

GEORGIA BOARD OF DENTISTRY
2 MLK Jr. Drive, SE, 11th Floor, East Tower
Atlanta, GA 30334
September 8, 2023
10:00 a.m.

The following Board members were present:

Dr. Michael Knight, President
Dr. Don Spillers, Vice-President
Dr. Greg Goggans
Dr. Glenn Maron
Ms. Misty Mattingly
Dr. Ami Patel
Mr. Mark Scheinfeld
Dr. Jeffrey Schultz
Dr. Lisa Shilman
Dr. JC Shirley
Dr. Brent Stiehl
Dr. Debra Wilson
Dr. Nancy Young

Staff present:

Eric Lacefield, Executive Director
Max Changus, Senior Assistant Attorney General
Thomas McNulty, Assistant Attorney General
Clint Joiner, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Dr. Randy Kluender, Georgia School of Orthodontics
Merrilee Gober, Medical Association of Georgia
Dr. Jerry Cooper, Promethean Dental Systems
Dr. Richard Callan, Promethean Dental Systems/SRTA
Rhonda Banks, Dental College of Georgia
Luke Ray, Dental College of Georgia
Emily Yona, ADSO
Theresa G. Robertson, GDA
Ethan James, GDHA

Open Session

Dr. Knight established that a quorum was present and called the meeting to order at 10:03 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 August 4, 2023, meeting. Dr. Spillers seconded, and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Correspondences

Correspondence from Dr. Louis Malmacher, American Academy of Facial Esthetics: The Board discussed Dr. Malmacher's second request to change the delivery of the didactic portion of the American Academy of Facial Esthetics ("AAFE") injectable course to an on demand format. The Board denied Dr. Malmacher's initial request at its July meeting. Dr. Maron commented that, in his opinion, this is an area where the Board should stand firm in requiring initial training for injectable pharmacologics to be in person. Dr. Maron stated that Dr. Malmacher's letter states that the didactic portion can be taken online and then the live patient training is in person. Dr. Maron continued by stating that, from his perspective, the Board's role is to protect the public. He stated that taking an online class for recertification is permissible, but for initial certification the course should be live and in person.

Dr. Stiehl asked Dr. Maron if he was concerned about people taking the on demand format not paying attention. Dr. Maron responded by stating that the instructors say there are ways of checking them and they have to participate. He stated that many of the members have taken online courses. He explained that for his recertification for the hospital there is a live portion one has to complete and if he walks away it stops at that point. He added that you have to answer the question in order to move to the next slide. Dr. Maron stated that the reality is people do not pay attention. He further stated that anyone who has ever lectured in an academic setting knows that when you are speaking you are looking at your audience and you determine what the audience is hearing and visually getting out of it. He explained that you can change gears if you feel you are losing the audience. He added that when taking this course online, it is like reading a virtual book. Dr. Patel agreed with Dr. Maron and stated that with many online courses you cannot get all of the information you need versus attending an in-person course.

Dr. Schultz stated that Dr. Malmacher's correspondence stated that "On demand education has become the norm in dental schools and post graduate programs". He asked Dr. Young if that was an accurate statement. Dr. Young responded by stating that it is not the norm at the Dental College of Georgia (DCG). She stated that DCG does not have on demand courses. She added that they are integrating a little bit more with online things in some of the schools, but the majority is still in person. Dr. Shirley commented that there is a post graduate residency program at Children's Hospital and they do nothing on demand or online.

Dr. Maron inquired as to what MAG stood for. Ms. Merrilee Gober responded by stating that MAG stands for the Medical Association of Georgia, which is the physician's association for the state. Dr. Maron inquired if MAG offered online courses for certification. Ms. Gober responded by stating that there is online continuing education in the medical arena, but she was not aware of online courses for initial certification.

After further discussion, the Board directed staff to respond to Dr. Malmacher by stating that the Board was upholding its original vote of denial. Additionally, the Board requires initial certification for injectable pharmacologics to be completed in person. The current AAFE live program remains approved, but the Board will not approve the August 2, 2023, request as presented.

Correspondence from Dr. Stephan F. Holcomb: The Board discussed this request concerning continuing education credit for CODA site evaluators. Dr. Knight stated that Rule 150-3-.09(3)(f) states that up to fifteen (15) hours per year may be obtained by assisting the Board with administering the clinical examination. He inquired if it were possible that continuing education credit for CODA site evaluators could fall into this section. Mr. Changus responded by stating that administering the clinical examination is a different function.

Dr. Goggans explained that what Dr. Holcomb is doing is different than what members do with administering the clinical examination. He stated that being a CODA site evaluator entails many hours/weeks of preparation and reviewing materials. He further stated that it is a lot of work and should count as continuing education.

Dr. Shirley stated that he has been a CODE site visitor. He further stated that there will be others that could potentially be in that same category. He continued by stating that there may be something in CODA's rules stating that 'x' number of hours can be awarded to CODA site evaluators and then the individual can submit proof of such the Board. He added that CODA may not do that and leaves it up to the state board. Dr. Shirley stated that he felt that it should count as continuing education and inquired if the Board had a rule in place that covers such or would the rule need to be amended.

Dr. Maron inquired if the Board could create a policy stating that CODA site examiners can receive hours towards continuing education for the biennium. Mr. Changus responded by stating that the rules process is

lengthy, but the Board's rule already identifies course content that count as continuing education. He added that he felt it would be easier to amend the rule. Mr. Lacefield agreed with Mr. Changus and stated that everything is already spelled out in the rule.

After further discussion, the Board directed Mr. Joiner to draft language stating that up to fifteen (15) hours of continuing education may be obtained by being a CODA site evaluator and bring it back to the Board for consideration.

Opioid CE Requirement for Non-DEA License Holders: Dr. Spillers stated that he recently attended a Georgia Association of Orthodontists meeting. He further stated that there was an opioid class offered in order to fulfill continuing education requirements in that area. Dr. Spillers continued by stating that the presenter inquired as to how many individuals in the room had a DEA license and there were only two (2) individuals that did. Dr. Spillers stated that he was asked why non-DEA license holders are required to take the course as they do not do any prescribing. He further stated that he was also asked if the requirement could be changed to taking the course every three (3) years.

Discussion was held by the Board concerning whether the requirement was required by the legislature or by the DEA. The Board recommended tabling this matter to allow additional time to research where the requirement came from and discuss further at its October meeting.

DLOSCE and DHOSCE: Dr. Goggans stated that Dr. Peter Tragor, who is a former board member, was asking if he can send someone from the ADA to do a presentation regarding the DLOSCE and DHOSCE. Dr. Knight agreed to a presentation. Mr. Lacefield commented that the question had been posed to the Board previously and at that time, it was not interested in a presentation.

General – Dr. Michael Knight

No report.

External Committee Reports

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

CRDTS Steering Committee Report – Dr. Brent Stiehl: Dr. Stiehl reported that CRDTS has expressed concern regarding the compacts pushed towards them. He stated that the main reasoning is if the Board agrees to the compact, it loses authority and cannot promulgate rules if there is a national standard. Dr. Goggans responded by stating that was an unfounded concern. He explained that in order to have a compact, there has to be seven (7) states with it to pass. He stated that the AADB has said that they do not agree with this and want to do its own compact which has caused a huge uproar. He continued by stating that many boards got involved in helping draft these compacts. Dr. Goggans stated that the ADA asked AADB for input and the AADB would not show up to the meeting. He further stated that the ADA and different boards have put together a compact that has been introduced in twenty-five (25) states and now the AADB wants to do a different compact, which has muddied the water.

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: No report.

GDHEA Liaison Report – Dr. David Reznik, Ms. Lisa Selfe, RDH: No report.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

National Center for Interstate Compacts: Mr. Lacefield reported that he has been directed to schedule a presentation from the National Center for Interstate Compacts to the Board. He stated that a representative will be at the November meeting. Dr. Knight commented that the presenter requested to present virtually, but he felt the presentation should be in person.

Dr. Shirley inquired as to who would be presenting. Mr. Lacefield responded by stating that the presenter will be Mr. Matthew Shafer, Deputy Policy Director with the National Center for Interstate Compacts. Dr. Shirley commented that there are two (2) compacts and inquired if the Board should also invite a representative from the AADB to do a presentation. Dr. Knight responded by stating that Mr. Shafer reached out to the Board and requested to do a presentation. He stated that the Board will hear his presentation and go from there. The Board agreed.

Budget Surplus for State: Mr. Lacefield reported that based on the budget surplus for the state, the office has been allowed to make some budget requests in the amount of 3%. He explained that 3% of the budget is approximately \$26,000. He added that the office will make one-time expenditure requests that have no limit. He stated that the following requests have been made:

- Investigation software that will allow staff to view, assign, log, and keep records better than it is able to right now. He stated that currently staff are doing the best it can with licensing software that is not really suited for investigations. He further stated that the software has a \$110,000 upfront cost and a cost of \$19,200 a year for maintenance.
- A request has been made for CLEAR, which is investigate software that will allow staff to conduct searches for investigations. He explained that when conducting an investigation, there have been issues with locating individuals. He added that CLEAR is used by law enforcement. Mr. Lacefield stated that staff have been able to use the program through another agency. He added that staff feels it would be a benefit. The cost is \$6,156 a year.
- The Board has two (2) older vehicles, one is a 2006 and the other is a 2009, that our investigators use to travel the state and the vehicles are constantly having to be repaired. A request for two (2) vehicles has been made.
- A request for staffing on the Board of Pharmacy side has been made. A request was not made for staff on the Board of Dentistry side; however, any staff hired on the Board of Pharmacy side will benefit the Board of Dentistry as well.

Dr. Stiehl inquired if the software would be able to flag license holders who have not completed the required continuing education. Mr. Lacefield responded by stating that the Board decided to go with CE Broker as its continuing education tracking system and staff are just working through red tape at the moment. He noted that the contract is being reviewed and he expects the Board will be able to enter into that contract with CE Broker to provide those continuing education services.

Online Applications: Mr. Lacefield stated that he was asked about the availability of online applications. He stated that, currently, the only online application available is the dental hygiene by examination application, which was a decision made a long time ago. He explained that most of the applications require a lot of supplemental documentation be provided. Mr. Lacefield continued by stating that applicants are not able to upload the supplemental information to the website so it has to be mailed to the Board office. He

added that with acceptance of additional exams, board staff are able to retrieve those scores online. He stated that the Board's licensing software does not allow applicants to upload supplemental documentation, but he is looking to move to new software that would allow it. He requested the Board to give him some time as he thinks that the submission of all applications will be available online at some point. Mr. Lacefield stated that in the interim the software could allow for online payment of the application. He further stated that was something staff can work on in the interim until the software issues are worked through. He requested the Board allow time to get through the upcoming renewal cycle. He stated that he hopes to have the online renewal portal live in October.

Dr. Shirley thanked Mr. Lacefield for the update. He stated that moving towards having documents available online is what the rest of the world does. He further stated that the Georgia Composite Medical Board has everything online. He continued by stating that should definitely be the direction the Board is going. He added that it would give staff the ability to take those applications and distribute to board members and others, so you have not only an application portal, but a management system where one can log in to the portal and review the applications. Dr. Shirley inquired if it was something that required additional funding. Mr. Lacefield responded by stating that additional funding was not needed. He stated that he needs to get through the contracts process first and have things in line as the new fiscal year just started.

Dr. Shirley inquired if it was common for other boards to own vehicles. Mr. Lacefield answered affirmatively. He stated that some agencies are going more towards leases. He added that the vehicles currently owned by the Board were previously owned by other state agencies. Dr. Shirley stated that he was not aware of what the cost difference was with reimbursing for mileage when using a personal vehicle versus using a government vehicle. Mr. Lacefield responded by stating that a cost comparison has not been done recently, but it was done previously, and ownership was cost effective. Mr. Scheinfeld asked Dr. Shirley why he would expect someone to drive their own personal vehicle across the state. He stated that it makes no sense to put thousands of miles on a personal vehicle. Dr. Shirley responded by stating that there are other options available besides a personal vehicle, such as a rental vehicle. He stated that he wondered if that option had been explored and it sounded like it had been. Dr. Stiehl commented that the investigators spend a lot of time on the road.

Dr. Knight inquired as to how much the budget increased over the last five (5) years for each year. Mr. Lacefield responded by stating that for a while there were no state employee raises; however, employees have received raises in the last few years and the Board's budget increased by the amount of those raises. He stated that the budget has been fairly flat for a long time.

Legal Services – Mr. Clint Joiner

No report.

Miscellaneous

Sedation Evaluators: The Board discussed the two resumes presented. In regards to Dr. John Harden, Dr. Knight stated that Dr. Harden was previously a board-approved evaluator, but retired. He explained that Dr. Harden has an active dental license, but no longer has an active sedation permit. He added that Dr. Harden has years of experience in conducting evaluations. Dr. Shirley inquired as to when was the last time Dr. Harden practiced. Dr. Maron responded by stating that Dr. Harden had stopped practicing, but is practicing part-time now. Dr. Maron stated that due to the backlog of applicants waiting to be evaluated and the shortage of evaluators, he believes Dr. Harden would be a good addition.

Dr. Shilman inquired about Dr. Harden's lack of current continuing education courses for IV sedation. Dr. Knight commented that based on Dr. Harden's experience, the Board would allow him to be an evaluator due to the shortage of evaluators. Dr. Young commented that Dr. Harden also worked in a hospital. Dr.

Schultz stated that he did not have an issue with Dr. Harden's lack of continuing education since he was previously an evaluator and has been exposed to conducting evaluations.

Dr. Schultz stated that he was previously an evaluator prior to his appointment to the Board. He inquired if it would be a conflict of interest if he were to conduct sedation evaluations. Dr. Maron responded by stating that since Dr. Schultz was now a board member, he would not be able to conduct any evaluations.

Dr. Knight inquired if the Board would entertain the idea of providing the list of board-approved evaluators to the applicant once their application was approved and let the applicant contact an evaluator to work out a time to be evaluated. He stated that it may be a quicker process to do that, and the applicant and the evaluator can work out a fee. Dr. Shirley responded by stating that the problem he sees with that is the applicant picking a board-approved evaluator that he/she may know to do the evaluation.

Dr. Maron inquired if the Board would want to consider taking it out of the Board's purview of finding and approving evaluators. He stated that there are states that have companies that provide this as a service and then the applicant comes back to the Board with the evaluation in hand showing that they were evaluated by this company. He added that the company would have to be approved by the Board and the Board would not have to find and approve evaluators. Dr. Maron explained that the organization could charge whatever fee they wanted to conduct the evaluations.

Ms. Mattingly inquired if having an organization conduct the evaluations removes the Board from any liability issues. Dr. Maron responded by stating that was a good question for Mr. Changus. He stated that if one of the evaluators is conducting an evaluation and an untoward event occurs because they are examining someone, is there liability on the part of the state? Mr. Changus stated that Georgia law requires an on-site examination of a facility. He further stated that the statute states, "The board is authorized to designate qualified persons to perform the on-site examinations and is further authorized to provide by rule or regulation for standards for physical plant, equipment, and personnel to be utilized in the induction of conscious sedation." Mr. Changus stated that the Board would look at it in that it is approving an entity that meets certain qualifications who states the applicant will be able to meet the standards. He continued by stating that as far as liability, anybody can sue anybody. He stated that whether or not there is any merit to it for anyone observing a certain situation, he does not see that. He added that if that person is acting at the behest of the Board there is some coverage for that as well.

Dr. Maron stated that he would like the Sedation Committee or a subcommittee of the Board to research the matter and see how other states are doing this and report back to the Board. Dr. Knight stated that obtaining a list of current board-approved evaluators, along with how many applicants are waiting to be evaluated would be helpful. The Board agreed to scheduling a Sedation Committee meeting.

There being no further discussion, Dr. Maron made a motion to approve Dr. Lee Whitesides and Dr. John Harden as evaluators for the Sedation Committee. Dr. Goggans seconded, and the Board voted unanimously in favor of the motion.

Local Anesthesia Course Submissions: Dr. Maron made a motion to approve the following four (4) courses: Certification Course in Administration of Local Anesthesia provided by Excel Dental Educators, Local Anesthesia Training for Dental Hygienists provided by Athena Dental Solutions, LLC, Fundamentals of Local Anesthesia: A Certification Course provided by Teacher Tina RDH, and Continuing Education Local Anesthesia Course Georgia provided by Marisha Singleton, Dental Chops, LLC. Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

Sedation Course Submission: The Board discussed the IV Sedation Training for Dentists, LLC course submitted by Dr. William Moorhead that was initially denied at the Board's July meeting. Dr. Moorhead

provided additional information for the Board’s consideration. Dr. Maron made a motion to uphold the Board’s original vote of denial and directed staff to respond to Dr. Moorhead by stating the Board requires initial certification for a sedation permit to be completed in person. Dr. Goggans seconded, and the Board voted unanimously in favor of the motion.

Proposed 2024 Meeting Dates: Dr. Goggans made a motion to adopt the 2024 meeting dates as presented. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

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

Executive Session

Appearance

- L.E.B.

Licensure Overview Committee Discussion Case

- A.P.S.

Applications

- D.G.C.
- B.D.P.
- L.N.L.
- A.B.
- M.M.M.
- J.A.L.
- B.T.
- C.L.B.
- D.M.A.
- Y.R.D.
- D.H.P.

Correspondence

- A.R.R.

Investigative Committee Report – Dr. Brent Stiehl

Report presented:

- DENT230425
- DENT240079
- DENT240080

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- K.M.B.

The Board received legal advice regarding Rules 150-15-.04 Communications and 150-17-.04 Witness Lists and Respondent Statements.

Executive Director’s Report – Mr. Eric Lacefield

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

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

Appearance

- L.E.B. Denied Credentials Applicant Denial upheld

Licensure Overview Committee Discussion Case

- A.P.S. Dental Reinstatement Applicant Approved application

Applications

- D.G.C. Dental Examination Applicant Denied application
- B.D.P. Dental Examination Applicant Approved application
- L.N.L. Dental Credentials Applicant Denied application
- A.B. Initial Moderate Parenteral CS Denied application
- M.M.M. Initial Moderate Parenteral CS Approved evaluation
- J.A.L. Initial General Anesthesia Approved for provisional permit
- B.T. Dental Hygiene Reinstatement Approved application
- C.L.B. Dental Hygiene Reinstatement Tabled pending receipt of additional information

- D.M.A. Dental Hygiene Reinstatement Approved application
- Y.R.D. Dental Hygiene Reinstatement Approved application
- D.H.P. Dental Reinstatement Applicant Tabled pending receipt of additional information

Correspondence

- A.R.R. Request regarding application fee Denied request

Investigative Committee Report – Dr. Brent Stiehl

Report presented:

Complaint Number	Allegations	Recommendation
DENT230425	Quality of Care	Refer to the Department of Law for Summary Suspension
DENT240079	Quality of Care	Refer to the Department of Law for Summary Suspension
DENT240080	Quality of Care	Refer to the Department of Law for Summary Suspension

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- K.M.B. Ratified acceptance of Private Consent Order

The Board received legal advice regarding Rules 150-15-.04 Communications and 150-17-.04 Witness Lists and Respondent Statements.

Executive Director’s Report – Mr. Eric Lacefield

No report.

Legal Services – Mr. Clint Joiner

No report.

Dr. Schultz seconded, and the Board voted in favor of the motion regarding DENT230425, DENT240079, and DENT240080. Dr. Shirley recused himself from the vote regarding DENT230425.

Miscellaneous

In regards to the requirement of two (2) hours of continuing education regarding infection control in the practice of dentistry and dental hygiene, which was adopted by the Board in June, Ms. Mattingly inquired if that would be required this biennium. The Board stated it would be required effective on and after January 1, 2024.

With no further business, the Board meeting adjourned at 11:47 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, October 6, 2023, at 10:00 a.m. at 2 MLK Jr. Drive, SE, 11th Floor, East Tower, Atlanta, GA 30334.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Eric R. Lacefield, Executive Director