

GEORGIA BOARD OF DENTISTRY
Board Meeting
April 10, 2015
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
9:30 a.m.

The following Board members were present:

Dr. Stephen Holcomb
Ms. Becky Bynum
Dr. Randy Daniel
Dr. Tracy Gay
Dr. Tom Godfrey
Dr. Greg Goggans
Dr. Antwan Treadway (*arrived @ 10:20 a.m.*)
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Asst Attorney General
Anil Foreman, Legal Officer
Brandi Howell, Bus Operations Specialist

Visitors:

James E. Barron, GDS
Wanda Nill
Sarah Sikkelee, Kool Smiles
Tyler Kaplan, JP Morgan
Dee Love, SDG
Tina Titshaw, HCS/SDG
Terrence Walker
Warren Borders
Donald Brown, GDA
Melana McClatchey, GDA

Open Session

Dr. Holcomb established that a quorum was present and called the meeting to order at 9:34 a.m.

Introduction of Visitors

Dr. Holcomb welcomed the visitors.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public Session minutes for the March 20, 2015 meeting. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to approve the Executive Session minutes for the March 20, 2015 meeting. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Correspondence from Dr. Michael Thomas, Jr.

The Board considered this correspondence requesting clarification on how residency hours may be credited towards the continuing education requirement for renewal. Discussion was held regarding a newly licensed dentist submitting proof of dental coursework taken within the previous two years of the date of the renewal application and being exempt from the continuing education requirements. The Board directed staff to relay this information to Dr. Thomas as well as notify him that he has sufficient hours otherwise.

Correspondence from Dr. Krishna Patel

The Board considered this correspondence regarding whether or not the hours obtained from a CPR course count toward the twenty (20) hours of lecture-based hours. The Board directed staff to respond by stating that the hours obtained from a CPR course would count towards the required twenty (20) hours of on-site continuing education.

CE Audit Committee Report – Dr. Richard Bennett

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Randy Daniel

Dr. Daniel reported that the Sedation Committee met earlier that morning and voted to add an anesthesia monitor attestation form to the application for additional site/change in location. Dr. Daniel stated that the Committee is also considering incorporating this form into the renewal application.

Credentialing Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that an Exam Review Committee is starting that evening in Kansas City and will meet all day the next day.

Dr. Holcomb reported that Dr. Daniel will be going to the University of Alabama at Birmingham to assist with the upcoming examination.

Dr. Holcomb stated that beginning this fall UAB's rising seniors, will be doing manikin and patient-based portions prior to the holidays. The Dean will sign off that the students are competent in those procedures. Additionally, the rising juniors will be testing in the Spring on the manikin-based portion; however, they will be asking if rising juniors can take this exam at the beginning of their junior year.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Legislative Committee Report – Dr. Greg Goggans

Dr. Goggans reported that the legislative session is complete. There are three (3) bills of interest in the Senate. These bills address the issue of the mid-level provider bill, hygiene injections, and general supervision.

Licensure Overview Committee Report – Dr. Tracy Gay

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey made a motion to post Rule 150-7-.04 Dental Provisional Licensure by Credentials. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Rule 150-7-.04 Dental Provisional Licensure by Credentials

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

(b)(2) "Provisional Licensure by Credentials" means a license to practice dentistry in the State of Georgia granted to individuals licensed to practice dentistry in another state who have not met all of the

requirements for a regular dental license but who have met equivalent requirements for the practice of dentistry as set forth in O.C.G.A. § 43-11-41 and by board rule.

~~(c)(3)~~ “Full-Time Clinical Practice” means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the hands-on treatment of patients. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. Training programs do not qualify as full-time clinical practice.

~~(d)(4)~~ “Active Dental License” is defined as an unencumbered license held by an individual without restrictions.

~~(e)(5)~~ “Full-Time Clinical Faculty Practice” means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. Training programs do not qualify as full-time clinical faculty practice.

~~(2)(6)~~ Only those applicants licensed and currently engaged in full-time clinical practice as defined in subsection ~~(1)(c)(3)~~ of this rule in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials.

Applicants from states not issuing licenses by credentials are ineligible.

~~(3)(7)~~ The board may, in its discretion, grant a provisional license by credentials to dentists licensed in another state who do not hold a Georgia license to practice dentistry.

~~(4)(8)~~ As set forth in O.C.G.A. § 43-11-41, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active dental license in good standing from another state.

(b) Must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency.

(c) Applicants must have been in full-time clinical practice, as defined in subsection ~~(1)(c)(3)~~ of this rule; full-time faculty as defined in subsection ~~(1)(e)(5)~~ of this rule; or a combination of both for each of the five years immediately preceding the date of the application.

(d) Candidates with any felony convictions are not eligible. Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs including, but not limited to controlled substances, are not eligible.

(e) Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, must provide the following in order to complete their application:

1. Certified copy of the applicant’s testing results showing passage of all sections with a score of 75 or higher or its equivalent score on a clinical examination administered by the board or a testing agency designated and approved by the board.

(i) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

2. Show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be administered in the English language.

3. Proof of current CPR certification;

4. Copies of any and all National Practitioner’s Data Bank reports pertaining to the applicant;

5. Official transcripts under seal from a school or university from which the applicant received his/her doctorate in dentistry;

6. National Board scores showing passage of all sections of the examination with a score of 75 or higher;

7. Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry; ~~and~~

8. Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

9. In accordance with O.C.G.A. §50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with his or her application.

~~(5)~~(9) Those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, in addition to the information required in subsection (8)(a), (c), (d) and (e) of this rule must also provide the following in order to complete their application:

(a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(b) Certification by the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.

~~(6)~~(10) A certification letter from a dental board or regional testing agency of a passing score of 75 or higher on each section of a clinical licensure examination substantially equivalent to the clinical licensure examination required in Georgia and which was administrated by the dental board or its designated testing agency. A certification letter from the applicants' dental school is not acceptable.

(a) Such certification shall state that the examination included procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;
2. endodontics, clinical abilities testing;
3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;
4. anterior class III composite preparation and restoration, human subject clinical abilities testing;
5. crown preparation, clinical abilities testing;
6. prosthetics, written or clinical abilities testing;
7. oral diagnosis, written or clinical abilities testing; and
8. oral surgery, written or clinical abilities testing.

(b) In addition to the foregoing requirements to be eligible for licensure consideration by credentials, a license examination after January 1, 1998 shall include:

1. anonymity between candidates and examination raters;
2. standardization and calibration of raters; and
3. a mechanism for post exam analysis.

(c) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

(d) All applicants must show passage of a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

~~(7)~~(11) Within the first two (2) years of being granted a provisional license by credentials, the applicant must establish full-time clinical practice which that is defined in subsection (2) of this rule as 1,000 hours in the hands-on treatment of patients per twelve (12) month period, or the license will be automatically revoked.

~~(8)~~(12) Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection ~~(2)~~(6) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(9)(13)~~ Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection ~~(2)(6)~~ of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(10)(14)~~ These exempt applicants must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicants' general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

~~(11)(15)~~ For the first five biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full-time clinical practice in the State of Georgia as defined in subsection ~~(1)(c)(3)~~ of this rule.

~~(12)(16)~~ The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dentist licensed by the Board, or to discipline a dentist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §§ 43-1-19, 43-11-47.

Dr. Godfrey made a motion to post Rule 150-26-.01 Federal Student Loan Default. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Rule 150-26-.01 Federal Student Loan Default

(1) A person holding a current license issued by the Georgia Board of Dentistry ("Board") may have his/her license indefinitely suspended if s/he is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.

(2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the Board shall provide written notice to the licensee via certified or registered mail at the licensee's address of record. The notice shall contain the following:

(a) The Board's intended action to suspend the license;

(b) The licensee's right to request an appearance before the Board;

(c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and

(d) The address and telephone number of the Board.

(3) If the licensee does not request an appearance before the Board within thirty (30) days, the licensee waives the right for an appearance before the Board, and the license shall be suspended.

(4) If a request to appear is timely received by the Board, the suspension of the license shall be stayed pending the licensee's appearance before the Board.

(5) Upon receipt of the request for an appearance before the Board, the Board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:

(a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;

(b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;

(c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.

(6) Within fourteen (14) working days after the licensee's appearance before the Board, the Board will issue its decision. The Board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.

(7) If the license is suspended, the licensee shall not practice during the period of suspension.

(8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment

program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:

(a) Request in writing to the Board that the suspension be lifted;

(b) Provide the Board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;

1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.

(c) Demonstrate to the satisfaction of the Board that the license has been timely renewed, where applicable, and, other than the suspension provided by this rule, is otherwise in good standing; and

(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.

(9) Upon compliance with paragraph (8), the Board shall lift the suspension on the license. However, the Board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.

(10) If the licensee fails to timely renew his/her license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the Board. The person who held the lapsed suspended license must comply with the Board's rules for reinstatement, pay any reinstatement fee, and provide the Board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the Board whether to reinstate the license.

A motion was made by Dr. Godfrey, seconded by Dr. Yeargan, and the Board voted that the formulation and adoption of these new and amended rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Dentistry.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that the GRU presidential search committee is still accepting applications.

He further reported that the Dean of the Dental School has a renewed desire to stay in communications with the Board on a regular basis.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that by the end of this year he imagines the list previously provided to the Board will be updated by Fall of this year.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Holcomb reported that the Steering Committee is scheduled to meet again in June. A recent update, which he was provided last evening, indicated that they are moving along with changes with the home office in Topeka. Lastly, he reported that there will probably be a CRDTS report in June or early July.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director’s Report – Ms. Tanja Battle

No report.

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

No report.

Dr. Greg Goggans made a motion and Dr. Tom Godfrey 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 Ms. Becky Bynum, Dr. Randy Daniel, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- M.L.B.
- J.C.M.

Applications

- K.K.W.
- N.C.G.
- K.L.T.
- N.N.D.
- C.R.W.
- J.M.B.
- P.A.W.
- T.C.B.
- V.S.

Correspondences

- Correspondence from D.T.

Investigative Committee Report

Report presented:

- DENT140128
- DENT140134
- DENT140168
- DENT140241
- DENT150059
- DENT150078
- DENT120178
- DENT140101
- DENT140015
- DENT140051
- DENT150179

- DENT150233
- DENT140050
- DENT140113
- DENT140135
- DENT140148
- DENT140291
- DENT140292
- DENT140293
- DENT140294
- DENT140296
- DENT140297
- DENT140298
- DENT140299
- DENT140300
- DENT140301
- DENT140304
- DENT140322
- DENT150005
- DENT150052
- DENT150095
- DENT150106
- DENT150282

Appearances

- T.L.W.
- J.H.W.

Executive Director's Report – Ms. Tanja Battle

- Staffing update
- IP Correspondence
- A.F.

Attorney General's Report – Mr. Bryon Thernes

- T.L.W.
- Discussion was held regarding Rule 150-3-.01 Examination for Dental Licensure.
- Discussion held regarding sleep apnea appliances.

Mr. Thernes discussed the following case:

- C.P.H.

Mr. Thernes presented the following consent orders for acceptance:

- K.A.S.
- M.A.J.
- I.E.

Miscellaneous

- F.L.
- A.S.

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

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

Licensure Overview Committee Appointments/Discussion Cases

- M.L.B. Dental Hygiene Exam Applicant Approved application
- J.C.M. Request to terminate probation Request approved

Applications

- K.K.W. Dental Hygiene Reinstatement Approved application with letter of concern
- N.C.G. Dental Reinstatement Approved application with letter of concern
- K.L.T. Dental Hygiene Reinstatement Approved application
- N.N.D. Dental Credentials Applicant Table pending receipt of additional information

- C.R.W. Inactive Status Applicant Approved application
- J.M.B. Inactive Status Applicant Approved application
- P.A.W. Inactive Status Applicant Approved application
- T.C.B. Dental Hygiene Exam Applicant Approved pending receipt of additional information

- V.S. Dental Exam Applicant Approved application

Correspondences

- Correspondence from D.T.: Directed staff to respond by stating that in order to meet the qualifications for licensure by credentials, the individual will need to complete a patient-based periodontal examination and clinical-based endo examination.

Investigative Committee Report

Report presented:

Complaint number	Allegations	Recommendations
DENT140128	Quality of Care/Substandard Practice	Close, no action
DENT140134	Quality of Care/Substandard Practice	Refer to A G's Office
DENT140168	Quality of Care/Substandard Practice	Close, no action
DENT140241	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT150059	Quality of Care/Substandard Practice	Close, no action
DENT150078	Quality of Care/Substandard Practice	Close, no action
DENT120178	Quality of Care/Substandard Practice	Close - but Flag License
DENT140101	Created from Compliance	Close - but Flag License
DENT140015	Records Release	Close - but Flag License
DENT140051	Other	Close - but Flag License
DENT150179	Unlicensed Practice	Close with Letter of Concern
DENT150233	Unlicensed Practice	Close, no action
DENT140050	Unprofessional Conduct	Close, no action
DENT140113	Quality of Care/Substandard Practice	Close, no action
DENT140135	Quality of Care/Substandard Practice	Close, no action
DENT140148	Quality of Care/Substandard Practice	Close, no action
DENT140291	Fraud	Close, no action

DENT140292	Fraud	Close, no action
DENT140293	Fraud	Close, no action
DENT140294	Fraud	Close, no action
DENT140296	Fraud	Close, no action
DENT140297	Fraud	Close, no action
DENT140298	Fraud	Close, no action
DENT140299	Fraud	Close, no action
DENT140300	Fraud	Close, no action
DENT140301	Fraud	Close, no action
DENT140304	Fraud	Close, no action
DENT140322	Quality of Care/Substandard Practice	Close, no action
DENT150005	Quality of Care/Substandard Practice	Close, no action
DENT150052	Quality of Care/Substandard Practice	Close, no action
DENT150095	Quality of Care/Substandard Practice	Close, no action
DENT150106	Quality of Care/Substandard Practice	Close, no action
DENT150282	Morbidity and Mortality	Close, no action

Appearances

- T.L.W. Denied Dental Credentials Applicant Denial upheld
- J.H.W. Denied Dental Credentials Applicant Overturn denial and grant licensure effective May 24, 2015

Executive Director’s Report – Ms. Tanja Battle

- Staffing update: No action taken
- IP Correspondence: No action taken
- A.F. Request to terminate probation Table pending receipt of additional information

Attorney General’s Report – Mr. Bryon Thernes

- The Board received legal advice regarding T.L.W.
- The Board received legal advice regarding Rule 150-3-.01 Examination for Dental Licensure.
- Discussion held regarding sleep apnea appliances. The Board directed staff to respond to S.L. by stating that 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.

Mr. Thernes discussed the following case:

- C.H.P. No action taken

Mr. Thernes presented the following consent orders for acceptance:

- K.A.S. Public Consent Order to be accepted and signed with express permission upon receipt of the original
- M.A.J. Public Consent Order to be accepted and signed with express permission upon receipt of the original
- I.E. Public Consent Order accepted

Miscellaneous

- F.L. Approve the course pending a favorable audit conducted by a member of the Board.
- A.S. Approve injectable pharmacologics application.

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

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, May 22, 2015, at 12:00 p.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

The Board meeting adjourned at 12:56 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director