

**GEORGIA BOARD OF DENTISTRY**  
**Board Meeting**  
**2 Peachtree Street, NW, 36<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**April 1, 2016**  
**9:30 a.m.**

**The following Board members were present:**

Dr. Steve Holcomb, President  
Dr. Bert Yeargan, Vice-President  
Dr. Tracy Gay  
Dr. Greg Goggans  
Ms. Wendy Johnson  
Dr. Dale Mayfield  
Dr. Logan Nalley  
Dr. Antwan Treadway

**Staff present:**

Tanja Battle, Executive Director  
Bryon Thernes, Assistant Atty General  
Anil Foreman, Legal Officer

**Visitors:**

Will Bell, OPB  
Stephanie Lotti, GDA  
Ryan Loke, PDS  
Pete D. Nunez  
Maria Nunez

**Open Session**

Dr. Holcomb established that a quorum was present and called the meeting to order at 9:45 a.m.

**Introduction of Visitors**

Dr. Holcomb welcomed the visitors.

**Approval of Minutes**

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the March 18, 2016 meeting. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

**Licenses to Ratify**

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

**Petition for Rule Waiver from Dearl C. Duncan**

Dr. Yeargan made a motion to deny the rule waiver petition. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Dr. Bert Yeargan made a motion and Dr. Logan Nalley 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, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Tracy Gay, Dr. Greg Goggans, Dr. Steve Holcomb, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

**Executive Session**

**Appearance**

- P.D.N.

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

## **Open Session**

### **General – Dr. Steve Holcomb**

Dr. Holcomb reported that he will update everyone on committee assignments prior to the end of the meeting.

### **CE Audit Committee Report – Dr. Richard Bennett**

Ms. Battle reported that certified letters went out to those licensees that were audited and had not responded to the first notice sent. The licensee will have thirty (30) days to respond. A list of licensees that did not respond will be provided at the next meeting.

### **Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway**

No report.

### **Credentials Committee Report – Dr. Greg Goggans**

No report.

### **Dental Hygiene Committee Report – Ms. Rebecca Bynum**

Dr. Holcomb reported that the dental hygiene exams for CRDTS are gearing up next month and will continue into the summer. He reminded the Board that the recommendation from Georgia was to have a dental examiner at each of the hygiene sets across the region. He stated that there are many hygiene sites and advised the board members that are examiners that the exam is smoothly run and the hygienists are very attentive.

### **Examination Committee Report – Dr. Steve Holcomb**

Dr. Holcomb reported that the results from the patient-based CRDTS examination for Georgia are in and everything went well. He stated that retest exams are in April into May. Additionally, he reported there is an Examination Review Committee meeting at the end of April.

### **Investigative Committee Report – Dr. Bert Yeargan**

No report.

### **Legislative Committee Report – Dr. Greg Goggans**

No report.

### **Licensure Overview Committee Report – Dr. Tracy Gay**

No report.

### **Rules Committee Report – Dr. Tom Godfrey**

No report.

### **Education Committee Report – Dr. Tom Godfrey**

No report.

### **Long Range Planning Committee Report – Dr. Steve Holcomb**

No report.

### **CRDTS Steering Committee – Dr. Logan Nalley**

No report.

**IP Committee Report – Dr. Richard Bennett**

No report.

**Executive Director’s Report – Ms. Tanja Battle**

Correspondence from B. Gail Demko, DMD: The Board considered this correspondence from Dr. Demko requesting the Board’s advice on prescribing oral appliances for the treatment of sleep apnea. Dr. Holcomb responded that he recalled that it was the position of the Board that it was not appropriate for a dentist to order such.

**Attorney General’s Report Open Session – Mr. Bryon Thernes**

No report.

Dr. Logan Nalley made a motion and Dr. Tracy Gay 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, and the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Dr. Tracy Gay, Dr. Greg Goggans, Dr. Steve Holcomb, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

**Executive Session**

**Attorney General’s Report**

The Board received legal advice regarding sleep apnea appliances.

**Applications**

- A.F.T.

**Investigative Committee Report**

Report presented:

- DENT140145
- DENT130017
- DENT150123
- DENT150198
- DENT150391
- DENT130087
- DENT150327
- DENT140114
- DENT150007
- DENT150224
- DENT150236
- DENT150287
- DENT150299
- DENT140189
- DENT150238
- DENT160122
- DENT160240
- DENT160258
- DENT150289
- DENT120194

- DENT150089
- DENT150096
- DENT150166
- DENT150167
- DENT150168
- DENT150172
- DENT150208
- DENT150281
- DENT150393
- DENT140116
- DENT150358
- DENT150338
- DENT160303
- DENT150342
- DENT150286
- M.A.J.
- DENT150264
- DENT150112
- Advertising Complaints

**Correspondence**

- A.A.

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

**Open Session**

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

**Appearance**

- P.D.N.                      Denied Dental Credentials Applicant                      Uphold denial

**Attorney General’s Report**

The Board received legal advice regarding sleep apnea appliances.

**Applications**

- A.F.T.                      Dental Hygiene Reinstatement                      Table pending receipt of additional information

**Investigative Committee Report**

Report presented:

<b>Complaint Number</b>	<b>Allegations</b>	<b>Recommendation</b>
DENT140145	Malpractice	Close with no action
DENT130017	Malpractice	Close with no action
DENT150123	Unlicensed practice	Close with no action
DENT150198	Unsanitary conditions	Close with no action
DENT150391	Fraud/misrepresentation	Accept Vol C&D order and close the case

DENT130087	Quality of care/substandard practice	Refer to the Department of Law
DENT150327	Unsanitary conditions	Close with no action
DENT140114	Quality of care/substandard practice	Close with no action
DENT150007	Quality of care/substandard practice	Close with no action
DENT150224	Unprofessional conduct	Close with no action
DENT150236	Records release	Close with no action
DENT150287	Failure to perform client services	Close with no action
DENT150299	Quality of care/substandard practice	Close with no action
DENT140189	Quality of care/substandard practice	Refer to the Department of Law
DENT150238	Quality of care/substandard practice	Close with no action
DENT160122	Billing	Close with a letter of concern
DENT160240	Quality of care/substandard practice	Close with no action
DENT160258	Unprofessional conduct	Close with no action
DENT150289	Quality of care/substandard practice	Close with no action
DENT120194	Advertising	Close with no action
DENT150089	Other	Close with no action
DENT150096	Quality of care/substandard practice	Close with no action
DENT150166	Unprofessional conduct	Close with no action
DENT150167	Fraud	Close with no action
DENT150168	Quality of care/substandard practice	Close with a letter of concern
DENT150172	Unprofessional conduct	Close with no action
DENT150208	Fraud/misrepresentation	Close with no action
DENT150281	Morbidity and mortality	Close with no action
DENT150393	Unprofessional conduct	Close with a letter of concern
DENT140116	Quality of care/substandard practice	Refer to the Department of Law
DENT150358	Quality of care/substandard practice	Close with no action
DENT150338	Unprofessional conduct	Close with a letter of concern
DENT160303	Quality of care/substandard practice	Close with a letter of concern
DENT150342	Quality of care/substandard practice	Close with no action
DENT150286	Unprofessional conduct	Close with no action
M.A.J.	Request for extension to comply with consent order	Grant request for extension
DENT150112	Quality of care/substandard practice	Send response to complainant that the Board found no violation of the Dental Practice Act
Advertising Comp	Advertising	Refer Rule 150-10-.01 to Rules Committee

**Correspondence**

- A.A. Request for refund Request denied

Dr. Nalley seconded and the Board voted in favor of the motion, with the exception of Dr. Goggans, who recused himself from the vote regarding DENT150289.

**Miscellaneous**

Dr. Holcomb advised the Board of updated committee assignments.

The Board discussed new Investigative Committee (IC) guidelines. The Board stated that regularly scheduled IC meetings need to be finished no later than 3:00 p.m. IC will see appointments only from

8:00 a.m. to 9:30 a.m. prior to the full Board meeting, which will begin at 10:00 a.m. Staff will find out how many ad-hoc members will be available and schedule appointments before all full Board meetings moving forward. Dr. Yeargan made a motion to approve the new guidelines. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to adopt the following policy regarding prescribing and fabrication of sleep apnea appliances:

*Depending upon the diagnosis of the type and severity, one possible treatment option for obstructive apnea is the use of oral appliances. The design, fitting and use of oral appliances and the maintenance of oral health related to the appliance falls within the scope of practice of dentistry. The continuing evaluation of a person's sleep apnea, the effect of the oral appliance on the apnea, and the need for, and type of, alternative treatment do not fall within the scope of dentistry. Therefore the prescribing of sleep apnea appliance does not fall within the scope of the practice of dentistry. It is the position of the Board that a dentist may not order a sleep study. Home sleep studies should only be ordered and interpreted by a licensed physician. Therefore, only under the orders of a physician should a dentist fabricate a sleep apnea appliance for the designated patient and conduct only those tasks permitted under O.C.G.A. Title 43, Chapter 11.*

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

In regards to the correspondence from Dr. Demko that was discussed earlier that morning, Dr. Goggans made a motion to refer Dr. Demko to the new policy regarding prescribing and fabrication of sleep apnea appliances. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 11:17 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, May 6, 2016, at 10:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Anil Foreman, Legal Officer  
Minutes edited by Tanja D. Battle, Executive Director