

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
November 6, 2020
10:00 a.m.

The following Board members were present:

Dr. Tracy Gay, President
Dr. Greg Goggans
Dr. Michael Knight
Dr. Glenn Maron
Ms. Misty Mattingly
Dr. Ami Patel
Mr. Mark Scheinfeld
Dr. Debra Wilson
Dr. Bert Yeargan

Staff present:

Eric Lacefield, Executive Director
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Dr. Richard Callan
Dr. Kevin B. Frazier
Dr. James E. Barron
Scott Lofranco, GDA
Rajvi Doshi

Open Session

Dr. Gay established that a quorum was present and called the meeting to order at 10:06 a.m.

Introduction of Visitors

Mr. Lacefield asked the visitors on the call to send an email via the “Contact Us” portal on the website if he/she would like his/her name reflected as being in attendance in the minutes.

Dr. Gay welcomed new board member, Ms. Misty Mattingly.

Virtual Appearance

Dr. Richard Callan met with the Board virtually and provided information, along with a presentation, of the Nissin Simodont and Planmeca Compare Software for the Board. Following Dr. Callan’s presentation, questions were asked by the board members. Dr. Yeargan inquired as to how soon this application could be utilized for remediation. Dr. Callan responded by stating as soon as the Board would like for it to happen. Dr. Gay commented that this product would be good with the Board’s Investigative Committee for remediation purposes. Dr. Yeargan requested the Board approve this company as a continuing education provider. Mr. Lacefield stated that today was just an opportunity for the Board to receive information on the Simodont. He further stated that staff will reach out to Dr. Callan for any additional information required.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes from the October 2, 2020 Conference Call. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Dr. Yeargan made a motion to ratify the list of licenses issued. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Anna Lucy Harvey: The Board discussed this petition requesting a variance of Rule 150-7-.04(1)(c). Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated and inform Dr. Harvey that if she should proceed with applying for licensure by credentials in 2021, the Board will take into consideration the number of hours obtained at such time. When submitting her application, she will need to submit a new petition for rule variance or waiver. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Briana Miller: Dr. Patel made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Miller provided adequate justification for the variance since she successfully passed the ADEX clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Miller agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Discussion was held regarding the current deadline to apply for a temporary license (for use in a State of Emergency) being October 31, 2020. Dr. Goggans made a motion to extend the deadline for applying for a temporary dental or dental hygiene license to December 31, 2020. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Cherie Ransby: Dr. Goggans made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested Dr. Ransby submit an application for temporary dental licensure for consideration. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Clark M. Comeaux: The Board discussed this request for a variance of Rule 150-7-.04(1)(c) and O.C.G.A. § 43-11-41. Dr. Yeargan made a motion to deny the rule variance petition as the requirement of an applicant being in full time clinical practice for the five years immediately preceding the date of the application is required by law. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Ghazal Sadeghi: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested Dr. Sadeghi submit an application for temporary dental licensure for consideration. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Katrina Co: Dr. Maron made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Co provided adequate justification for the variance since she successfully passed the ADEX clinical examination administered by CDCA, which involved a live patient. The variance is granted with the condition that Dr. Co agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Keaton Forrester: Dr. Patel made a motion to grant the variance based on the special circumstances related to Dr. Forrester's military service and the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Forrester provided adequate justification for the variance since

he is a Board-Certified Prosthodontist. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Latoya M. Delaughter: Dr. Maron made a motion to grant the variance based on the special circumstances related to Dr. Delaughter's spouse's military service and the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. DeLaughter provided adequate justification for the variance since she has been a practicing periodontist for the past 14 years. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. MeeAe Hong: Dr. Goggans made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Hong provided adequate justification for the variance since she successfully passed the WREB clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Hong agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Nathan Nourian: Dr. Maron made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested Dr. Nourian submit an application for temporary dental licensure for consideration. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Nicholas Miller: Dr. Goggans made a motion to grant the variance based on the special circumstances related to Dr. Miller's military service. The Board also finds that Dr. Miller provided adequate justification for the variance since he is a Diplomate with the American Board of Prosthodontics. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Rule Waiver/Variance Petition from Dr. Dorothy Theogene: Dr. Yeargan made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Theogene provided adequate justification for the variance since she successfully passed the NERB and ADEX clinical examinations, which involved a live patient. The variance is granted with the condition that Dr. Theogene agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Christian Silva Silveira: Dr. Yeargan made a motion to grant the variance as Dr. Silveira demonstrated evidence of a substantial hardship. The Board also finds that Dr. Silveira provided adequate justification for the variance since he successfully passed the ADEX clinical examination administered by CDCA, which involved a live patient. The variance is granted with the condition that Dr. Silveira agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Mahak Jain: Dr. Yeargan made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Jain provided adequate justification for the variance since she successfully passed the WREB clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Jain agrees

to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Franklin Awah: The Board reconsidered this petition that was denied at the October meeting. After further discussion, Dr. Maron made a motion to uphold the denial. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Correspondence from Beth Cole, WREB

The Board considered this correspondence requesting an opportunity to speak to the Board regarding possible acceptance of the WREB exams for dental and dental hygiene. The Board directed staff to respond by sending Ms. Cole the Board's current requirements for licensure and offer to schedule her to meet with the Board virtually.

Correspondence from Scott Lofranco, GDA

The Board viewed this correspondence for informational purposes only.

Sedation Committee Report – Dr. Glenn Maron

COVID-19 Testing for Dental Offices: Dr. Maron asked Mr. Lofranco if he had any information to provide the Board. Mr. Lofranco stated that GDA has been looking into this matter and GDA's concern is if such point of care testing would be available, that it is not a mandatory obligation. He added that there are reporting requirements and a CLIA waiver would be needed. Mr. Lofranco stated that the overarching concern is that dentists do not want this to be a mandatory requirement.

Dr. Maron commented that the reality is multiple states have now defined it within the scope of practice and that administration of COVID testing would be within the parameters of patient care. He stated it is not mandatory for dentists to administer the test, but is within the parameters of care. Dr. Maron explained that if the dentist is only collecting samples, the CLIA waiver is not required. He stated the only time the waiver is required is if the dentist wants to do it himself/herself in the office and send it out to a lab for analysis. Dr. Maron made a motion for the Board to recognize that it is within the scope of practice for a dentist to administer a COVID test and if the dentist is going to be reading and interpreting the tests, he/she must obtain a CLIA waiver; however, it is not mandatory for the dentist to administer the test. Discussion was held regarding whether or not the Board would need to issue a statement or make a rule change. Mr. Changus commented that the Board would just be making a statement. Mr. Scheinfeld stated that the Board would just be rendering an opinion on whether someone can administer the test or not. Dr. Gay responded by stating that the Board may need to have something formally written for the Board to consider at its December meeting. Mr. Changus stated that with the guidance offered from HHS, the Federal Government has taken the position that much of this is preempted. He further stated that it is a complex issue when it comes to the CLIA waiver, but agrees a statement could be drafted.

Administration of Sedation and Dental Assistants: Dr. Maron reported that eleven (11) states have written rules where there is a separate category for an anesthesia assistant. He suggested the Board create a subcategory within Rule 150-9-.02 Expanded Duties of Dental Assistants for an anesthesia assistant with the requirement he/she has successfully passed the Dental Anesthesia Assistant National Certification Examination. He added that the assistant must be under the direct supervision of a dentist that holds a current permit to administer general anesthesia or moderate sedation. The Board agreed to refer this matter to the Rules Committee for consideration.

General – Dr. Tracy Gay

Committee Updates: Dr. Gay discussed committee changes. He stated that he is reestablishing the Rules Committee with Dr. Patel as Chair and Dr. Goggans, Mr. Scheinfeld and Ms. Mattingly serving as members.

In regards to the Licensure Overview Committee, it will now consist of Dr. Knight as Chair and Dr. Wilson, Dr. Gay and Ms. Mattingly as members.

In regards to the Sedation Committee, it will now consist of Dr. Maron as Chair and Dr. Bennett, Dr. Knight and Dr. Stiehl as members.

Lastly, in regards to the Credentials Committee, it will now consist of Dr. Stiehl as Chair and Dr. Wilson, Mr. Scheinfeld and Ms. Mattingly as members.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

No report.

Legal Services – Ms. Kimberly Emm

Recognized Dental Specialties: Ms. Emm stated that the Board previously considered a request at its July meeting to update Rule 150-11-.01 Specialties to include Oral Medicine, Orofacial Pain, and Dental Anesthesiology. At that meeting, the Board tasked Ms. Emm with researching the matter and reporting back to the Board. After further discussion, the Board referred this matter to the Rules Committee for consideration.

Miscellaneous

Temporary Continuing Education Policy for 2020-2021: Dr. Wilson made a motion to adopt the below statement regarding Temporary Continuing Education with the proposed changes. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Due to the impact of COVID-19, the Board of Dentistry has elected to adopt this temporary continuing education policy for the 2020-2021 biennium only. Board Rules 150-3-.09 and 150-5-.05 still apply, however, in lieu of the 50% of credit hours that are required to be "in person at an on-site course or seminar," the Board will accept "live, instructor-led virtual courses or seminars."

Please be aware that pre-recorded courses, replay courses, and courses classified as self-instruction do not qualify as live, instructor-led virtual courses or seminars and will not be accepted for the credit hours required to be on-site.

Correspondence from Dr. Durwood Johnson: Ms. Emm discussed this correspondence requesting clarification regarding pre-recorded continuing education courses. The Board directed staff to respond by stating that pre-recorded continuing education courses would not be considered "live" courses.

Dr. Bert Yeargan made a motion and Dr. Debra Wilson seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h)(2), § 43-11-47(h), and § 43-1-2(k) to deliberate and receive information on applications, investigative reports, the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Debra Wilson and Dr. Bert Yeargan.

Licensure Overview Committee Appointments/Discussion Cases

- D.C.L.
- S.L.S.
- T.B.

Appearances

- V.F.S.
- S.C.

Applications

- R.L.S.
- J.J.M.
- J.C.H.
- A.D.B.
- T.S.
- N.K.V.
- D.M.R.
- H.E.S.
- D.N.T.
- D.V.T.D.
- Q.T.
- J.C.
- R.M.D.
- Y.U.P.
- A.J.P.
- S.A.V.
- M.J.
- Y.Y.
- F.A.
- B.L.C.
- J.X.J.
- N.P.
- S.C.E.
- P.V.
- A.S.M.
- R.G.
- R.C.D.
- J.A.R.
- M.C.
- O.A.W.
- N.V.D.V.
- C.L.H.H.
- A.F.M.
- B.F.M.
- M.B.Y.
- L.G.G.S.

- A.S.M.
- D.D.M.
- S.L.F.
- S.A.G.
- R.B.P.
- D.P.L.

Correspondences

- R.A.
- B.A.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT200008
- DENT200041
- DENT200050
- DENT200117
- DENT200166
- DENT200168
- DENT200169
- DENT200182
- DENT200202
- DENT200222
- DENT200223
- DENT200236
- DENT200237
- DENT200239
- DENT200442
- DENT200459
- DENT200522
- DENT200221
- DENT200325
- DENT200022
- DENT200085
- DENT200089
- DENT200099
- DENT200127
- DENT200138
- DENT200140
- DENT200145
- DENT200149
- DENT200154
- DENT200157
- DENT200158
- DENT200161
- DENT200162
- DENT200164

- DENT200191
- DENT200204
- DENT200208
- DENT200219
- DENT200224
- DENT200225
- DENT200421
- DENT200433
- DENT200520

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- W.M.
- M.B.S.
- P.S.
- K.G.
- M.C.
- E.K.

Executive Director’s Report – Mr. Eric Lacefield

- Received legal advice regarding O.C.G.A. § 43-11-6 and § 45-7-21.

Legal Services – Ms. Kimberly Emm

- D.A.O.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|-----------------------------------|--------------------------------|
| • D.C.L. | Request regarding CE requirements | Denied request |
| • S.L.S. | Correspondence | Refer to the Department of Law |
| • T.B. | Dental Hygiene Exam Applicant | Approved application |

Appearances

- | | | |
|----------|------------------------------|---|
| • V.F.S. | Denied Credentials Applicant | Uphold denial |
| • S.C. | Denied Dental Exam Applicant | Overturn denial and approve application |

Applications

- | | | |
|----------|----------------------------|--|
| • R.L.S. | Temporary Dental Applicant | Approved pending receipt of additional information |
| • J.J.M. | Temporary Dental Applicant | Table pending receipt of additional information |
| • J.C.H. | Temporary Dental Applicant | Table pending receipt of additional information |

• A.D.B.	Temporary Dental Application	Approved pending receipt of additional information
• T.S.	Temporary Dental Application	Table pending receipt of additional information
• N.K.V.	Temporary Dental Application	Table pending receipt of additional information
• D.M.R.	Temporary Dental Application	Approved application
• H.E.S.	Temporary Dental Application	Approved application
• D.N.T.	Dental Hygiene Exam Applicant	Approved as of effective date when degree obtained
• D.V.T.D.	Dental Hygiene Exam Applicant	Approved application
• Q.T.	Dental Hygiene Exam Applicant	Approved as of effective date when degree obtained
• J.C.	Dental Hygiene Exam Applicant	Approved as of effective date when degree obtained
• R.M.D.	Dental Exam Applicant	Approved application
• Y.U.P.	Dental Exam Applicant	Approved pending receipt of additional information
• A.J.P.	Dental Exam Applicant	Approved pending receipt of additional information
• S.A.V.	Dental Exam Applicant	Approved pending receipt of additional information
• M.J.	Dental Exam Applicant	Approved pending receipt of additional information
• Y.Y.	Dental Exam Applicant	Denied application
• F.A.	Dental Exam Applicant	Overturn denial and approve pending receipt of additional information
• B.L.C.	Dental Hygiene Credentials Applicant	Approved application
• J.X.J.	Dental Hygiene Credentials Applicant	Approved application
• N.P.	Dental Credentials Applicant	Approved application
• S.C.E.	Dental Credentials Applicant	Approved application
• P.V.	Dental Credentials Applicant	Approved application
• A.S.M.	General Anesthesia Applicant	Table pending receipt of additional information
• R.G.	General Anesthesia Applicant	Table pending receipt of additional information
• R.C.D.	General Anesthesia Applicant	Approved for provisional permit
• J.A.R.	Moderate Parenteral Conscious Sedation	Approved for provisional permit
• M.C.	Moderate Parenteral Conscious Sedation	Approved for provisional permit
• O.A.W.	Moderate Parenteral Conscious Sedation	Approved for provisional permit
• N.V.D.V.	Moderate Enteral Conscious Sedation	Approved application
• C.L.H.H.	Moderate Enteral Conscious Sedation	Approved application
• A.F.M.	Moderate Enteral Conscious Sedation	Table pending receipt of additional information
• B.F.M.	Moderate Parenteral Conscious Sedation	Approved evaluation
• M.B.Y.	Moderate Parenteral Conscious Sedation	Approved evaluation
• L.G.G.S.	Moderate Parenteral Conscious Sedation	Approved evaluation
• A.S.M.	Dental Hygiene Reinstatement	Approved application

- D.D.M. Dental Hygiene Reinstatement Refer to Legal Services
- S.L.F. Dental Hygiene Reinstatement Approved application
- S.A.G. Dental Hygiene Reinstatement Approved application
- R.B.P. Dental Hygiene Reinstatement Table pending receipt of additional information
- D.P.L. Dental Reinstatement Applicant Approved application

The Board directed staff to amend all sedation applications to include a question that asks if the dentist has ever had any malpractice suits filed against him/her. Additionally, the Board also requested the applications include the requirement for an updated National Practitioner Data Bank Query.

Correspondences

- R.A. Request regarding supervising dentist Approved request
- B.A. Request regarding licensure Board directed staff to respond by stating the individual must first submit a completed application before the Board can render a decision regarding licensure.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegations	Recommendation
DENT200221	Quality of Care/Substandard Practice	Mail Voluntary C&D to last known residence certified return receipt; Close Case with No Action
DENT200325	Quality of Care/Substandard Practice	Mail Voluntary C&D to last known residence certified return receipt; Close Case with No Action
DENT200022	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT200085	Quality of Care/Substandard Practice	Close with No Action
DENT200089	Quality of Care/Substandard Practice	Close with No Action
DENT200099	Unprofessional Conduct	Close with No Action
DENT200127	Quality of Care/Substandard Practice	Close with No Action
DENT200138	Quality of Care/Substandard Practice	Close with No Action
DENT200140	Billing	Close with No Action
DENT200145	Malpractice	Close with No Action
DENT200149	Records Release	Close with No Action
DENT200154	Records Release	Close with No Action
DENT200157	Morbidity and Mortality	Close with No Action
DENT200158	Billing	Close with No Action
DENT200161	Malpractice	Close with No Action
DENT200162	Malpractice	Close with No Action
DENT200164	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT200191	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT200204	Quality of Care/Substandard Practice	Close with No Action
DENT200208	Records Release	Close with No Action

DENT200219	Quality of Care/Substandard Practice	Close with No Action
DENT200224	Quality of Care/Substandard Practice	Close with No Action
DENT200225	Unprofessional Conduct	Close with No Action
DENT200421	Quality of Care/Substandard Practice	Close with No Action
DENT200433	Quality of Care/Substandard Practice	Close with No Action
DENT200520	Billing	Close with No Action

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- W.M. Private Consent Order accepted
- M.B.S. Public Consent Order accepted
- P.S. Public Consent Order accepted
- K.G. Public Consent Order accepted
- M.C. Public Consent Order accepted
- E.K. Public Consent Order accepted

The Board directed staff to accept upon receipt all Consent Agreements for Licensure by Rule Waiver.

Executive Director’s Report – Mr. Eric Lacefield

- Received legal advice regarding O.C.G.A. § 43-11-6 and § 45-7-21.

Legal Services – Ms. Kimberly Emm

- D.A.O. Request for Completion Review of Consent Order Approved request

Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver or Variance

Rule Variance Petition for Dr. Franklin Awah: Dr. Goggans made a motion to overturn its previous denial and grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Awah provided adequate justification for the variance since she successfully passed the NERB clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Awah agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Kevin Frazier

The Board viewed this correspondence for informational purposes only.

With no further business, the Board meeting adjourned at 1:32 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, December 4, 2020, at 10:00 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 6th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I
 Minutes edited by Eric R. Lacefield, Executive Director