

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
April 3, 2020
10:00 a.m.

The following Board members were present:

Dr. Greg Goggans, President
Dr. Tracy Gay, Vice-President
Ms. Becky Bynum
Dr. Richard Bennett
Dr. Michael Knight
Dr. Glenn Maron
Dr. Ami Patel
Mr. Mark Scheinfeld
Dr. Brent Stiehl
Dr. Debra Wilson
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Director
Max Changus, Assistant Attorney General
Stacey Altman, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Pam Cushenan, GDHA
Shayna Overfelt, CDCA
Suzanne Newkirk
Wendy Blonde
Emily Yona, GDA
Lauren Pollow, PDS

Open Session

Dr. Goggans established that a quorum was present and called the meeting to order at 10:09 a.m.

Introduction of Visitors

Dr. Goggans welcomed the visitors.

Approval of Minutes

Dr. Bennett made a motion to approve the Public and Executive Session minutes from the March 13, 2020 meeting, the March 17, 2020 Emergency Conference Call minutes, March 24, 2020 Emergency Conference Call minutes, and the March 25, 2020 Emergency Conference Call minutes. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Rule Waiver Petition from Dr. Brandon K. Cannon

Dr. Bennett made a motion to deny the rule waiver petition as there was no substantial hardship demonstrated. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Seth H. Walden

Dr. Bennett made a motion to deny the rule variance petition. Brief discussion was held by the Board regarding Dr. Walden's appearance at its March meeting. The Board did not determine that adequate justification was provided nor did it find a substantial hardship was demonstrated. There being no further discussion, Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Drew Krena

Dr. Bennett made a motion to deny the rule waiver petition as there was no substantial hardship demonstrated. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Donald Benton

The Board considered this correspondence requesting the Board approve the LAW Day Program as acceptable continuing education. Dr. Gay made a motion to deny the request. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Executive Director's Report – Ms. Tanja Battle

Office Update: Ms. Battle reported that there is limited staff present in the board office due to the Governor's directives. She stated that staff is still meeting the business needs of the Board, applicants and licensees.

Continuing Education: Ms. Battle reported that she has received numerous inquiries about the impact of COVID-19. She stated that one of the more frequently received questions are requests to waive on-site continuing education requirements. She stated that her initial response includes a reference CE hours not being required until December of 2021. Ms. Battle stated that this topic was briefly mentioned at the last meeting and, at that juncture, there was no interest from the Board to amend the current requirements. She stated that the question keeps coming up and requested the Board's thoughts on the matter. Dr. Bennett responded by stating that currently, a dentist can take up to 20 hours of online continuing education and dental hygienists up to 11 hours. He added that there are plenty of opportunities to utilize that mechanism during this down time. Dr. Bennett stated that if the pandemic continues through January 2021, then that may be a time for the Board to consider changes then.

Manikin/Examination: Ms. Battle reported that another request she has received numerous times is regarding individuals that want to be licensed in this state, but have no options for an exam due to the pandemic. She stated that some of those individuals have taken ADEX or other exam. She further stated that the question being asked is whether or not the Board is contemplating allowing any other exams for licensure? Dr. Bennett responded by stating that we are currently in a period of uncertainty. He stated that things are rapidly evolving and changing. He continued by stating that he is not sure how long it will be before dentists can see patients in his/her practice, when patient programs can continue and when clinical testing can resume. Dr. Bennett stated that hopefully things will open up within 60-90 days. He stated that there has been conversation about going to a patient-less exam, but it is too early to discuss at this point in time. Dr. Bennett stated that it is something that is definitely on the horizon. However, he stated for the Board to make a change at this juncture is a bit premature. Dr. Bennett continued by stating that hopefully things will return to normal soon, but a bigger concern for those getting out of school and going to work would be the availability of places to go to work. He stated that, at this juncture, he is not interested in changing everything the Board has developed over years. Dr. Maron agreed with Dr. Bennett. Dr. Maron made a motion for the Board to respond to the requests by stating that as of right now staffing for emergency care in the state of Georgia is not an issue and to change the rules at this time would be premature. Additionally, the Board should continue with what it is currently doing and will reevaluate monthly based on how the pandemic is trending. Dr. Bennett seconded. Discussion was held. Ms. Battle stated that there is technically no need for a vote as there is no action being taken to amend requirements. She further stated that the Board's thoughts could be memorialized in the minutes.- Dr. Bennett commented that he thought Dr. Maron's suggestion was very well worded and could be memorialized in the minutes instead. Dr. Maron agreed. Dr. Patel asked if the Board was aware of what dental schools are doing for seniors? She specifically asked if the seniors would be required to finish clinical requirements or will they graduate without finishing those requirements. Ms. Battle responded that she did receive a request from the Dental College of Georgia (DCG). She stated that they have five individuals that need to finish and

asked if the Board would accept a simulated exam. Ms. Battle stated that it sounds as though the Board has answered that, but it can certainly discuss it further.

She stated another issue is CRDTS going to an all-manikin exam and the Joint Commission is coming out with the Dental Licensure Objective Structured Clinical Exam. She stated that she has received a number of inquiries regarding both. Ms. Battle stated that she does understand the Board's position but will continue to communicate these matters to the Board as they come in, to ensure the Board is updated. Mr. Scheinfeld asked if the dental school has made a request themselves regarding the clinical examination. Ms. Battle responded that DCG has asked if the Board would accept a simulated exam. Dr. Yeargan commented that he is in agreement with Dr. Bennett and feels it is way too early for the Board to make any changes. Dr. Bennett stated that in response to DCG's letter, this is not a case where candidates have not had access to a test. He explained that these were instances where candidates did not perform well enough to pass the exam. Dr. Bennett stated when students graduate and pass a clinical examination, the student is demonstrating that he/she is minimally, clinically competent to treat patients. He stated the Board should not relax its standards when a student has not demonstrated such as it is the Board's duty to protect the people of the state of Georgia.

Rebecca A. Warner, DH003272: Ms. Battle discussed this correspondence requesting a waiver of the continuing education requirements for the 2018-2019 biennium. Dr. Bennett made a motion to deny the request. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Attorney General's Report – Mr. Max Changus

No report.

Legal Services – Ms. Kimberly Emm

No report.

Dr. Richard Bennett 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 Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Brent Stiehl, Dr. Debra Wilson and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Discussion Case

- D.J.B.

Applications

- B.L.I.
- M.M.O.
- R.O.K.
- J.E.
- E.K.I.
- J.A.D.
- J.A.C.

Correspondence

- M.C.M.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT200255
- DENT200262
- DENT190075
- DENT190116
- DENT190124
- DENT200175
- DENT200302

The Board requested and received legal advice regarding temporary permits for sedation.

Executive Director’s Report – Ms. Tanja Battle

- A.J.H.
- L.M.D.

Attorney General’s Report – Mr. Max Changus

- Pending litigation

Mr. Changus discussed the following case:

- DENT150225

Legal Services – Ms. Kimberly Emm

- D.C.L.

Miscellaneous

The Board discussed complaint matters relating to Rule 150-8-.01 Unprofessional Conduct.

No votes were taken in Executive Session. Dr. Goggans 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:

Licensure Overview Committee Discussion Case

- D.J.B. Renewal Pending Refer to the Department of Law

Applications

- B.L.I. Dental Credentials Applicant Approved application
- M.M.O. Dental Credentials Applicant Approved application
- R.O.K. Dental Hygiene Credentials Approve application effective July 1, 2020
- J.E. Dental Hygiene Credentials Approved application
- E.K.I. Moderate Enteral Conscious Sedation Approved application
- J.A.D. Dental Hygiene Reinstatement Approved application
- J.A.C. Dental Hygiene Reinstatement Approved application

Correspondence

- M.C.M. Request regarding CE course Denied request

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

| Complaint Number | Allegations | Recommendation |
|-------------------------|--------------------------------------|---------------------------------------|
| DENT200255 | Morbidity and Mortality | Forward to Florida Board of Dentistry |
| DENT200262 | Quality of Care/Substandard Practice | Forward to Alabama Board of Dentistry |
| DENT190075 | Unsanitary Conditions | Close with No Action |
| DENT190116 | Unsanitary Conditions | Close with No Action |
| DENT190124 | Unsanitary Conditions | Close with No Action |
| DENT200175 | Records Release | Close with No Action |
| DENT200302 | Quality of Care/Substandard Practice | Close with No Action |

The Board requested and received legal advice regarding temporary permits for sedation. The Board recommended waiving the fee for additional site sedation permits for the duration of the state of the emergency.

Executive Director’s Report – Ms. Tanja Battle

- A.J.H. Request regarding reassessment course Denied request
- L.M.D. Request for application extension Extension approved for 6 months following the lifting of the State of Emergency

Attorney General’s Report – Mr. Max Changus

- Pending litigation Update provided

Mr. Changus discussed the following case:

- DENT150225 Update provided

Legal Services – Ms. Kimberly Emm

- D.C.L. Request regarding consent order Deny counterproposal/
Approved request to amend facts

Miscellaneous

The Board discussed complaint matters relating to Rule 150-8-.01 Unprofessional Conduct.

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

With no further business, the Board meeting adjourned at 11:26 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, May 1, 2020, at 10:00 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 6th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director