

GEORGIA BOARD OF DENTISTRY
Conference Call
August 16, 2013
2 Peachtree Street, N.W., 36th Floor
Atlanta, GA
12:00 p.m.

The following Board members were present:

Dr. Richard Bennett
Ms. Becky Bynum
Dr. Becky Carlon
Dr. Randy Daniel
Ms. Connie Engel
Dr. Tracy Gay
Dr. Tom Godfrey
Dr. Logan Nalley
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Reagan Dean, Board Attorney
Bryon Thernes, Board Attorney
Brandi Howell, Bus. Operations Specialist

Visitors:

Melana McClatchey, GDA
Mark Middleton
T.J. Kaplan
Chris Zacharewicz

Open Session

Dr. Bennett established that a quorum was present and called the meeting to order at 12:07 p.m.

Introduction of Visitors

Dr. Bennett welcomed the visitors.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the July 12, 2013 full Board meeting. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Correspondence from Wendy Wade, DH009685

The Board considered this correspondence and directed staff to respond to Ms. Wade by stating that the Board will allow her to submit a plan of four (4) hours of continuing education course work to be taken in the area of risk management and that none of the course work may be through self-study or online courses. She will need to submit a plan to the Board within 30 days.

Correspondence from Kimberly Williamson, DH009723

The Board considered this correspondence and directed staff to respond to Ms. Williamson by stating that the Board will allow her to submit a plan of four (4) hours of continuing education course work to be taken in the area of risk management and that none of the course work may be through self-study or online courses. She will need to submit a plan to the Board within 30 days.

Correspondence regarding Dr. Michelle Shuler, DN011826

The Board discussed this correspondence.

Correspondence from Jiten Patel

The Board considered this correspondence. Dr. Carlon made a motion to direct staff to respond to Mr. Patel by referring him to Board Rule 150-8-.02. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

General – Dr. Richard Bennett

Dr. Bennett discussed committee assignments and appointed Dr. Gay to the Credentials Committee.

CE Audit Committee Report – Dr. Barry Stacey

Dr. Bennett reported that the CE Audit Committee will probably have some items coming up in the near future.

Conscious Sedation/General Anesthesia Committee Report – Dr. Barry Stacey

Dr. Daniel discussed capnography and reported that the standard of care is shifting and the Board will probably have to follow suit with that within the next year or so.

Credentialing Committee Report – Dr. Becky Carlon

No report.

Dental Hygiene Committee Report – Ms. Becky Bynum

No report.

Examination Committee – Dr. Logan Nalley

Dr. Nalley stated that he hoped everyone would be attending the upcoming CRDTS Conference in Kansas City, MO.

Investigative Committee Report – Dr. Logan Nalley

No report.

Legislative Committee Report – Dr. Steve Holcomb

No report.

Licensure Overview Committee Report – Dr. Becky Carlon

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey made a motion to repost Rule 150-3-.07 Inactive Status Licensure. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

150-3-.07 Inactive Licensure Status. Amended.

~~In accordance with Chapter 295-15 of the Rules and Regulations of the Joint Secretary regarding Inactive Status Licensing,~~ a A licensee may apply for inactive licensure status under the following conditions:

(a) A dentist or dental hygienist ~~who holds an active license licensed~~ in the state of Georgia may apply to the Board for inactive status by submitting the required form and paying the proper fee, ~~where the licensee has either:~~

~~1. reached the age of 60 and is retired from the active practice of dentistry or dental hygiene; or~~

~~2. has become disabled and unable to practice dentistry or dental hygiene.~~

(b) A licensee granted inactive status is exempt from the payment of the biennial renewal fee and continuing education requirement.

(c) A person holding an inactive license may not practice dentistry or dental hygiene in this state.

~~(d) A dentist or dental hygienist holding an inactive license may apply for reinstatement licensee may, in the discretion of the Board, have any inactive license restored by following the reinstatement policy found on the Board's website.:~~

- ~~1. filing the required application and paying the proper fee;~~
- ~~2. providing documentation from a physician or physicians licensed in the State of Georgia that establishes to the satisfaction of the Board that the applicant is able to practice with reasonable skill and safety to patients;~~
- ~~3. providing documentation demonstrating current Cardiopulmonary Resuscitation ("CPR") certification;~~
- ~~4. fulfilling any remedial requirements deemed necessary by the Board as a condition precedent to the licensee resuming his or her practice of dentistry or dental hygiene; and~~
- ~~5. appearing before a Committee of the Board upon request.~~

~~(e) In considering any application for restoration under this Rule, the Board may require that an applicant for restoration of an active license execute releases necessary to obtain documentation of the applicant's complete medical history; the Board may also require the applicant, at his or her own expense, to undergo further examination by physicians designated by the Board.~~

~~(f) As a condition precedent to a license being restored, after 5 years have passed without the applicant being actively engaged in the practice of dentistry or dental hygiene, the Board, in its discretion, may require passage of an examination administered by the Georgia Board of Dentistry or a Regional Testing Agency designated and approved by the Board.~~

A motion was made by Dr. Bennett, seconded by Dr. Nalley, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-1-22; 43-11-7; 43-11-8; 43-11-40; and 43-11-47.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-1-22; 43-11-7; 43-11-8; 43-11-40; and 43-11-47 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 this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Dentistry.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that Dr. Carol A. Lefebvre has been named as Interim Dean at Georgia Regents University College of Dental Medicine.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley reported that the Steering Committee will be meeting next Thursday afternoon. If the Board has anything for him to take to the Committee, he will be happy to do so.

He further reported that the Board will need to have someone designated as a voter for the general assembly at the annual meeting. Dr. Nalley made a motion to appoint Dr. Yeargan as the voting delegate. Dr. Carlton seconded and the Board voted unanimously in favor of the motion.

Dr. Nalley discussed the topic of CITA joining CRDTS. He stated that his vote will be to oppose taking CITA in if the Board did not object. There was no objection.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director's Report – Ms. Tanja Battle

Ms. Battle reported that the Georgia Board of Dentistry is now recognized as having its own law enforcement agency.

Ms. Battle indicated that the online renewal and application process had still not been implemented but that it was being worked on daily in hopes that it would be functional before the renewal cycle starts.

Ms. Battle asked the Board for permission for GDNA to access the database to expedite license verification, especially as it relates to prescriptive authority. Dr. Godfrey made a motion for the Board to release information to GDNA as it relates to what is in the database. Dr. Nalley seconded and the Board voted in favor of the motion.

Dr. Bennett commented that it has been refreshing and exciting to see what is occurring. He wanted to say what a fine job everyone is doing and is looking forward to a great relationship with the Department of Community Health.

Attorney General's Report

Mr. Thernes introduced himself to the Board and stated that he is looking forward to working with the Board.

Dr. Logan Nalley 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. Becky Carlon, Dr. Randy Daniel, Ms. Connie Engel, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Logan Nalley and Dr. Bert Yeargan.

Executive Session

Applications

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

Investigative Committee Report

Report presented:

- DENT130027
- DENT130144
- DENT130145
- DENT130146

- DENT130147
- DENT130150
- DENT130151
- DENT130152
- DENT130153
- DENT130154
- DENT130155
- DENT130156
- DENT130157
- DENT130158
- DENT130159
- DENT130160
- DENT130161
- DENT130161
- DENT130162
- DENT130163
- DENT130164
- DENT130165
- DENT130166
- DENT130167
- DENT130168
- DENT130169
- DENT130170
- DENT130171
- DENT130172
- DENT130173
- DENT130174
- DENT130175
- DENT130176
- K.P.

Executive Director's Report – Ms. Tanja Battle

- A.Z.
- D.O.

Attorney General's Report

Mr. Dean presented the following consent orders for acceptance:

- A.C.W.
- A.A.W.
- S.R. C.
- H.A.
- A.M.S.
- D.F.B.

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

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

Applications

- T.L.W. Dental Hygiene Reinstatement Applicant: Approved application.
- P.M.K. Dental Hygiene Reinstatement Applicant: Approved application.
- J.D.V.O. Dental Hygiene Reinstatement Applicant: Approved application.
- K.L.M. Dental Credentials Applicant: Denied application.
- J.R.H. Dental Hygiene Reinstatement: Approved application.
- A.J.S. Dental Faculty Applicant: Approved application.
- J.L. Dental Faculty Applicant: Approved application.
- C.V. Volunteer Applicant: Approved application.
- C.Y.N. Dental Exam Applicant: Denied application.
- P.N. Dental Reinstatement Applicant: Approved application.
- M.D.D. Dental Reinstatement Applicant: Approved application.
- M.B.P. Dental Credentials Applicant: Denied application.

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

Dr. Nalley made a motion to accept the recommendations made by the Investigative Committee on July 19, 2013. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Those recommendations are as follows:

Complaint Number	Allegations	Recommendation
DENT130027	Standard of Care	Close
DENT130144	Standard of Care	Change Respondent
DENT130145	Standard of Care	Change Respondent
DENT130146	Standard of Care	Change Respondent
DENT130147	Over Px and Tx Plan	Open new case
DENT130150	Patient Abuse	Change Respondent
DENT130151	Patient Abuse	Refer to the AG
DENT130152	Patient Abuse	Open new case
DENT130153	Over Px and Tx Plan	Open new case
DENT130154	Over Px and Tx Plan	Change Respondent
DENT130155	Over Px and Tx Plan	Change Respondent
DENT130156	Standard of Care	Change Respondent
DENT130157	Standard of Care	Refer to the AG
DENT130158	Patient Abuse	Refer to the AG
DENT130159	Over Px and Tx Plan	Open new case
DENT130160	Standard of Care	Open new case
DENT130161	Other	Refer to the AG
DENT130162	Other	Refer to the AG
DENT130163	Over Px and Tx Plan	Refer to the AG
DENT130164	Standard of Care	Refer to the AG
DENT130165	Over Px and Tx Plan	Refer to the AG
DENT130166	Over Px and Tx Plan	Refer to the AG

DENT130167	Over Px and Tx Plan	Refer to the AG
DENT130168	Over Px and Tx Plan	Refer to the AG
DENT130169	Over Px and Tx Plan	Refer to the AG
DENT130170	Over Px and Tx Plan	Refer to the AG
DENT130171	Over Px and Tx Plan	Refer to the AG
DENT130172	Standard of Care	Refer to the AG
DENT130173	Over Px and Tx Plan	Open new case
DENT130174	Other	Close
DENT130175	Patient Abuse	Refer to the AG
DENT130176	Failure to perform client services	Refer to the AG

- K.P. Dental Licensee: Accept LEAP course taken.

Dr. Nalley made a motion to accept the recommendations made by Attorney General’s office. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Those recommendations are as follows:

- A.C.W. – Public Consent Order accepted.
- A.A.W. – Public Consent Order accepted.
- S.R. C. – Public Consent Order accepted.
- H.A. – Public Consent Order accepted.
- A.M.S. – Public Consent Order accepted.
- D.F.B. – Public Consent Order accepted.

Dr. Nalley made a motion to have the Board’s Chief Investigator review the file pertaining to A.Z. and respond accordingly. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

In the same motion, the Board voted to release the records for D.O. in response to the federal court order.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, September 6, 2013, at 9:30 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

The Board meeting adjourned at 2:03 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist
 Minutes edited by Tanja D. Battle, Executive Director