

**GEORGIA BOARD OF DENTISTRY**  
**Conference Call**  
**2 Peachtree St., N.W., 6<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**August 13, 2021**  
**10:00 a.m.**

**The following Board members were present:**

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

**Staff present:**

Eric Lacefield, Executive Director  
Kirsten Daughdril, Senior Assistant Attorney General  
Max Changus, Assistant Attorney General  
Kimberly Emm, Attorney  
Brandi Howell, Business Support Analyst I

**Visitors:**

Dr. James Lopez, Georgia Academy of Pediatric  
Dentistry  
Wanda Coleman  
Miranda Emery  
Dr. Michael D. Silverman  
Autumn Reid, GDHA  
Lamara Moore

**Public Hearing**

Dr. Maron called the public hearing to order at 10:05 a.m.

**Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising**

Public comments were received from Bradley Rightnowar, ADSO. Mr. Rightnowar stated there is concern not necessarily about the large conceptual ideas around identification of ownership interest, but feels there is a more appropriate approach in the language of the rule and have offered suggestions. He further stated that he would request the Board consider the suggestions as a viable alternative.

A written response was received from Bradley Rightnowar, ADSO.

Dr. Maron recommended the Board table its decision until it receives legal advice from the Attorney General's office in Executive Session.

**Rule 150-13-.01 Conscious Sedation Permits**

Public comments were received from Dr. Michael Silverman, President, DOCS Education. Dr. Silverman thanked the Board for allowing him to speak to its members. Dr. Silverman stated that DOCS is in support of the changes in subsection (5), but are opposed to the proposed changes to subsection (4). He continued by stating that in addition to its active members from Georgia, DOCS Education has graduated over 900 Georgia dentists from its Oral Sedation Dentistry course, which meets the current Enteral Moderate Conscious Sedation permit training requirements. Dr. Silverman stated that the course trains the Georgia dentists to earn sedation permits and serve thousands of Georgia dental patients who need oral sedation to meet his/her dental needs. He explained that DOCS Education is in opposition of the proposed amendment to section (4)(a) which removes the language, "which may include simulated cases". Dr. Silverman stated

this creates a burdensome restriction in obtaining a moderate enteral conscious sedation permit for adults. He stated that this amendment would require the dentist to personally manage the sedation of ten (10) live patients. Dr. Silverman stated that he believes the Board did not intend such a drastic revision because this would eliminate moderate enteral sedation in Georgia. He further stated there are currently no post-graduate or post-doctorate moderate enteral sedation courses in Georgia or elsewhere in the United States that conduct in-person management of ten (10) live patients. Dr. Silverman explained simulated cases, as in the current language in Rule 150-10-.01(4)(a), allows educators to cull from hundreds of video cases to find the unusual situations to demonstrate, rather than ten (10) perfectly straightforward cases. He explained that examples of special cases would be diabetic patients, elderly patients, equipment malfunction cases, respiratory depression cases, and over sedation cases. Dr. Silverman stated that adopting this amendment would significantly increase the cost of education resulting in harm to public access by decreasing those practitioners willing to take a program and increasing the cost to patients when they utilize this important modality. He further stated that after previous communication with members of the Sedation Committee, it was his understanding that the clarification would be limited to the parenteral section in Rule 150-10-.01(5), not enteral section (4). Dr. Silverman stated the Board is performing its duty in protecting the public in ensuring that moderate parenteral conscious sedation is delivered by a dentist who's training includes actual management of IV sedation on live patients. He further stated the amendment in section (4)(a) would neither improve training of moderate enteral for permit holders, nor improve patient safety. Dr. Silverman stated that it is his hope the Board would vote against the proposed amendment to section (4)(a) and retain the simulated patient observation pathway and protect access to enteral sedation in Georgia. He stated DOCS or himself remain available if the Board requires any assistance.

Dr. Maron inquired as to whether or not Dr. Silverman was familiar with the deaths of patients after enteral sedation. Dr. Silverman responded by stating he was not aware of specifics. Dr. Maron stated that it is the Board's job to ensure the safety of patients regardless of the route of sedation. He further stated the Board does not feel the rule amendment is overly burdensome or nor does it feel any financial increase would be unduly burdensome to the dentist. Dr. Silverman stated that the enteral sedation deaths have been few and far between in comparison with IV sedation deaths and were due to an individual not following the current regulations. He further stated the Board is not making it any safer and would actually be making it more difficult for doctors to obtain and the patients to obtain the necessary modality.

John Watson inquired as to what the rationale was for the Board to table and discuss Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising in Executive Session. Ms. Emm responded that the Board would be seeking legal advice from counsel regarding the amendments. Mr. Watson inquired as to if it was the Board's intention to immediately vote on the rule after Executive Session or would it be returned to the Rules Committee. Ms. Emm responded that would be determined by the Board after it receives legal advice.

Dr. Maron asked if there were any further comments regarding Rule 150-13-.01 Conscious Sedation Permits. Dr. Stiehl commented that there seems to be no pathway to obtain this license. He questioned how the Board would allow this change if there are not any courses where the applicant can conduct in-person management of ten (10) live patients. Dr. Maron responded by stating that the applicant would have to do in person supervised administration on patients. Dr. Stiehl inquired as to whether or not other states were doing this. Dr. Maron responded that he was not aware, but thought other states were moving towards it.

Kathleen Marcus, General Counsel for DOCS, commented that in the research she conducted, she did not find any enteral sedation dental office deaths in Georgia. She stated that the ones she did find were related to general anesthesia and occurred within the last 10-20 years and were malpractice cases dealing with children. Ms. Marcus inquired if Dr. Maron was referencing a particular enteral sedation case by someone

who is trained by the current pathway. Dr. Maron responded affirmatively. He stated that while he could not speak to the specifics of the case, there have been cases in Georgia where this occurred. Ms. Marcus inquired as to whether or not these cases have been reported in the press and how may someone find out about these cases. Dr. Maron responded that he was not sure.

Ms. Marcus stated, in response to Dr. Stiehl's question about the existence of live patient courses, there were no courses for enteral sedation and there would be none due to the cost of such. She further stated that what this rule amendment would change is that in order to obtain an enteral permit in Georgia, the applicant would need to take an IV course, which is more expensive, and it trains a different skill set. Ms. Marcus stated that in explaining what Dr. Silverman was referencing about increased costs, it seemed to her as a lawyer that there would need to be pretty clear justification lines drawn between bad outcomes and increased safety in this rule amendment in order to move forward with it as it would have an enormous economic impact.

Dr. Maron stated that there has been one death in Georgia due to enteral sedation and that is one death too many. Ms. Marcus responded that she agreed, and asked if Dr. Maron thought the circumstances surrounding that death were relevant to this discussion. Ms. Emm commented that if it was a case investigated by the Board, it would be confidential by law and the details of such would not be released to the public. Ms. Marcus stated that she agreed one death is too many, but inquired as to what the connection was between the proposed rule amendment and avoiding one death. Dr. Maron responded that he appreciates Ms. Marcus's comments and asked the Board if there were any comments. Dr. Stiehl responded by stating that he agrees with Dr. Silverman and Ms. Marcus. He further stated that he would like to see enteral sedation stay the way it is in his opinion. Dr. Knight asked if there was a way to require the applicant do a day of training live and the remainder of it be simulated.

Dr. Stiehl commented that if the Board adopts the proposed amendment, dentists are not going to do it. He stated that he feels the Board should not proceed with adopting this proposed rule amendment. He further stated that it is a valuable service dentists do for patients and the risks are minimal. Dr. Gay commented that he feels if the Board proceeds with adopting this rule, it would not pass through the Governor's office since there is nowhere for an applicant to take the course. Additionally, Dr. Gay stated there are a number of patients that are benefiting from this service now and it would hurt the public, more than help the public. Dr. Knight commented that he agreed with Dr. Stiehl and Dr. Gay and feels it is much needed and if done with proper training, it is safe and effective for patients. He further stated that he was trying to come up with a compromise. Mr. Lacefield stated that it sounds like there needs to be more discussion on the matter. He further stated that the Board has the option to refer it back to the Sedation Committee or Rules Committee. Dr. Knight made a motion to refer the rule to the Sedation Committee for modification. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Written responses were received from Dr. Alicia Rix, Dr. Cara DeLeon, Georgia Academy of Pediatric Dentistry, and Dr. Michael D. Silverman.

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

Public comments were received from Autumn Reid, GDHA. Ms. Reid thanked the Board for considering the amendment. Ms. Reid stated that as an association, GDHA feels that once the dental hygienist has passed his/her examinations, has graduated, and received a license, the individual is fully competent. She further stated that GDHA supports the suggested amendment. Ms. Mattingly clarified that the amendment requires the hygienist to have 1000 hours of hands-on treatment of patients within two (2) years after graduation from school.

Public comments were received from Lamara Moore. Ms. Moore stated that she is a dental hygienist and is in favor of the amendment.

Ms. Mattingly made a motion to adopt Rule 150-5-.03 Supervision of Dental Hygienists. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Written responses were received from Kathryn A. Starr and Wanda Hill.

The public hearing concluded at 10:37 a.m.

### **Open Session**

Dr. Maron established that a quorum was present and called the meeting to order at 10:37 a.m.

#### **Introduction of Visitors**

Mr. Lacefield asked the visitors on the call to send an email via the “Contact Us” portal on the website if he/she would like his/her name reflected as being in attendance in the minutes.

#### **Approval of Minutes**

Dr. Stiehl made a motion to approve the Public and Executive Session minutes from the July 9, 2021, Conference Call. Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

Dr. Bert Yeargan made a motion and Dr. Debra Wilson seconded and the Board voted to enter into **Executive Session** for the purpose of receiving legal advice as authorized under O.C.G.A. §§ 50-14-1(e)(2)(c), 50-14-2(1). Voting in favor of the motion were those present who included Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Mr. Mark Scheinfeld, Dr. Ami Patel, Dr. Brent Stiehl, Dr. Debra Wilson, and Dr. Bert Yeargan.

### **Executive Session**

The Board requested legal advice regarding Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising.

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

### **Open Session**

#### **Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising**

Mr. Scheinfeld made a motion to refer Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising to the Attorney General’s office for advice to determine whether the rule as currently written is appropriate or constitutional. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

#### **Report of Licenses Issued**

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

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

**Rule Variance Petition from Dr. Abby G. Shalaby:** Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

**Rule Variance Petition from Dr. Charmiah Amie:** Dr. Gay made a motion to grant the rule variance petition based on the special circumstances related to Dr. Amie’s financial situation, as well as her

mother's medical conditions. The Board also finds that Dr. Amie has provided adequate justification for the variance since she successfully passed the ADEX clinical examination in 2020, which involved a live patient. Dr. Goggans seconded, and the Board voted unanimously in favor of the motion.

**Rule Variance Petition from Dr. Christine D. Shurley:** The Board discussed this request for a variance of Rule 150-3-.01. Dr. Maron stated that Dr. Shurley's petition indicates she is a military spouse. He stated that proof of such was not received with the petition; however, if she is a military spouse, she may qualify for licensure by endorsement. Dr. Yeargan made a motion to table consideration of the petition until the Board's September meeting and request Dr. Shurley provide a copy of her husband's military orders showing proof of relocation to Georgia. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

**Rule Waiver Petition from Dr. Namratha Hegde:** Dr. Hegde was on the call and spoke to the Board regarding her petition. She explained that she is requesting a waiver of 150-3-.01(4) which requires a remediation course. Dr. Hegde further explained that she failed the prosthodontic portion of ADEX three (3) times, passed on her fourth attempt, but did not request remediation. She stated that since she passed the exam, she is hoping the Board would waive the requirement for remediation. Dr. Goggans inquired as to whether or not Dr. Hegde was in school when she failed the exam. Dr. Hegde responded affirmatively. Ms. Mattingly made a motion to grant the rule waiver petition since Dr. Hegde completed remediation while she was a student and then successfully passed the prosthodontic portion of ADEX in December 2020. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

**Rule Variance Petition from Dr. Young Do Kim:** Dr. Gay made a motion to deny the rule variance petition because the Board does not have the authority to modify the Governor's Executive Order. Specifically, Dr. Kim asked for a modification to the Governor's Executive Order, 06.30.21.02, by requesting the Board accept his ADEX results obtained in 2020. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

### **General – Dr. Glenn Maron**

Dr. Maron reported that board member Dr. Richard Bennett resigned. He stated that the Governor's Office has been notified of such and the Board should be getting a new member in the near future. Dr. Maron thanked Dr. Bennett for his many years of service. He continued by stating that Dr. Bennett was a strong advocate for patient care in Georgia and his direct manner would be missed. Dr. Yeargan commented that Dr. Bennett was the CRDTS Steering Committee Representative and the Board would need to appoint a replacement member. Dr. Stiehl made a motion to appoint Dr. Yeargan as the CRDTS Steering Committee Representative. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

Dr. Maron reported that Stacy Altman has been hired as the Chief Investigator. He stated that the Board is excited to have Mr. Altman back and helping protect the citizens of Georgia.

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

No report.

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

Mr. Lacefield thanked Dr. Maron for recognizing Dr. Bennett for his service to the Board and welcoming Mr. Altman back as Chief Investigator.

**Correspondence from Dr. Larry Tilley:** Mr. Lacefield discussed this correspondence from Dr. Tilley regarding The American Academy of Physiological Medicine and Dentistry's (AAPMD) annual meeting. In Dr. Tilley's correspondence, he states the AAPMD would like to discuss its concerns regarding dental patient screening for sleep apnea. The correspondence includes an invitation to a member of the Board to

attend as a guest. Mr. Lacefield stated that if a board member is interested in attending, or if the Board would rather invite Dr. Tilley to speak to the Board, please let him know.

**Correspondence from Stephanie Beeler, CDCA-WREB, and Shayna Overfelt:** Mr. Lacefield discussed both correspondences, which concern the CDCA and WREB merger. Additionally, information regarding a webinar to discuss this information was provided to the board members. Dr. Maron inquired as to whether or not this means the Board has to start accepting WREB. Dr. Yeargan responded that the Board will accept any examination that follows the Board's criteria and rules. Ms. Emm responded that the Board's current rule as written accepts CRDTS and ADEX. She further stated that WREB is not currently accepted in Georgia. Ms. Mattingly commented that ADEX is only accepted for dentists and not hygienists. She further commented that she would like the Board to extend acceptance of such to hygienists as well.

At this point, Dr. Stiehl requested the Board go back to the correspondence from Dr. Larry Tilley. Dr. Stiehl requested the Board invite Dr. Tilley to come speak to its members regarding dental patient screening for sleep apnea. The Board agreed.

**Legal Services – Ms. Kimberly Emm**

No report.

**Appearance**

Dr. Janelle Cooper spoke to the Board regarding her two (2) rule petitions submitted that were denied by the Board. Dr. Cooper thanked the Board for the opportunity to speak to its members. Dr. Cooper explained that she passed ADEX in 2015 on the first attempt, which involved a live patient. Additionally, she completed a general practice residency and practiced as a general dentist within the community health setting since completion of her residency program. Dr. Cooper explained that her work and education experience could be found on the curriculum vitae previously provided to the Board. Dr. Cooper discussed previous rule petitions that had similar circumstances and were granted. She continued by discussing the impact COVID-19 has had on her family and the significant economic hardship it created for herself and her family. After further discussion, Dr. Maron thanked Dr. Cooper for her time and informed her that she would receive a written response from the Board in 7-10 business days.

Dr. Bert Yeargan made a motion and Dr. Debra Wilson 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. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Brent Stiehl, Dr. Debra Wilson, and Dr. Bert Yeargan.

**Executive Session**

**Appearance**

- L.T.

**Licensure Overview Committee Appointments/Discussion Cases**

- H.G.H.
- D.B.
- D.E.M.
- T.E.
- P.S.K.

### **Applications**

- T.K.J.
- J.V.B.
- D.N.R.
- J.Z.S.
- B.H.P.
- T.M.S.
- B.L.S.
- D.L.C.
- J.M.L.
- M.M.
- J.S.C.
- J.F.F.
- Z.M.K.
- J.R.B.
- B.B.S.
- K.L.H.
- K.D.M.

### **Correspondences**

- B.O.G.
- N.A.H.

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

Report presented:

- DENT210384
- DENT210390
- DENT220020
- DENT190358
- DENT190290
- DENT200087
- DENT210454
- DENT210459

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

Mr. Changus presented the following consent orders for acceptance:

- F.E.S.
- A.E.A.
- D.A.D.

Ms. Daughdril discussed the following:

- Pending litigation
- Received legal advice regarding whether an out-of-state advanced education program can operate in Georgia and whether the residents of such programs must be licensed.

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

No report.

**Legal Services – Ms. Kimberly Emm**

- D.D.M.
- A.E.A.

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

**Open Session**

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

**Appearance**

- L.T. Denied Credentials Applicant Upheld denial

**Licensure Overview Committee Appointments/Discussion Cases**

- H.G.H. Request to terminate probation Approved pending receipt of additional information
- D.B. Request to change monitoring physician Approved request
- D.E.M. Dental Exam Applicant Approved application
- T.E. Dental Exam Applicant Approved application
- P.S.K. Dental Faculty Applicant Approved application

**Applications**

- T.K.J. Dental Exam Applicant Denied application
- J.V.B. Dental Exam Applicant Approved application
- D.N.R. Dental Exam Applicant Approved application
- J.Z.S. Dental Exam Applicant Denied application
- B.H.P. Dental Exam Applicant Approved scores submitted
- T.M.S. Dental Credentials Applicant Denied application
- B.L.S. General Anesthesia Approved for provisional permit
- D.L.C. General Anesthesia Approved for provisional permit
- J.M.L. General Anesthesia Approved for provisional permit
- M.M. General Anesthesia Approved for provisional permit
- J.S.C. General Anesthesia Approved for provisional permit
- J.F.F. Moderate Parenteral Conscious Sedation Approved for provisional permit
- Z.M.K. Moderate Parenteral Conscious Sedation Approved for provisional permit
- J.R.B. Moderate Enteral Conscious Sedation Approved for provisional permit
- B.B.S. Dental Hygiene Reinstatement Approved application
- K.L.H. Dental Hygiene Reinstatement Approved application
- K.D.M. Dental Hygiene Reinstatement Approved application

**Correspondences**

- B.O.G. Request regarding remediation program Approved request
- N.A.H. Request regarding remediation program No action

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

Report presented:

Complaint Number	Allegations	Recommendation
DENT210384	Billing	Cancel



DENT210390	Billing	Close with No Action
DENT220020	Unprofessional conduct	Close with No Action
DENT190358	Quality of Care/Substandard Practice	Close with No Action
DENT190290	Quality of Care/Substandard Practice	Close with No Action
DENT200087	MMPR	Close with No Action
DENT210454	Unprofessional conduct	Close with No Action
DENT210459	Other	Close with No Action

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

Mr. Changus presented the following consent orders for acceptance:

- F.E.S. Public Consent Order accepted
- A.E.A. Public Consent Order accepted
- D.A.D. Public Consent Order accepted

Ms. Daughdril discussed the following:

- Pending litigation
- Received legal advice regarding whether an out-of-state advanced education program can operate in Georgia and whether the residents of such programs must be licensed.

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

No report.

**Legal Services – Ms. Kimberly Emm**

- D.D.M. Courses required per consent order Board directed staff to respond by stating that three of the courses submitted will be accepted as Risk Management
- A.E.A. Courses required per consent order Approved proposed courses

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

**Petition for Rule Waiver or Variance**

Rule Variance Petition from Dr. Janelle Cooper: Dr. Wilson made a motion to overturn the Board’s previous vote of denial and grant the rule variance petition based on the special circumstances related to the COVID-19 pandemic. The Board also finds that Dr. Cooper provided adequate justification for the variance since she successfully passed the 2015 ADEX clinical examination, which involved a live patient, and completed a General Practice Residency in 2016. Dr. Stiehl seconded, and the Board voted unanimously in favor of the motion.

**Miscellaneous**

Dr. Patel reported that the Rules Committee will meet at 1:00 p.m. in case any members wish to join.

With no further business, the Board meeting adjourned at 12:46 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, September 10, 2021, 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 Eric R. Lacefield, Executive Director