Ami Patel, Dr. David Reznik, Mr. Mark Scheinfeld, Dr. Jeffrey Schultz, Ms. Lisa Selfe, Dr. JC Shirley, Dr. Brent Stiehl, Dr. Debra Wilson, and Dr. Nancy Young.

Executive Session

The Board received legal advice from representatives of the Attorney General's Office.

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

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 May 3, 2024, meeting. Dr. Reznik seconded, and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Dr. Shirley inquired about the process for review of injectable pharmacologic registrations, and how these were handled by the Board. Ms. Itovia Evans provided the Board with an overview of the process, explaining that the registrations are reviewed by one of the Board's analysts, Ms. Ruth Reece, and are approved if they meet the criteria outlined in the Board's rules. Dr. Maron further explained that the Board initially sought to set up "injectable pharmacologics" as a separate licensure but ultimately established a practitioner registry.

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

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Anna Moorhead: The Board discussed this request for a variance of Rule 150-3-.01(7)(i)(1). Dr. Maron stated that Dr. Moorhead is an oral and maxillofacial surgeon, who has completed her residency and is currently in the military working in Georgia. He further stated, that given the portability of licensure issues that the state is involved with, and with the rationale that Dr. Moorhead is an oral and maxillofacial surgeon in the military, he recommends approval with the caveat that licensure is dependent upon receipt of a letter of endorsement from Dr. Moorhead's commanding officer as to her current competency. Dr. Shirley observed that Dr. Moorhead is asking for a waiver because she has not taken the "perio portion" of a Board approved exam, and inquired as to what the Board has done in similar cases in the past. Dr. Wilson stated that she also believed the Board should grant this waiver, especially as she is serving in the military. Dr. Maron made a motion to approve this petition for the reasons discussed, contingent upon receipt of a letter from Dr. Moorhead's commanding officer as previously discussed. Dr. Spillers seconded, and the Board voted in favor of the motion.

Rule Variance Petition from Dr. David Turpin: The Board discussed this request for a variance of Rule 150-3-.01(7)(h). Dr. Shirley observed that this petition involves a situation which has arisen before, wherein during the COVID pandemic, an applicant for licensure took a manikin examination prior to January 1, 2021, when the Board began accepting manikin exams. Dr. Shirley further noted that during the pandemic there was no live patient option for the exam. Dr. Shirley made a motion to approve the petition. Ms. Selfe seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Sung Jin Oh: The Board discussed this request for a waiver of Rule 150-3-.04(f). Dr. Maron observed that Dr. Oh is the subject of an ongoing investigation by the Maryland Board of Dentistry. He further stated that the Board should not issue a license to an applicant who is currently under investigation in another state. Dr. Maron made a motion to deny the petition. Dr. Schultz seconded the motion and the Board voted unanimously in favor of the motion.

Correspondences

Correspondence from Dr. C. Thomas Graham: The Board discussed this correspondence from Dr. Graham, urging the Board to amend its rules to eliminate the requirement of 20 hours of in-person CE for license renewal. Dr. Maron stated that he is of the opinion, as he has stated numerous times previously, that

there is no substitute for in-person training. Drs. Goggans and Stiehl stated that licensees have two years to complete 20 hours and that courses are offered in multiple parts of the state. Dr. Green observed that the practice of dentistry is also in-person. Multiple members of the Board further observed that there will soon be a new dental school in south Georgia which will likely present additional opportunities for live CE in that area. The Board voted to accept the correspondence as information, but to take no other action.

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. Patel advised the Board that CDCA-WREB-CITA is holding its annual legislative summit in September in Louisville and has invited all Board members to attend. Dr. Shirley explained that this summit would include representatives from ADEX, the Association of Dental Board Administrators, CDCA-WREB-CITA, and the American Association of Dental Boards. Drs. Shirley and Patel advised that they are both planning to attend the summit. Dr. Knight asked that any other board members who would like to attend coordinate with Mr. Joiner. Mr. Joiner advised the Board that the State of Georgia does not generally pay for out-of-state travel.

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

Dr. Reznik advised that there was no report at this time. He further stated that he would like to see an updated list of which Georgia dental hygiene schools are now teaching administration of local anesthesia. Dr. Reznik explained that his purpose for the request was to gauge when the Board might see a rise in the number of licensees applying for the local anesthesia certificate. Dr. Knight asked Mrs. Pam Cushnan of the Georgia Dental Hygienists Association if, in addition to the information requested by Dr. Reznik, they could supply the Board with information on the number of schools within the state, the number of student seats they have available, how many students are failing, how many students do not complete their program. Mrs. Cushenan stated that she can get the Board that information. Dr. Knight explained that this information was important for the Board to have given the on-going shortage of dental hygienists in Georgia.

Ms. Selfe added that she is on the advisory committee at Clayton State and that last year the school had approximately 170 applicants for the dental hygiene program. She stated that of those, 77 qualified and but the school could only take 20 of those applicants. Ms. Selfe explained that the reason for this is that the school does not have capacity for additional students.

Mrs. Cushenan added that she would make forward the Board's request for data to the directors of the various dental hygiene programs. She stated that for many schools the first graduating class to graduate with their local anesthesia certification will be the class of 2025. Further, Mrs. Cushenan stated that Georgia State University takes 32 students into its dental hygiene program every year. Additionally, she explained that she estimated that there are approximately 250 graduates a year from the 16 different dental hygiene

programs in the state. She stated that the dental hygiene programs in the state have a continuous pool of applicants and are filling their seats every year.

General – Dr. Michael Knight

No Report

Attorney General’s Report – Mr. Tommy McNulty

No Report

Executive Director’s Report – Mr. Clint Joiner

No Report

Legal Services – Mr. Clint Joiner

Mr. Joiner advised that he had scheduled the public hearings relative to the adoption/amendment of Rules 150-5-.08 and 150-13-.01 for July 12, 2024.

Miscellaneous

Sedation Course Submission: The Board considered this sedation course submitted by Dr. Henry Ferguson and Dr. Rebecca Hobbs. Dr. Knight explained that the Board had previously considered this course and requested additional information from Drs. Ferguson and Hobbs, which they have submitted. Dr. Maron made a motion to approve this sedation course, Dr. Schultz seconded the motion. The Board voted in favor of the motion.

Election of Officers: The Board held its annual election to select officers for the next year. Dr. Maron nominated Dr. Michael Knight for president, and Dr. Don Spillers for vice-president. Dr. Patel stated that she also wanted to nominate Dr. Knight for president, and to nominate Dr. Reznik for vice-president. Drs. Spillers and Reznik accepted their nominations.

No other nominations for president were made, and the Board voted unanimously to elect Dr. Knight as board president.

Drs. Spillers and Reznik were asked to leave the room for the voting for vice-president. As a remote attendee the camera and microphone were disabled for Dr. Reznik.

Dr. Knight presided over the vote for vice-president. Voting for Dr. Spillers were Dr. Schultz, Dr. Miles, Dr. Goggans, Dr. Maron, Dr. Stiehl, and Mr. Scheinfeld. Voting for Dr. Reznik were Dr. Young, Dr. Wilson, Dr. Shirley, Dr. Patel, Dr. Green, and Ms. Selfe. The result was an even split, and Dr. Knight voted for Dr. Spillers to break the tie.

Sedation Evaluation Process Changes: Dr. Maron stated that he had been asked by Mr. Joiner to review the Board’s process for conducting sedation evaluations for new applicants for sedation permits. Dr. Maron stated that the Board currently has a large backlog of sedation applicants who are at the stage of needing an evaluation, some of whom have been slowed down by administrative processes. Dr. Maron continued, stating that, consulting with AAMOS, he found that there are 13 states that have independent groups that conduct their sedation evaluations, but that most other states conduct their evaluations in a manner similar to the way Georgia does. Dr. Maron explained he reviewed their processes and the Board’s makes the following recommendations for changes to the Board’s policies.

First, that the applicant bear the responsibility of arranging and obtaining their office evaluation. Second, that the Board post a list of approved examiners that the applicant can select for their evaluation. Third, that no initial temporary permit be extended absent a showing of good cause for the request. Dr. Maron

explained that the current backlog in sedation applications has occurred in part due to the Board being the entity responsible for assigning evaluators which has both increased administrative burden and greatly slowed down the process. Shifting the responsibility for evaluator selection and scheduling to the applicant reduces the administrative burden and speeds up the process. He continued, stating that applicants have six months from the time they apply to get an evaluation, if they are able to schedule their own evaluations this is ample time to get evaluated. He stated that most of the requests reviewed by the Sedation Committee are from applicants who have been practicing on a temporary permit for over a year requesting extensions for evaluations. Dr. Maron stated that he believes the proposed changes will clear many of these.

Dr. Maron further stated that regarding independent companies performing sedation evaluations in Georgia, he was concerned that there is a potential for the Board to lose oversight and integrity of the evaluations when they are conducted and paid for entirely privately. Mr. Joiner added that these changes would add efficiency to the process by allowing the applicant to set up their own evaluation, on their own schedule without the need to wait for Board staff to coordinate the evaluation.

Ms. Selfe asked why an applicant would need six months to get an evaluation. Dr. Maron responded that they should not need six months, but that the Board allows six months for the process to occur. Dr. Spillers added that he believes that if the Board is only allowing six months for the applicant, that the Board should also be required to license the applicant within 30 days of receipt of the completed evaluation. Dr. Maron responded that delay on the part of the Board would be cause for an extension, and that would be part of the request for extension. He continued, stating that the reason he added the requirement to show cause for an extension is that the Sedation Committee has seen numerous requests for extension where the applicant has apparently waited six months without doing anything and requests the extension at the last minute.

Dr. Shirley inquired about who pays for the evaluation, does the Board pay or is that on the individual applicant? And who determines the fee, is it set by the Board, or by the evaluator? Dr. Maron responded that the fee is set by the Board, and that he is not recommending that this be changed. He explained that Mr. Joiner had initially suggested that the individual evaluators set the price for the evaluation. Dr. Maron explained that he was concerned that allowing evaluators to set the price for the evaluation would allow for graft to enter into the process. Dr. Maron explained that the fee needs to be set by the Board and occur through the Board to ensure oversight of the process.

Dr. Shirley inquired about how the change would be implemented and whether it would effect currently pending applications. Dr. Maron explained that the changes would effect applications received from the time of adoption, forward.

Mr. Scheinfeld stated that he agreed with what was said previously, that the dentist should not be left “hanging out there” if the Board has a delay, and he agree that adding additional safeguards against it was a good idea. He added that in such a situation, the applicant should be automatically extended until such time as the Board does its job.

Dr. Shirley made a motion to refer the matter to the Sedation Committee for discussion, Dr. Maron seconded. The Board voted unanimously in favor of the motion.

Dental Labs in Georgia: Dr. Maron explained that it has been brought to the attention of the Board that there is virtually no regulation of dental labs in the State of Georgia. He stated that, many states require dental labs to be registered or licensed by their Board of Dentistry. He continued, stating that in Georgia you can have a dental lab in your garage, without licensure or regulatory oversight. Despite the fact that a dentist must write a prescription for the dental device produced in that lab. Dr. Maron stated that it needs to be a legislative priority for the Board in the near future to get these entities under control. Dr. Maron

continued, observing that the Board has regulatory authority over the dentists and dental hygienists who are treating patients, but no oversight at all over lab technicians who are doing many of the same things.

Dr. Schultz suggested inviting the Georgia Dental Lab Association to a meeting of the Board.

Mr. Scheinfeld inquired about how the Board would take any action in the case of a prescription being sent out of state, filled and sent back to a patient in Georgia. Mr. Joiner responded that this authority would have to come with a law change, which placed dental labs under the authority of the Board of Dentistry. He further explained that the Georgia State Board of Pharmacy deals with the out of state filling of prescriptions on a daily basis. For pharmacies, this is handled jointly by a legislative change that makes it illegal to ship a prescription into the State of Georgia without being licensed by the Georgia State Board of Pharmacy, and in that case the appropriate licensure is a non-resident pharmacy permit. In this case, the Board of Dentistry would need a similar law and license.

Dr. Goggans inquired whether Mr. Joiner believed that legislative change could be affected without amendment of the Dental Practice Act. Mr. Joiner responded that it would likely require amendment of the Act.

Dr. Schultz made a motion to extend an invitation to the Georgia Dental Laboratory Association to attend a meeting to discuss this issue with the Board. Dr. Wilson seconded, and the Board voted unanimously in favor of the motion.

Dr. Maron made a motion and Dr. Green 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. Lacey Green, Dr. Glenn Maron, Dr. Larry Miles, Dr. Ami Patel, Dr. David Reznik, Mr. Mark Scheinfeld, Dr. Jeffrey Schultz, Ms. Lisa Selfe, Dr. JC Shirley, Dr. Brent Stiehl, Dr. Debra Wilson, and Dr. Nancy Young.

Licensure Overview Committee Discussion Cases

- J.S.
- A.A.
- N.C.

Applications

- R.A.
- D.T.
- M.H.
- A.Y.
- M.L.
- T.H.
- S.A.
- T.T.
- B.W.
- A.V.
- D.V.
- D.S.
- E.R.
- F.T.
- J.J.
- J.B.
- M.S.
- N.E.
- P.H.
- R.D.
- T.S.
- W.L.
- Y.R.
- D.H.
- D.S.

Investigative Committee Report – Dr. Brent Stiehl

No Report

Attorney General's Report – Mr. Tommy McNulty

Mr. McNulty discussed the following:

- E.F.

Executive Director's Report – Mr. Clint Joiner

No Report

Legal Services – Mr. Clint Joiner

No Report

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

Open Session

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

Licensure Overview Committee Discussion Cases

J.S.	Examination	Approved.
A.A.	Renewal Pending	Table, pending applicant's application for rule waiver.
N.C.	Renewal Pending	Approved, conditional upon positive letter from treating physician.

Applications

R.A.	Examination	Tabled, request clarification on exam taken.
D.T.	Examination	Approved.
M.H.	Examination	Refer to LOC for Appearance
A.Y.	Examination	Refer to LOC for Appearance
M.L.	Examination	Approved.
T.H.	Examination	Refer to LOC for Appearance
S.A.	Examination	Approved.
T.T.	Credentials	Denied.
B.W.	Credentials	Denied.
A.V.	Sedation	Approved.
D.V.	Sedation	Table, pending applicant addressing questions posed in sedation evaluation.
D.S.	Sedation	Approved.
E.R.	Sedation	Approved.
F.T.	Sedation	Approved.
J.J.	Sedation	Approved.
J.B.	Sedation	Tabled, pending additional information.
M.S.	Sedation	Approved.
N.E.	Sedation	Approved.
P.H.	Sedation	Approved.
R.D.	Sedation	Approved.
T.S.	Sedation	Approved.
W.L.	Sedation	Approved.
Y.R.	Sedation	Approved.
D.H.	Sedation	Approved.
D.S.	Sedation	Approved.

Attorney General's Report

E.F.	Accept Consent Order
------	----------------------

Dr. Green 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 12:30 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, July 12, 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