

**GEORGIA BOARD OF DENTISTRY**  
**200 Piedmont Ave, SE, 18<sup>th</sup> Floor**  
**West Tower (CR 1816A)**  
**Atlanta, GA 30334**  
**April 14, 2023**  
**10:00 a.m.**

**The following Board members were present:**

Dr. Glenn Maron, President  
Ms. Misty Mattingly, Vice-President  
Dr. Greg Goggans  
Dr. Lacey Green  
Dr. Michael Knight  
Dr. Larry Miles  
Dr. Ami Patel  
Mr. Mark Scheinfeld  
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  
Stacy Altman, Chief Investigator  
Clint Joiner, Attorney  
Brandi Howell, Business Support Analyst I

**Visitors:**

Dr. Joseph Matthews  
Callie Michael, Georgia School of Orthodontics  
Andrew Shaul  
Emily Yona, ADSO  
Matthew Frey, PDS  
Dr. Alan Furness, Dental College of Georgia  
Ashton Blackwood, Dental College of Georgia  
Luke Ray, Dental College of Georgia  
Pam Cushenan, GDHA  
Lamara Moore, GDHA  
Amy Smith  
Justine Salerno

**Open Session**

Dr. Maron established that a quorum was present and called the meeting to order at 10:19 a.m.

**Introduction of Visitors**

Dr. Maron welcomed the visitors.

**Approval of Minutes**

Dr. Goggans made a motion to approve the Public Session minutes from the March 3, 2023, meeting. Vice-President Mattingly seconded, and the Board voted unanimously in favor of the motion.

Vice-President Mattingly made a motion to approve the Executive Session minutes from the March 3, 2023, meeting. Dr. Knight seconded, and the Board voted unanimously in favor of the motion.

**Report of Licenses Issued**

Vice-President Mattingly made a motion to ratify the list of licenses issued. Dr. Knight seconded, and the Board voted unanimously in favor of the motion.

### **Petitions for Rule Waiver or Variance**

**Rule Waiver Petition from Dr. Olutayo A. Odusanwo:** The Board discussed this request for a waiver of Rule 150-3-.01(4)(a). Dr. Goggans made a motion to grant the petition based on the special circumstances noted in Dr. Odusanwo's petition. The Board also finds that Dr. Odusanwo provided adequate justification for the waiver due to her completing a pediatric residency, practicing as a private practitioner, as well as being a clinical instructor of a CODA accredited pediatric residency program. Vice-President Mattingly seconded, and the Board voted unanimously in favor of the motion. In the same motion, the Board noted that Dr. Odusanwo must successfully pass a board-approved examination required by Rule 150-3-.01(7) in order to apply for licensure by examination.

### **General – Dr. Glenn Maron**

No report.

### **Infection Control Committee Report – Dr. David Reznik**

Dr. Maron stated that the Infection Control Committee Report would be tabled due to Dr. Reznik's absence.

### **Attorney General's Report – Mr. Max Changus**

No report.

### **Executive Director's Report – Mr. Eric Lacefield**

**CE Broker and CE Zoom:** Dr. Maron stated that the Board needed to make a decision as to which company it would like to go forward with for dentists and dental hygienists to track their continuing education. Dr. Patel inquired as to the cost for the licensee. Mr. Lacefield responded by stating that there are three (3) options. He continued by stating that the basic account is free and additional services require a fee.

Mr. Lacefield stated that he plans to reach out to CE Broker regarding its contract and if any board member has questions, to please forward those to him.

After further discussion, the Board requested staff provide the PowerPoint and additional documents previously submitted by CE Broker and CE Zoom to the Board for review and discussion at its May meeting.

### **Mainstream Addiction Treatment Act - Controlled Substance Education Requirement for DEA**

**Registration:** Dr. Maron discussed the DEA's requirement of a one-time eight (8) hour course on safe controlled substance prescribing for practicing physicians and dentists. He stated there is no retroactive date for this. He added that the physician/dentist must show completion of the required training. Dr. Maron stated that there are limited organizations that can provide the course. He continued by stating that this has nothing to do with the Board of Dentistry, but rather it is a requirement for the renewal of a DEA registration. Dr. Goggans commented that there will be questions from licensees asking if the eight (8) hours will count towards the forty (40) hours of continuing education required for a dentist at renewal. Mr. Lacefield responded affirmatively that it would count. Dr. Maron added that the eight (8) hours would count as continuing education if taken during the current biennium. Dr. Goggans requested staff put a statement on the Board's website regarding this matter.

Dr. Maron asked Dr. Furness, who was present at the meeting, if he read the component required for dental schools. Dr. Furness responded affirmatively and stated the Dental College of Georgia was currently reviewing the matter. Dr. Maron stated that the law permits relevant dental school coursework to count toward the training requirement for those who are less than five years out of dental school. He further stated that it is a gray area as to what is considered an appropriate course. He requested Dr. Furness keep the Board posted as to what the school is doing.

## **Legal Services – Mr. Clint Joiner**

**Correspondence from Samantha Banton-Bailey, Shaul Law, PC:** Mr. Andrew Shaul was present and spoke to the Board. Mr. Shaul explained that he represents a client, Dr. Mario Montoya, who is interested in licensing the trade name of his dental practice to another dental practice. Mr. Shaul stated that his client practices in Columbia and has a website called “smilesbymariomontoya.com”. He explained that his client wants to provide services in Georgia and has eight (8) dentists that will be trained by his client. Mr. Shaul stated that Dr. Montoya has been advised that he cannot practice in Georgia since he does not have a Georgia dental license. He further stated that Dr. Montoya will provide managerial and administrative support services. Mr. Shaul added that there is a licensed Georgia dentist that will own the practice. He stated that the request concerns whether or not the name “smilesbymariomontoya.com” can be used as an affiliate. He stated that Dr. Montoya will personally train all of the Georgia licensed dentists and the dentists in other states and will be using the name for marketing purposes.

After further discussion, Mr. Changus stated that the point is the client is not misleading the public. He added that Rule 150-10-.01(6)(c) states, “Statements that assert or allude that a certain dentist practices at a location, if the dentist does not regularly provide dental treatment to patients at said location;”. He continued by stating that it needs to be clear to the public that they will not see Dr. Montoya. Mr. Shaul inquired if the Board approved the request. Mr. Changus responded by stating that the Board does not get in the business of approving what people call themselves. He added that the Board has identified the issues and as counsel for Dr. Montoya, Mr. Shaul can make a determination as to whether or not they are comfortable proceeding or not.

## **Rules Discussion**

**Rule 150-5-.03 Supervision of Dental Hygienists:** Dr. Maron stated this rule was tabled at the March meeting to allow time for the Board to review. He further stated that there was concern over the language stricken throughout the rule. He continued by stating that in an effort to mirror the law, staff has eliminated redundancies and items that are already in the law. He explained that the law will always trump the rule. Dr. Maron stated that this does not change the role of supervision and does not make more or less requirements.

Mr. Joiner emphasized that the world for a dental hygienist before this change is the exact same world after this change. He stated that the primary reason for this change is to keep the Board from having to make any rule changes in the future every time the statute changes. He further stated that the duplications in the rule were removed and there is no need to repeat language in a rule if it is already in the law. Mr. Joiner noted that language regarding phlebotomy and venipuncture procedures was added to the rule.

Vice-President Mattingly made a motion to post Rule 150-5-.03 Supervision of Dental Hygienists. Dr. Patel seconded. Discussion was held by Dr. Shirley. Dr. Shirley stated that it is important for when the notice of the rule amendment is posted on the Board’s website that a brief explanation be added concerning the changes. Vice-President Mattingly agreed. Dr. Maron commented that is not the job of the Board. He stated that the Board’s job is to create and post the rules. He added that it is the responsibility of dentists and dental hygienists to be up to date on the law and rule changes. He continued by stating that it is up to the Georgia Dental Association and Georgia Dental Hygiene Association to make their members aware of changes/updates. Mr. Lacefield commented that a “Purpose” statement is included on the notice when posted to the website. There being no further discussion, the Board voted unanimously in favor of the motion.

### **Rule 150-5-.03. Supervision of Dental Hygienists**

#### **(1) Definitions.**

- (a) "Authorizing dentist" shall mean a dentist licensed to practice in Georgia who permits a dental hygienist to practice under general supervision.**

- (b) "Dental hygiene duties" and "dental hygiene services" shall mean those tasks which a dental hygienist may lawfully perform under O.C.G.A. § 43-11-74 and this Rule.
  - (c) "Dental hygienist" shall mean an individual licensed to practice dental hygiene in Georgia.
  - (d) "Dental screening" shall mean a visual assessment of the oral cavity without the use of x-rays, laboratory tests, or diagnostic models to determine if it appears that a more thorough clinical examination and diagnosis should be conducted by a licensed dentist.
  - (e) "Dentist" shall mean an individual licensed to practice dentistry in Georgia.
  - (f) "Direct supervision" shall mean that a licensed dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the dental hygienist, and before dismissal of the patient, examines the patient.
  - (g) "General supervision" shall mean that a licensed dentist has authorized the delegable duties of a dental hygienist but does not require that a licensed dentist be present when such duties are performed.
- (2) No dentist shall be required to authorize a dental hygienist to perform dental hygiene duties under general supervision, and no part of this Rule shall be construed as to establish independent dental hygiene practice.
- (3) A dental hygienist shall perform duties only under the direct supervision of a duly licensed dentist who is licensed to practice in the State of Georgia, except where otherwise provided in O.C.G.A. § 43-11-74 and this rule.
- ~~(4) The requirement of direct supervision shall not apply to:~~
- ~~(a) The educational training of dental hygiene students at an institution approved by the Board and the Commission on Dental Accreditation of the American Dental Association, or its successor agency.~~
  - ~~(b) The performance of dental hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections, or the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health at approved off-site locations.~~
  - ~~(c) The performance of dental hygienists providing dental screenings in settings which include: schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4. Other health fair settings must be pre-approved by the board.~~
    - ~~1. School settings.
 
      - ~~(i) School settings shall include only schools that are Title I schools under the federal Elementary and Secondary Education Act, schools in which at least 65% of the student population is eligible for free or reduced price lunch under federal guidelines, Head Start programs, and Georgia's Pre-K Program.~~
      - ~~(ii) Dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision, with written permission of the student's parent or guardian. A dental hygienist may also, without prior written permission of the student's parent or guardian, provide oral hygiene instruction and counseling.~~
      - ~~(iii) A dental hygienist and the authorizing dentist shall maintain the confidentiality of any records related to services provided to a student under subparagraph (4)(c) in compliance with laws including without limitation the federal Family Education Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.~~~~
    - ~~2. Hospitals; nursing homes; long-term care facilities; rural health clinics; federally qualified health centers, health facilities operated by federal, state, county or local governments;~~

hospices; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4.

(i) ~~—Dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision.~~

3. ~~—A dental hygienist performing duties under subparagraphs (4)(c)(1.) or (4)(c)(2.) shall:~~

(i) ~~—Not perform any dental hygiene services on a patient that has dental pain or clearly visible evidence of widespread dental disease. The dental hygienist shall immediately refer such patient to the authorizing dentist for clinical examination and treatment. The dental hygienist shall notate such patient's file, and the patient shall not be eligible to receive dental hygiene services under subparagraphs (4)(c)(1.) or (4)(c)(2.) until a dentist provides written authorization that such services may be performed on the patient.~~

(ii) ~~—Prior to providing any dental hygiene services, obtain, study, and comprehend the school's or facility's protocols and procedures regarding medical emergencies and implement and comply with such protocols and procedures if a medical emergency arises during the provision of dental hygiene services; and~~

(iii) ~~—Provide to each patient receiving such services written notice containing:~~

(I) ~~—The name and license number of the dental hygienist and the authorizing dentist;~~

(II) ~~—Any dental hygiene issues that the dental hygienist identified during the performance of dental hygiene duties. If dental hygiene services are not performed on a patient under subparagraph (4)(c)(3.)(i), the written notice shall include a statement that the patient is not eligible to receive dental hygiene services until a clinical examination is performed by a dentist, and a dentist provides written authorization that services may be performed;~~

(III) ~~—A statement advising each patient who receives dental hygiene services to seek a more thorough clinical examination by a dentist within 90 days, unless the authorizing dentist performed a clinical examination of the patient.~~

(iv) ~~—Make all reasonable efforts to provide such written notice as required in subparagraph (4)(c)(3.)(iii) to parents or legal guardians of minors or incapacitated adults who receive dental hygiene services and to the long-term care facility or nursing home for residents of such facilities who receive dental hygiene services, as applicable.~~

(v) ~~—Not charge a fee for a dental screening provided under subparagraph (4)(c), except where provided by an employee of the Department of Public Health or county boards of health. However, these fees must be paid directly to the Department of Public Health or that county board of health and not to the dental hygienist who performed the screening.~~

(vi) ~~—Not require a school or facility receiving dental hygiene services under subparagraphs (4)(c)(1.) and (4)(c)(2.) to purchase any equipment.~~

(5) ~~—General Supervision in a Private Office Setting.~~

(a) ~~—A dental hygienist may perform only the following functions under general supervision:~~

1. ~~—Application of sealants and oral prophylaxis and assessment;~~

2. ~~—Fluoride treatment;~~

3. ~~—Oral hygiene instruction and education; and~~

4. ~~—Exposure and processing of radiographs if provided for by specific, individualized standing orders of the authorizing dentist, including any protocols regarding urgent dental issues that arise.~~

(b) ~~—A dentist in a private dental office setting may authorize general supervision of a dental hygienist only upon meeting the following criteria:~~

- ~~1. A new patient of record must be clinically examined by the authorizing dentist during the initial visit;~~
  - ~~2. A patient must be examined by the authorizing dentist at a minimum of twelve-month intervals; and~~
  - ~~3. A patient must be notified in advance of the appointment that the patient will be treated by the dental hygienist under general supervision without the authorizing dentist being present or being examined by the authorizing dentist.~~
- (64) A dental hygienist performing dental hygiene services under general supervision shall have at least two (2) years of experience in the practice of dental hygiene, shall be in compliance with the continuing education requirements under O.C.G.A. § 43-11-73.1 and the cardiopulmonary resuscitation certification requirements under O.C.G.A. § 43-11-73, shall be licensed in good standing, and shall maintain coverage under a professional liability occurrence or claims insurance policy with a policy limit minimum of \$1,000,000.
- (a) "Experience" means a minimum of 1000 hours of hands-on treatment of patients within the twenty-four (24) month period immediately post-graduation from an accredited dental hygiene program.
- ~~(7) In schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4, it shall be in the sole discretion of the authorizing dentist as to whether to require an initial examination of the patient prior to the performance by a dental hygienist of dental hygiene services under general supervision.~~
- ~~(8) A dentist may only authorize up to four dental hygienists total to provide dental hygiene services in any setting or number of settings at any one time. A dentist authorizing one or more dental hygienists to provide dental hygiene services under (4)(c)(1.) and (4)(c)(2.) shall practice dentistry and treat patients in a physical and operational dental office located in this State within 50 miles of the setting in which the dental hygiene services are to be provided under general supervision.~~
- ~~(9) Dental hygiene services provided by dental hygienists in mobile dental vans shall always be provided under direct supervision.~~
- (405) In addition to routine duties and the procedures of any of the operations or procedures authorized in O.C.G.A. § 43-11-74, the following activities may be performed by a dental hygienist working under the direct supervision of a dentist:
- (a) All the duties that are usually performed by a dental assistant pursuant to Title 43, Chapter 11, Article 4 of the Official Code of Georgia Annotated and Chapter 150-9 of the Rules of the Georgia Board of Dentistry, under the limitations and stipulations set forth in Title 43, Chapter 11, Article 3 of the Official Code of Georgia Annotated and Chapter 150-5 of the Rules of the Georgia Board of Dentistry.
    1. To perform phlebotomy and venipuncture procedures, a dental hygienist must successfully complete a Board approved training course as required by O.C.G.A. § 43-11-23.
  - (b) Take and mount oral x-rays;
  - (c) Apply medications and/or solutions approved by the Board and prescribed by the dentist that can be applied by methods approved by the Board, be that by irrigation, tray, or insertion of bioresorbable materials;
  - (d) Remove calcareous deposits, secretions, and stains from the surfaces of teeth. Ultrasonic technologies are authorized for use by dental hygienists;
  - (e) Utilize techniques and materials necessary for the application of sealant(s) to pits of and fissures of teeth;
  - (f) Perform root planning and curettage with hand instruments; and
  - (g) Perform periodontal probing.
- ~~(46) Nothing in these rules shall be construed as authorizing dental hygienists to utilize other techniques in the course of the performance of their duties, otherwise authorized by these rules. Only dentists~~

licensed by the Georgia Board of Dentistry shall be authorized to perform procedures involving laser technology which alters tissue, creates thermal effect, or is intended to cut, coagulate, photocoagulate, vaporize, or ablate essentially any soft or hard tissues of the body. Additionally, only dentists licensed by the Board shall be authorized to perform procedures utilizing air abrasive technology, which is normally intended for cavity preparation or enamel removal. This is to be distinguished from "micro etching" and "air polishing" technologies which are intended for stain removal and roughening the surfaces of enamel to enhance bonding, similar to acid etching, (i.e., Micro etching and air polishing are technologies authorized for use by dental hygienists).

**Rule 150-8-.01 Unprofessional Conduct:** Dr. Shirley provided the Board with an update on the Infection Control Committee's recommendation to section (h)(5) of the draft. He stated that the Committee recommended removing the proposed language that states, "Such records shall include, but not be limited to, the following: type of sterilizer and cycle used; the load identification number; the load contents; the exposure parameters (e.g., time and temperature); the operator's name; and the results of mechanical, chemical, and biological monitoring" due to feedback from dental organizations that stated it may be difficult to require. Dr. Shirley further stated that the Committee's recommendation is to add language that states, "Sterilization Records. All sterilization records must be maintained for a period of not less than three (3) years."

In regards to section (h)(4), Dr. Maron noted that Dr. Reznik inquired as to how long final scanned impressions should be kept as the concern is that many of the companies wipe out their stored impressions due to the costs of keeping them in the cloud. Dr. Maron commented that any record that is a complete treatment record should be kept for no less than ten years per Board rule. Dr. Furness inquired if the exception is working models. Dr. Maron responded affirmatively and stated that this is for diagnostic models. Dr. Maron asked are there digital working models. Dr. Furness responded by stating that if an individual is scanning a prep to make a crown. Dr. Maron stated the clarification should be digital diagnostic models.

Dr. Shirley made a motion to post Rule 150-8-.01 Unprofessional Conduct. Vice-President Mattingly seconded, and the Board voted unanimously in favor of the motion.

#### Rule 150-8-.01. Unprofessional Conduct Defined

The Board has the authority to refuse to grant a license to an applicant or to discipline a dentist or dental hygienist licensed in Georgia if that individual has engaged in unprofessional conduct. For the purpose of the implementation and enforcement of this rule, unprofessional conduct is defined to include, but not be limited to, the following:

- (a) Failing to conform to current recommendations of the Centers for Disease Control and Prevention (C.D.C.) for preventing transmission of ~~Human Immunodeficiency Virus, Hepatis B Virus~~ bloodborne pathogens, and all other communicable diseases to patients. It is the responsibility of all currently licensed dentists and dental hygienists to maintain familiarity with these recommendations, which are considered by the Board to be minimum standards of acceptable and prevailing dental practice.
- (b) Violating any lawful order of the Board;
- (c) Violating any Consent Agreement entered into with the Georgia Board of Dentistry or any other licensing board;

- (d) Violating statutes and rules relating to or regulating the practice of dentistry, including, but not limited to, the following:
1. The Georgia Dental Practice Act (O.C.G.A. T. 43, Ch. 11);
  2. The Georgia Controlled Substances Act (O.C.G.A. T. 16, Ch. 13, Art. 2);
  3. The Georgia Dangerous Drug Act (O.C.G.A. T. 16, Ch. 23, Art. 3);
  4. The Federal Controlled Substances Act (21 U.S.C.A., Ch. 13);
  5. Rules and Regulations of the Georgia Board of Dentistry;
  6. Rules of the Georgia State Board of Pharmacy, Ch. 480, Rules and Regulations of the State of Georgia, in particular those relating to the prescribing and dispensing of drugs, Ch. 480-28;
  7. Code of Federal Regulations Relating to Controlled Substances (21 C.F.R. Par. 1306);
  8. O.C.G.A. T. 31-33 Health Records. A dentist must send a patient a copy of his/her records upon request where the request complies with O.C.G.A. Title 31-33, et. seq., even if the patient has an outstanding balance with the dentist, but the patient may be required to pay costs of copying and mailing records and for search, retrieval, certification, and other direct administrative costs related to compliance with the request.
  9. The Health Insurance Portability and Accountability Act ( Pub. L. 104-191).
- (e) Failing to maintain appropriate records whenever controlled drugs are prescribed. Appropriate records, at a minimum, shall contain the following:
1. The patient's name and address;
  2. The date, drug name, drug quantity, and diagnosis for all controlled drugs;
  3. Records concerning the patient's history.
- (f) Prescribing controlled substances for a habitual drug user in the absence of substantial dental justification;
- (g) Prescribing drugs for other than legitimate dental purposes;
- (h) Any departure from, or failure to conform to, the minimum standards of acceptable and prevailing dental practice. Guidelines to be used by the Board in defining such standards may include, but are not restricted to:
1. Diagnosis. Evaluation of a dental problem using means such as history, oral examination, laboratory, and radiographic studies, when applicable.
  2. Treatment. Use of medications and other modalities based on generally accepted and approved indications, with proper precautions to avoid adverse physical reactions, habituation or addiction.



3. Emergency Service. Dentists shall be obliged to make reasonable arrangements for the emergency care of their patients of record. For purposes of this rule, a "patient of record" is defined as a patient who has received dental treatment on at least one occasion within the preceding year.
4. Records. Maintenance of records to furnish documentary evidence of the course of the patient's medical/dental evaluation, treatment and response. A dentist shall be required to maintain a patient's complete dental record, which may include, but is not limited to, the following: treatment notes, evaluations, diagnoses, prognoses, x-rays, photographs, diagnostic models, laboratory reports, laboratory prescriptions (slips), drug prescriptions, insurance claim forms, billing records, and other technical information used in assessing a patient's condition. Notwithstanding any other provision of law, a dentist shall be required to maintain a patient's complete treatment record for no less than a period of ten (10) years from the date of the patient's last office visit.
5. Sterilization Records. All sterilization records must be maintained for a period of not less than three (3) years.

- (i) Practicing fraud, forgery, deception or conspiracy in connection with an examination for licensure or an application;
- (j) Knowingly submitting any misleading, deceptive, untrue, or fraudulent misrepresentation on a claim form, bill or statement to a third party;
- (k) Knowingly submitting a claim form, bill or statement asserting a fee for any given dental appliance, procedure or service rendered to a patient covered by a dental insurance plan, which fee is greater than the fee the dentist usually accepts as payment in full for any given dental appliance, procedure or service;
- (l) Abrogating or waiving the co-payment provisions of a third party contract by accepting the payment received from a third party as payment in full, unless the abrogation or waiver of such co-payment or the intent to abrogate or waive such copayment is fully disclosed, in writing, to the third party at the time the claim is submitted for payment. For the purpose of this rule, a "third party" is any party to a dental prepayment contract that may collect premiums, assume financial risks, pay claims, and/or provide administrative service.
- (m) Falsifying, altering or destroying treatment records in contemplation of an investigation by the Board or a lawsuit being filed by a patient;
- (n) Committing any act of sexual intimacy, abuse, misconduct or exploitation related to the licensee's practice of dentistry or dental hygiene;
- (o) Delegating to unlicensed or otherwise unqualified personnel duties that may only be lawfully performed by a dentist or dental hygienist;
- (p) Using improper, unfair or unethical measures to draw dental patronage from the practice of another licensee;
- (q) Terminating a dentist/patient relationship by a dentist, unless notice of the termination is provided to the patient via certified mail. A "dentist/patient relationship" exists where a dentist has provided dental treatment to a patient on at least one occasion within the preceding year.

1. "Termination of a dentist/patient relationship by the dentist" means that the dentist is unavailable to provide dental treatment to a patient, under the following circumstances:
    - (i) The office where the patient has received dental care has been closed permanently or for a period in excess of (30) days;
    - (ii) The dentist discontinues treatment of a particular patient for any reason, including non-payment of fees for dental services, although the dentist continues to provide treatment to other patients at the office location;
  2. The dentist who is the owner or custodian of the patient's dental records shall mail notice of the termination of the dentist's relationship to patient, via certified mail, which notice shall provide the following:
    - (i) The date that the termination becomes effective, and the date on which the dentist/patient relationship may resume, if applicable;
    - (ii) A means for the patient to obtain a copy of his or her dental records. The notice shall be mailed at least fourteen (14) days prior to the date of termination of the dentist/patient relationship, unless the termination results from an unforeseen emergency (such as sudden injury or illness), in which case the notice shall be mailed as soon as practicable under the circumstances.
- (r) Knowingly certifying falsely to the accuracy or completeness of dental records provided to the Board.
- (s) Authorizing a dental hygienist who has not met the requirements of Rule 150-5-.07(2) to administer local anesthesia.

Dr. Miles made a motion and Dr. Patel seconded that the formulation and adoption of the proposed rule amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule amendments 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 the proposed rule amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

### **Miscellaneous**

Ms. Pam Cushenan inquired as to the status of Rule 150-5-.07 Administration of Local Anesthetic by Dental Hygienist. Dr. Maron responded by stating that the Governor's office is currently behind since the legislative session just ended. Mr. Joiner commented that this is not an issue that is unique to the Dental Board. He added that all professional licensing boards have the same issue.

Vice-President Mattingly made a motion and Dr. Miles 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, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Greg Goggans, Dr. Lacey Green, Dr.

**Executive Session**

**Appearance**

- N.P.

**Applications**

- C.P.R.
- T.S.
- G.J.K.

**Appearance**

- J.D.M.

**Applications**

- Y.C.
- C.C.T.
- S.A.A.
- S.H.
- C.C.C.
- B.M.A.
- R.C.R.
- M.C.B.
- R.F.M.
- S.L.C.

**Correspondence**

- M.P.

**Investigative Committee Report – Dr. Brent Stiehl**

Report presented:

- DENT200203
- DENT200246
- DENT230272
- DENT200006
- DENT220125
- DENT220106
- DENT220388
- DENT220400
- DENT220403
- DENT220406
- DENT220422
- DENT220424
- DENT220429
- DENT220434
- DENT220478

- DENT220528

**Attorney General’s Report – Mr. Max Changus**

Mr. McNulty presented the following consent order for acceptance:

- M.S.D.

Mr. McNulty discussed the following cases:

- DENT190100
- DENT190286
- DENT190465

Mr. Changus discussed the following:

- Pending litigation

The Board received legal advice regarding Rules 150-3-.09 Continuing Education for Dentists, 150-5-.05 Requirements for Continuing Education for Dental Hygienists, and 150-9-.01 General Duties of Dental Assistants.

**Executive Director’s Report – Mr. Eric Lacefield**

No report.

**Legal Services – Mr. Clint Joiner**

No report.

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

**Open Session**

Vice-President Mattingly made a motion to approve all recommendations based on deliberations made in Executive Session as follows:

**Appearance**

- |  |                               |               |
|--|-------------------------------|---------------|
| <ul style="list-style-type: none"> <li>• N.P.</li> </ul> | Denied Dental Hygiene Faculty | Denial Upheld |
|--|-------------------------------|---------------|

**Applications**

- |  |                              |                      |
|--|------------------------------|----------------------|
| <ul style="list-style-type: none"> <li>• C.P.R.</li> </ul> | Dental Exam Applicant        | Approved application |
| <ul style="list-style-type: none"> <li>• T.S.</li> </ul>   | Dental Exam Applicant        | Denied application   |
| <ul style="list-style-type: none"> <li>• G.J.K.</li> </ul> | Dental Credentials Applicant | Denied application   |

**Appearance**

- |  |                              |                      |
|--|------------------------------|----------------------|
| <ul style="list-style-type: none"> <li>• J.D.M.</li> </ul> | Dental Credentials Applicant | Approved application |
|--|------------------------------|----------------------|

**Applications**

- |  |                                      |  |
|--|--------------------------------------|--|
| <ul style="list-style-type: none"> <li>• Y.C.</li> </ul>   | Dental Hygiene Credentials Applicant | Denied application                                   |
| <ul style="list-style-type: none"> <li>• C.C.T.</li> </ul> | Initial Moderate Parenteral CS       | Approved request for extension of provisional permit |
| <ul style="list-style-type: none"> <li>• S.A.A.</li> </ul> | Initial Moderate Enteral CS          | Approved evaluation                                  |
| <ul style="list-style-type: none"> <li>• S.H.</li> </ul>   | Dental Reinstatement Applicant       | Refer to the Department of Law                       |
| <ul style="list-style-type: none"> <li>• C.C.C.</li> </ul> | Dental Reinstatement Applicant       | Refer to the Department of Law                       |
| <ul style="list-style-type: none"> <li>• B.M.A.</li> </ul> | Dental Reinstatement Applicant       | Approved application                                 |

- R.C.R. Dental Reinstatement Applicant Denied Application
- M.C.B. Dental Reinstatement Applicant Approved application
- R.F.M. Dental Hygiene Reinstatement Applicant Schedule to meet with the Licensure Overview Committee
- S.L.C. Dental Hygiene Reinstatement Applicant Approved application

**Correspondence**

- M.P. Request to Terminate Probation Approved request

**Investigative Committee Report – Dr. Brent Stiehl**

Report presented:

<b>Complaint Number</b>	<b>Allegations</b>	<b>Recommendation</b>
DENT200203	Unsanitary Conditions/Quality of Care	Close No Action
DENT200246	Billing	Close No Action
DENT230272	Quality of Care	Close No Action
DENT200006	Unsanitary conditions	Close No Action
DENT220125	Quality of Care	Close No Action
DENT220106	Quality of Care	Close No Action
DENT220388	Quality of Care	Close No Action
DENT220400	Quality of Care	Close No Action
DENT220403	Billing	Close No Action
DENT220406	Billing	Close No Action
DENT220422	Quality of Care	Close No Action
DENT220424	Quality of Care	Close No Action
DENT220429	Quality of Care	Close No Action
DENT220434	Quality of Care	Close No Action
DENT220478	Quality of Care	Close No Action

**Attorney General’s Report – Mr. Max Changus**

Mr. McNulty presented the following consent order for acceptance:

- M.S.D. Accept Public Consent Order Converting Summary Suspension to Indefinite Suspension

Mr. McNulty mentioned the following cases, but they were not discussed by the full Board:

- DENT190100 Table and refer back to the Investigative Committee
- DENT190286 Table and refer back to the Investigative Committee
- DENT190465 Table and refer back to the Investigative Committee

Mr. Changus discussed the following:

- Pending litigation Update provided

The Board received legal advice regarding Rules 150-3-.09 Continuing Education for Dentists, 150-5-.05 Requirements for Continuing Education for Dental Hygienists, and 150-9-.01 General Duties of Dental Assistants.

**Executive Director’s Report – Mr. Eric Lacefield**

No report.

**Legal Services – Mr. Clint Joiner**

No report.

Dr. Wilson seconded, and the Board voted in favor of the motion, with the exception of Dr. Miles and Dr. Goggans, who recused themselves from the vote regarding G.J.K., and Dr. Maron who recused himself from the vote regarding R.C.R.

With no further business, the Board meeting adjourned at 12:42 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, May 5, 2023, at 10:00 a.m. at 2 MLK Jr. Drive, SE, 11<sup>th</sup> Floor, East Tower, Atlanta, GA 30334.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Eric R. Lacefield, Executive Director