

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
April 13, 2018
10:00 a.m.

The following Board members were present:

Dr. Tom Godfrey, President
Ms. Becky Bynum
Dr. Steve Holcomb
Dr. Logan Nalley
Dr. Antwan Treadway
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Bekah Adamson, GDHA
Pam Cushenan, GDHA
Kevin Frazier, DCG
James E. Barron, GDS
Scott Lofranco, GDA
Darnell Smith
Pam Wilkes, Help A Child Smile

Open Session

Dr. Godfrey established that a quorum was present and called the meeting to order at 10:20 a.m.

Introduction of Visitors

Dr. Godfrey welcomed the visitors.

Approval of Minutes

The Board recommended tabling consideration of the minutes until later in the meeting.

Licenses to Ratify

Dr. Nalley made a motion to include education information on all examination and credentials applications. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Ms. Bynum 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 Dr. George E. Kirtley

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

Correspondence from Henry D. Fellows, Jr.

The Board recommended tabling this correspondence for legal advice in executive session.

Correspondence from Paulette Pool

The Board recommended tabling this correspondence for legal advice in executive session.

Question from Lina Palacio

The Board recommended tabling this correspondence for legal advice in executive session.

Question from Dr. Aimee Cassinelli

The Board recommended tabling this correspondence for legal advice in executive session.

Correspondence from Senator Kay Kirkpatrick, M.D.

The Board recommended tabling this correspondence for legal advice in executive session.

Correspondence from Representative Penny Houston

The Board recommended tabling this correspondence for legal advice in executive session.

Correspondence from Dr. Angela Botero

The Board considered this correspondence asking what the regulations in Georgia are for dentists and platelet rich plasma procedures (PRP) in Georgia. Dr. Nalley made a motion to direct staff to respond by stating that the application of the plasma on the skin of the face for rejuvenation/healing does not fall within the scope of practice under the Georgia Board of Dentistry. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Barry Hammond, The Dental College of Georgia

The Board considered this correspondence regarding a recently adopted amendment to Board Rule 150-3-.09 requiring the dentist to obtain one (1) hour of continuing education on opioid abuse and/or the proper prescription writing and use of opioids in dental practice effective for the 2019 renewal year. Dr. Holcomb made a motion to respond to Dr. Hammond's questions as follows:

- 1) This will be a semi-annual requirement so dentists would need to complete it once every two years on the re-licensure year, correct? *It will be required biennially.*
- 2) What must be included in this? Are there explicit guidelines for what must be covered? If so, where can I get those? *The course may cover the impacts of opioid abuse; proper prescription writing; and use of opioids in dental practice as stated in the rule.*
- 3) Does the course (training) have to be live or can it be online? I assume for either option participants would need to successfully pass a test of some sort or just have proof they took the course? *The course may be taken online as long as the requirement for in-person CE hours are met.*

Correspondence from Dr. Nikole Adamson

The Board considered this correspondence requesting clarification regarding allowed procedures by expanded duties dental assistants. Specifically, the use of a digital scanner for imaging of restorative procedures. The Board recommended tabling this matter until it receives legal advice from Mr. Thernes in Executive Session.

Correspondence from Suzanne Newkirk

The Board considered this correspondence asking whether or not a dental hygienist can perform finger stick blood test for diabetes under direct supervision. If this is not permitted, Ms. Newkirk asks if the dental hygienist is able to take a continuing education course to gain the ability to do this like a dental assistant can take a course and then do phlebotomy and venipuncture procedures. Dr. Treadway made a motion to direct staff to email the content of this question to Dr. Kevin Frazier, The Dental College of Georgia at Augusta University, for input. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Correspondence from Karey Dewing

The Board considered this correspondence asking what the rules and regulations are for providing Orofacial Myofunctional Therapy in general practice as it pertains to dental and dental hygiene licenses. The Board recommended directing staff to respond by stating that Orofacial Myofunctional Therapy would fall under the practice of dentistry and would not be considered a duty that could be delegated to a dental hygienist.

Correspondence from Dr. Richard A. Weinman, GDA

The Board considered this correspondence regarding recent changes to O.C.G.A. § 43-11-74. Dr. Weinman's correspondence specifically asks the following questions:

1. Does the term, "oral prophylaxis," include a periodontal prophylaxis (D4910), so as to allow a Georgia licensed dentist who satisfies all the requirements of the Hygiene Supervision Law to authorize that this procedure be performed under general supervision?
2. Do the terms, "fluoride treatments," and "topical fluoride," as used in O.C.G.A. § 43-11-74(h) and (i), include silver diamine fluoride, so as to allow a Georgia licensed dentist who satisfies all of the requirements of the Hygiene Supervision Law to authorize that this type of fluoride be applied under general supervision?

The Board recommended tabling this correspondence for later in the meeting.

Correspondence from Suzanne Newkirk

The Board considered this correspondence regarding recent changes to O.C.G.A. § 43-11-74. Ms. Newkirk's correspondence specifically asks the following questions:

1. Can a dental hygienist working in a periodontal speciality practice provide CDT Code 4910 (Periodontal Maintenance) on a patient if they are working under general supervision?
2. When is it appropriate to bill D4910—periodontal maintenance?
Following is some information found on Periodontal Maintenance and when it is appropriate to bill the CDT Code for it:
If the dentist is a periodontal specialist (periodontist)
If your patient is currently being maintained for a history of periodontal disease
If your patient has undergone a full mouth debridement and requires therapy to maintain healthy gums in order to slow progression of periodontal disease
If your patient has undergone periodontal scaling and root planing within the last 24 months
If your patient has undergone periodontal osseous surgery within the last 24 months
If your patient has a history of periodontal gingival flap surgery
3. Can the new gingival inflammation code D4346 (scaling in presence of generalized moderate or severe gingival inflammation) be billed to the patient if the patient is seen by a hygienist working under general supervision?

The Board recommended tabling this correspondence for later in the meeting.

Correspondence from Pam Cushenan

The Board considered this correspondence regarding recent changes to O.C.G.A. § 43-11-74. Ms. Cushenan's correspondence requests feedback from the Board regarding periodontal maintenance.

The Board recommended tabling this correspondence for later in the meeting.

Correspondence from Julia Heying

The Board considered this correspondence regarding recent changes to O.C.G.A. § 43-11-74. Ms. Heying would like to confirm if scaling/root planings are NOT allowed without the dentist present. Only simple prophylaxis and full mouth debridements. Ms. Emm added that this is a safety net setting.

The Board recommended tabling this correspondence for later in the meeting.

Correspondence from Dr. Susan Baker

The Board considered this correspondence regarding recent changes to O.C.G.A. § 43-11-74. Dr. Baker's correspondence requested clarification concerning periodontal prophylaxis and applying silver diamine fluoride without the presence of the dentist in the office.

The Board recommended tabling this correspondence for later in the meeting.

Correspondence from Courtney Roberts

The Board considered this correspondence requesting clarification on scaling with general supervision and grouped it with the other inquiries that will be addressed later.

Correspondence from Amanda Conger

The Board considered this correspondence requesting assistance with finding an 8-hour certification class needed for a dental assistant to perform rubber cup prophylaxis. Ms. Emm stated that the policy addendum for coronal polishing/rubber cup prophylaxis adopted by the Board at its conference call on January 24, 2018 is still with the Governor's office. She stated until it is approved by the Governor, the Board will not be able to address this inquiry.

Correspondence from Erin Brammer

The Board considered this correspondence asking if there are any specific guidelines that need to be followed regarding the frequency and documenting of probing depths. Dr. Holcomb made a motion to direct staff to respond by stating that probing depths should be done on a periodic and recurring basis. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

General – Dr. Tom Godfrey

Dr. Godfrey brought up the subject of teeth whitening in an effort to continue the conversation regarding the Board's position. He opened the discussion by asking for any input. Dr. Holcomb responded by stating that teeth whitening uses caustic chemicals, which can penetrate and cause tooth damage if not monitored adequately. He added that this type of monitoring takes a certain level of training. Dr. Godfrey asked if there are a set of circumstances that would prohibit the use of chemicals. Dr. Holcomb stated that in addition to other conditions, caries or soft tissue lesions could be impacted. Additionally, he stated there is also a concern regarding sanitation and infection control. Dr. Holcomb stated the Board used several resources when it was researching teeth whitening. It used research documentation to formulate its position, but also to support the Board's findings. Dr. Holcomb discussed the federal court ruling in the Holton case that said the Board had a rational basis for regulating teeth whitening as the practice of dentistry, based on public health and consumer reliance. Dr. Holcomb indicated that the Board's position still appears to be justified. Dr. Godfrey asked if anyone had any further comments. There were none.

CE Audit Committee Report – Dr. Richard Bennett

No report.

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

No report.

Examination Committee Report – Dr. Bert Yeargan

No report.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Legislative Committee Report – Dr. Greg Goggans

Mr. Scott LoFranco, GDA, spoke to the Board regarding legislation that passed regarding virtual credit card reimbursements. He also mentioned a bill that attempted to create some transparency for patients regarding medical teams (in network/out) which did not pass.

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. Holcomb made a motion to appoint Dr. Nalley as the CRDTS Steering Committee Representative. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director’s Report – Ms. Tanja Battle

Ms. Battle reported that the Department of Public Health has shared a survey regarding the use of antibiotics. Dr. Godfrey suggested they add an option to expound on any answers.

Ms. Battle discussed the State Treasury’s policy regarding convenience fees for credit card transactions. She stated she and staff are currently assessing contracts with various vendors that can support such. She wanted to share this as information to keep the Board updated as it will impact licensees in the future. She will continue to update as information regarding implementation becomes available.

Attorney General’s Report – Mr. Bryon Thernes

North Carolina DSO Rule: Mr. Thernes reported that Dr. Bennett previously requested this information.

Louisiana Specialty Rule: Dr. Holcomb asked for a status. Mr. Thernes stated he is still researching the matter.

Legal Services – Ms. Kimberly Emm

Ms. Emm discussed an inquiry she received from a representative of Accelerated Dental Assisting Academy about a 10-week dental assisting course. The school is unable to obtain accreditation through CODA, but is accredited by the Georgia Nonpublic Postsecondary Education Commission. The Board recommended directing staff to respond by stating that accreditation by the Georgia Nonpublic Postsecondary Education Commission qualifies its students under 150-9-.02(2)(b), upon graduation, to take approved EDDA courses.

Dr. Steve Holcomb 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) 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. Tom Godfrey, Dr. Steve Holcomb, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Applications

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

Correspondences

- E.L.
- C.E.G.
- A.N.A.
- J.I.G.
- H.A.N.
- K.K.S.
- M.K.H.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT110011
- DENT140219
- DENT140222
- DENT150068
- DENT150114
- DENT150194
- DENT150221
- DENT150369
- DENT160132
- DENT160186
- DENT160274
- DENT160407
- DENT170002
- DENT170216
- DENT170282
- DENT170291
- DENT170311
- DENT170326
- DENT170335
- DENT180023
- DENT180047
- DENT180062
- DENT180064
- DENT180074
- DENT180075
- DENT180110
- DENT180165
- DENT180168
- DENT180179
- DENT180188
- DENT180220
- DENT180231
- DENT180233
- DENT180234
- DENT180237

- DENT180239
- DENT180240
- DENT180243
- DENT180258
- DENT180263
- DENT170279
- DENT150003
- DENT150212
- DENT180085
- DENT180124
- DENT180131
- DENT180136
- DENT180145
- DENT180151
- DENT180164
- DENT180214
- DENT180219
- DENT180225
- DENT180228
- DENT180090
- DENT170279
- DENT160529
- A.R.

Executive Director's Report – Ms. Tanja Battle

- D.M.E.

Licensure Overview Committee Appointment/Discussion Cases

- S.A.G.
- K.R.M.
- D.F.B.
- G.T.B.
- F.Y.
- B.L.I.
- F.B.E.
- L.J.M.
- S.S.
- J.D.M.
- A.J.D.

Attorney General's Report – Mr. Bryon Thernes

Mr. Thernes discussed the following cases:

- C.E.G.
- S.D.C.

Mr. Thernes discussed the following individual:

- J.G.S.

Received legal advice regarding who can do digital scans for the purposes of restorative treatment.

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

Open Session

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

Applications

- | | | |
|------------|------------------------------|---|
| • D.E.J. | Dental Exam Applicant | Denied application |
| • E.K.I. | Dental Exam Applicant | Table pending receipt of additional information |
| • L.S. | Dental Hygiene Credentials | Approved application |
| • B.M.A.G. | Dental Credentials Applicant | Denied application |
| • S.C.H. | Dental Credentials Applicant | Denied application |
| • S.E.T. | Dental Credentials Applicant | Denied application |
| • L.E.G. | Dental Credentials Applicant | Denied application |
| • M.W.A. | Dental Credentials Applicant | Approved application |
| • J.W.S. | Dental Credentials Applicant | Approved application |
| • E.L.E. | Dental Credentials Applicant | Denied application |
| • K.V.D. | Dental Credentials Applicant | Table pending receipt of additional information |
| • T.R.S. | Dental Hygiene Credentials | Approved application |
| • D.L.W. | Dental Credentials Applicant | Overturn denial and approved application |
| • A.N.F. | Dental Hygiene Reinstatement | Approved application |
| • C.S.G. | Dental Hygiene Reinstatement | Approved application |
| • P.S.W. | Dental Hygiene Reinstatement | Refer to Legal Services |
| • S.A.S. | Dental Reinstatement | Approved application |
| • A.A. | Initial General Anesthesia | Approved for provisional permit |
| • J.M.P.O. | Initial Conscious Sedation | Evaluation approved |
| • J.H.B. | Initial Conscious Sedation | Evaluation approved |
| • J.T.H. | Initial General Anesthesia | Approved for provisional permit |
| • K.A.N. | Initial Conscious Sedation | Approved for provisional permit |
| • M.J.P. | Initial Enteral/Inhalation | Approved application |
| • M.A.J. | Initial General Anesthesia | Approve pending receipt of additional information |
| • P.C.S. | Initial General Anesthesia | Approved for provisional permit |
| • D.K. | Initial Conscious Sedation | Provisional permit extended for 90 days |
| • D.H. | Initial Conscious Sedation | Provisional permit extended for 90 days |

Correspondences

- | | | |
|----------|---|------------------|
| • E.L. | Request regarding credentials licensure | Approved request |
| • C.E.G. | Correspondence regarding Voluntary Surrender | Denied request |
| • A.N.A. | Request for waiver or reduction of late renewal fee | Denied request |
| • J.I.G. | Request for refund of the renewal | Denied request |

- H.A.N. Request regarding renewal Denied request
- K.K.S. Request regarding renewal Denied request
- M.K.H. Request regarding CDCA exam Denied request

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegation	Recommendation
DENT110011	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT140219	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT140222	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT150068	Quality of Care/Substandard Practice	Close
DENT150114	Quality of Care/Substandard Practice	Close
DENT150194	Unsanitary Conditions	Close
DENT150221	Unlicensed Practice	Close
DENT150369	Quality of Care/Substandard Practice	Close
DENT160132	Fraud	Close
DENT160186	Unsanitary Conditions	Close
DENT160274	Quality of Care/Substandard Practice	Close
DENT160407	Billing	Close
DENT170002	Unlicensed Practice	Close
DENT170216	Quality of Care/Substandard Practice	Close
DENT170282	Unlicensed Practice	Close
DENT170291	Abandonment	Close
DENT170311	Abandonment	Close
DENT170326	Quality of Care/Substandard Practice	Close
DENT170335	Quality of Care/Substandard Practice	Close
DENT180023	Quality of Care/Substandard Practice	Close
DENT180047	Billing	Close
DENT180062	Billing	Close
DENT180064	Billing	Close
DENT180074	Quality of Care/Substandard Practice	Close
DENT180075	Quality of Care/Substandard Practice	Close
DENT180110	Quality of Care/Substandard Practice	Close
DENT180165	Malpractice	Close
DENT180168	Quality of Care/Substandard Practice	Close
DENT180179	Unprofessional Conduct	Close
DENT180188	Unsanitary Conditions	Close
DENT180220	Malpractice	Close
DENT180231	Quality of Care/Substandard Practice	Close
DENT180233	Malpractice	Close
DENT180234	Malpractice	Close
DENT180237	Quality of Care/Substandard Practice	Close
DENT180239	Quality of Care/Substandard Practice	Close
DENT180240	Quality of Care/Substandard Practice	Close

DENT180243	Quality of Care/Substandard Practice	Close
DENT180258	Billing	Close
DENT180263	Unprofessional Conduct	Close
DENT170279	Quality of Care/Substandard Practice	Close
DENT150003	Quality of Care/Substandard Practice	Close
DENT150212	Quality of Care/Substandard Practice	Close
DENT180085	Quality of Care/Substandard Practice	Close
DENT180124	Billing	Close
DENT180131	Morbidity and Mortality	Close
DENT180136	Malpractice	Close
DENT180145	Morbidity and Mortality	Close
DENT180151	Malpractice	Close
DENT180164	Malpractice	Close
DENT180214	Billing	Close
DENT180219	Billing	Close
DENT180225	Unprofessional Conduct	Close
DENT180228	Quality of Care/Substandard Practice	Close
DENT180090	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT170279	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT160529	Quality of Care/Substandard Practice	Refer to the Department of Law
A.R.	Prescribing Violation	Close with Letter of Concern

Director’s Report – Ms. Tanja Battle

- D.M.E. Denied Reinstatement The Board viewed correspondence that was for informational purposes only.

Licensure Overview Committee Appointment/Discussion Cases

- S.A.G. Renewal Pending Licensee Refer to the Department of Law
- K.R.M. Renewal Pending Licensee Refer to the Department of Law
- D.F.B. Renewal Pending Licensee Approved for renewal
- G.T.B. Renewal Pending Licensee Approved for renewal
- F.Y. Renewal Pending Licensee Approved for renewal
- B.L.I. Renewal Pending Licensee Refer to the Department of Law
- F.B.E. Renewal Pending Licensee Approved for renewal
- L.J.M. Request to terminate probation Approved request
- S.S. Correspondence The Board viewed this correspondence for informational purposes only.
- J.D.M. Request for early termination of probation Denied request
- A.J.D. Correspondence The Board viewed this correspondence for informational purposes only.

Attorney General’s Report – Mr. Bryon Thernes

Mr. Thernes discussed the following cases:

- C.E.G. Update provided
- S.D.C. Update provided

Mr. Thernes discussed the following individual:

- J.G.S. No action taken

Received legal advice regarding who can do digital scans for the purposes of restorative treatment.

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

With no further business, the Board meeting adjourned at 1:30 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, May 4, 2018, 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 Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director