

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

The following Board members were present:

Dr. Tracy Gay, President
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Greg Goggans
Dr. Michael Knight
Dr. Glenn Maron
Dr. Ami Patel
Mr. Mark Scheinfeld
Dr. Debra Wilson
Dr. Bert Yeargan

Staff present:

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

Special Assistant Attorney General:

James Cobb, Caplan & Cobb

Visitors:

Dr. Carol Lefebvre, Dental College of Georgia
Dr. Isioma Anizor
Gary Pickard
Dr. Randy Kluender
Dr. James E. Barron

Open Session

Dr. Gay established that a quorum was present and called the meeting to order at 10:08 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.

Approval of Minutes

Dr. Goggans made a motion to approve the Public and Executive Session minutes from the September 11, 2020 Conference Call. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Petitions for Rule Waiver or Variance

Rule Waiver Petition from Dr. Yasaman Yasini: The Board discussed this petition that was denied at the August meeting. Dr. Gay commented that Dr. Yasini was issued a dental hygiene license in July. Mr. Samuel Johnson, who represents Dr. Yasini, spoke to the Board regarding the petition. Mr. Johnson stated that Dr. Yasini is a licensed dentist in California and has been practicing since 2017. Additionally, she recently obtained her Alabama license, but does not have a job there at this time. Mr. Johnson stated that Dr. Yasini has received a job offer in Georgia. He explained that Dr. Yasini has a heart condition that would make her extremely high risk for COVID-19. Mr. Johnson stated that CRDTS is only offering the manikin exam at this time. He stated that Dr. Yasini passed WREB, which is accepted in 38 states. He requested the Board reconsider its denial of the variance as there is no avenue that would allow Dr. Yasini

to practice dentistry at this time. Dr. Gay commented that this is a petition for the Board to accept Dr. Yasini's WREB scores in lieu of CRDTS. Dr. Patel made a motion to table the petition pending further discussion of Dr. Yasini's application in Executive Session. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Amanda Arriaran: Dr. Gay commented that, based on the information provided, Dr. Arriaran would qualify for temporary licensure as she just completed a GPR residency. Dr. Arriaran spoke to the Board regarding her request. She explained that she is asking for full license with the condition that she will successfully negotiate CRDTS. Dr. Arriaran stated that she was previously scheduled to take the examination, but it was cancelled. She explained that she could obtain a supervising dentist; however, the supervisor is dealing with issues herself and could only supervise Dr. Arriaran part time. Dr. Bennett made a motion to table the petition pending further discussion of Dr. Arriaran's application in Executive Session. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Amish J. Patel: Dr. Bennett 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. Patel 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. Patel 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. Belinda Phan: Dr. Bennett 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. Phan 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. Phan 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. Darby K. Gentry: Dr. Bennett made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Additionally, Dr. Gentry was granted a temporary dentist license on 09/02/2020. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Franklin Awah: Dr. Bennett made a motion to table the petition pending further discussion of Dr. Awah's application in Executive Session. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Mahak Jain: Dr. Maron made a motion to table the petition pending further discussion of Dr. Jain's application in Executive Session. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Suraj A. Vanmali: 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. Vanmali 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. Vanmali 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. Tavneet Singh: Dr. Bennett made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested Dr. Singh submit an application for temporary dental licensure for consideration. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Alexander Faigen: Dr. Bennett made a motion to deny the rule waiver as there was no substantial hardship demonstrated. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Charles T. Quasney: Dr. Maron made a motion to grant the rule waiver petition based on the special circumstances related to Dr. Quasney's military service noted in his petition. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Magdalena Glass: Dr. Bennett 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. Glass provided adequate justification for the variance since she successfully passed two all manikin clinical examinations and the ADEX clinical examination, which involved a live patient. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Correspondence from Theresa Cloete

The Board discussed this correspondence regarding patient medication disclosure. Specifically, Ms. Cloete requested advice regarding best practices for a patient who refused to give information regarding his/her medication. In response, the Board directed staff to respond to Ms. Cloete by stating that she does have the option to refuse to treat the patient. However, to understand that the Board is precluded from offering legal advice, opinions, or interpretations of the Georgia Laws and Rules. She may wish to seek legal counsel for opinions and interpretations of the laws and rules.

Correspondence from Alan Kio, Aspen Dental

The Board considered this correspondence for informational purposes only.

Correspondence from Renee M. Marchand, WellTree Molecular Group, LLC

The Board considered this correspondence recommending that voluntary antibody testing for dental workers be recommended for incorporation into COVID-19 screening protocols. Dr. Maron responded by stating that he feels the Board should be ahead of the curve and allow dentists in Georgia to administer COVID-19 testing as part of patient exams. He stated that, as medical professionals that have a high rate of interaction with the public, dentists are a good source for testing. Dr. Gay inquired as to whether or not Dr. Maron's recommendation would be for the Board to allow for such. Dr. Maron affirmed that was correct. Dr. Maron stated that there was a question as to whether or not administering COVID-19 tests would be considered the practice of medicine and be outside the scope of dentistry. He commented that he does not know if the Board would receive any pushback from the Medical Association of Georgia (MAG) or the Georgia Composite Medical Board, and thinks the Board should not mandate it, but rather allow for such.

Ms. Marchand commented that she agrees that COVID-19 testing should be within the scope of dentistry. Dr. Bennett asked Mr. Lacefield if the Georgia Board of Pharmacy has addressed this issue. Mr. Lacefield responded that the Georgia Board of Pharmacy received notification from the U.S. Department of Health and Human Services (HHS) regarding expanding accessibility for testing and allowing pharmacists to

order and administer vaccines. Dr. Bennett inquired as to whether or not HHS has released information pertaining to dentists administering vaccines. He stated that he agrees with Dr. Maron and his thought process, but is looking for definitive language saying that it is within the scope of dentistry. Mr. Lofranco spoke to the Board regarding this matter. He stated that he the Virginia Board of Dentistry issued a statement that was very comprehensive. Mr. Lofranco explained there is language in the Virginia Order that would be a good roadmap for the Board to review. He stated that dentists would need to obtain a CLIA waiver for these types of point of care tests. He further stated that the ADA says it falls under the scope of practice, and with the waiver, dentists can administer these tests. Mr. Lofranco stated that he will forward this information to Mr. Lacefield to distribute to the Board. Dr. Maron requested this matter be tabled until the Board receives the information from GDA.

General – Dr. Tracy Gay

No report.

Sedation Committee Report – Dr. Glenn Maron

Dr. Maron discussed administration of sedation and dental assistants. He reported that after talking to the American Association of Oral and Maxillofacial Surgeons (AAOMS), there are different approaches that are appearing in this country for anesthesia and oral surgery assistants. Dr. Maron stated that some states provide certification and accept certification of assistants administering or assisting in anesthesia while other states either do not allow it or do not have a policy on it. He further stated that AAMOS is trying to mandate all oral surgery assistants have DAANCE (Dental Anesthesia Assistant National Certification Examination) certification. He explained that mandating DAANCE certification will allow additional credentials for assisting in anesthesia. Dr. Maron suggested the Board consider amending its rule to include this duty or make a new category for oral surgery assistants. The Board agreed.

Attorney General’s Report – Mr. Max Changus

No report.

Executive Director’s Report – Mr. Eric Lacefield

ADEX: Mr. Lacefield requested clarification regarding applicants that start taking the ADEX examination in 2020, but complete it in 2021. He specifically asked if those results would be considered 2021 results for the purposes of Rule 150-3-.01. Dr. Gay responded that was the intent as students take the manikin portion in his/her junior year and complete the live portion in his/her senior year. The Board was in agreement that was the intent of the rule amendment.

Legal Services – Ms. Kimberly Emm

No report.

Miscellaneous

2021 Meeting Dates: Dr. Yeargan made a motion to adopt the 2021 meeting dates as presented. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Request from Modern Dental Career Center: Dr. Goggans made a motion to approve the EDDA course submitted. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Onsite CE for 2020-2021 Biennium: Dr. Gay stated that due to the pandemic, there has been no live continuing education courses available and it seems there will not be any available for the remainder of the year. He further suggested allowing webinars/virtual continuing education to be accepted as an option for this biennium. Dr. Gay asked if there were any further suggestions. Dr. Maron commented that Hinman is scheduled for March and it is considering going virtual versus onsite. Dr. Gay stated that Rule 150-3-.09 and Rule 150-5-.05 allow half the hours to be obtained onsite and the other half be obtained online. Dr.

Maron commented that there is a difference between “online” and “virtual”. He recommended webinars or virtual instructor led courses be considered as live continuing education for this renewal cycle. Dr. Yeargan added that the courses have to be given by sponsored or board approved organizations. Mr. Changus stated that the Board can draft a policy statement for this biennium regarding online continuing education versus creating an emergency rule that could expire. The Board directed Ms. Emm to draft a policy regarding this matter and present it to the Board at its November meeting for consideration.

Appearance

Appearance by Dr. Timothy Howarth: Dr. Howarth spoke to the Board regarding his denied rule petition. Dr. Howarth explained that his petition, which was denied by the Board at its June meeting, requested a variance of Rule 150-7-.04(1)(e). He provided the Board with information concerning his work history and background. After further discussion, Dr. Goggans made a motion to overturn the denial of Dr. Howarth’s rule petition on the basis that he provided evidence of a substantial and unique hardship based on the special circumstances related to his military service. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Dr. Richard Bennett made a motion and Dr. Bert Yeargan 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), § 43-1-2(k), and § 50-14-2 to deliberate and receive information on applications, investigative reports, the Assistant Attorney General’s report and the Special Assistant Attorney General’s report. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Debra Wilson and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- C.J.C.T.
- S.G.
- D.J.B.

Applications

- K.A.V.
- C.T.Q.
- A.A.
- F.A.
- S.C.
- M.C.C.
- M.S.H.
- A.M.R.
- K.J.P.
- A.C.J.
- B.M.B.
- A.H.K.
- C.Y.W.

Correspondences

- J.P.
- S.L.K.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT200014
- DENT200017
- DENT200028
- DENT200126
- DENT200187
- DENT180245
- DENT190300

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- G.A.M.
- N.J.C.
- D.J.B.

Executive Director’s Report – Mr. Eric Lacefield

- J.M.
- J.C.H.

Legal Services – Ms. Kimberly Emm

- F.F.W.
- E.T.L.
- M.H.
- S.A.M.
- I.B.L.
- T.E.M.

Appearance

- E.K.

Special Assistant Attorney General

- Pending litigation

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

Open Session

Temporary Licenses (For use in a State of Emergency Only)

Dr. Yeargan made a motion to extend the expiration date for temporary licenses until May 31, 2021. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Dr. Yeargan made a motion to uphold the denial of the rule waiver petition from Dr. Yasaman Yasini as there was no substantial hardship demonstrated. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to grant the rule variance petition from Dr. Amanda Arriaran 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. Arriaran 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. Arriaran agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to deny the rule variance petition from Dr. Franklin Awah as there was no substantial hardship demonstrated. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to table the rule variance petition from Dr. Mahak Jain to allow for additional time for consideration. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

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

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|------------|--------------------------------|--|
| • C.J.C.T. | Dental Faculty Applicant | Approved application |
| • S.G. | Request to terminate probation | Approved request |
| • D.J.B. | Renewal Pending Applicant | The Board viewed correspondence for informational purposes only. |

Applications

- | | | |
|----------|-------------------------------------|---|
| • K.A.V. | Temporary DH Applicant | Approved application |
| • C.T.Q. | Dental Exam Applicant | Approved application |
| • A.A. | Dental Exam Applicant | Refer to the Attorney General’s Office |
| • F.A. | Dental Exam Applicant | Denied application |
| • S.C. | Dental Exam Applicant | Denied application |
| • M.C.C. | Dental Exam Applicant | Denied application |
| • M.S.H. | Dental Hygiene Exam Applicant | Approved application |
| • A.M.R. | Dental Credentials Applicant | Denied application |
| • K.J.P. | Moderate Enteral Conscious Sedation | Approved application |
| • A.C.J. | General Anesthesia Applicant | Approved for provisional permit |
| • B.M.B. | General Anesthesia Applicant | Approved for provisional permit |
| • A.H.K. | DH Reinstatement Applicant | Table pending receipt of additional information |
| • C.Y.W. | DH Reinstatement Applicant | Approved application |

The Board directed staff to amend the application for licensure by credentials to include a statement that informs the applicant that he/she is to notify the Board immediately if any responses in Part III of the application change at any time during the application process.

Correspondences

- | | | |
|----------|---|------------------------------------|
| • J.P. | Request for extension of temporary permit | Approved extension thru 05/31/2021 |
| • S.L.K. | Correspondence regarding sedation permit | Approved for renewal |

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegations	Recommendation
DENT200014	Abandonment	Refer to the Department of Law
DENT200017	Abandonment	Refer to the Department of Law
DENT200028	Abandonment	Refer to the Department of Law
DENT200126	Abandonment	Refer to the Department of Law
DENT200187	Abandonment	Refer to the Department of Law
DENT180245	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT190300	Morbidity and Mortality	Refer to the Department of Law

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- G.A.M. Public Consent Order accepted
- N.J.C. Public Consent Order accepted
- D.J.B. Public Consent Order accepted

Executive Director’s Report – Mr. Eric Lacefield

- J.M. Temporary Dentist Applicant Table pending receipt of additional information
- J.C.H. Temporary Dentist Applicant Table pending receipt of additional information

Legal Services – Ms. Kimberly Emm

- F.F.W. Request for Extension Approved extension thru 02/01/2021
- E.T.L. Request for Extension Approved extension thru 02/01/2021
- M.H. Request for Extension Approved extension thru 02/01/2021
- S.A.M. Request for Extension Approved extension thru 02/01/2021
- I.B.L. Request for Extension Approved extension thru 02/01/2021
- T.E.M. Request for Extension Approved extension thru 02/01/2021

The Board granted authority for staff to issue letters of extension for consent orders until 2/1/21 and include that due to the pandemic and the current state of continuing education, virtual live instructor-led courses may be substituted for in-person CE. This exception does not apply to online self-instruction courses.

Appearance

- E.K. Denied credentials applicant Overturn denial and refer to the Department of Law

Special Assistant Attorney General

- Pending litigation Update provided

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

Miscellaneous

Dr. Gay stated he would follow up with Dr. Callan regarding his availability for a presentation before the Board regarding the simodont dental trainer.

With no further business, the Board meeting adjourned at 1:13 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, November 6, 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