

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
August 3, 2018
10:00 a.m.

The following Board members were present:

Dr. Richard Bennett, President
Dr. Greg Goggans, Vice-President
Dr. Tracy Gay
Dr. Steve Holcomb
Dr. Logan Nalley
Dr. Bert Yeargan

Staff present:

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

Visitors:

Alan Furness, DCG
Suzanne Newkirk
Margaret Conrad
Scott Lofranco, GDA
Dr. K. Turner, FCBOH

Dr. Bennett established that a quorum was present and called the meeting to order at 10:05 a.m.

Open Session

Introduction of Visitors

Dr. Bennett welcomed the visitors.

Approval of Minutes

Dr. Holcomb made a motion to approve the Public and Executive Session minutes for the July 13, 2018 meeting. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

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

Correspondence from Suzanne Newkirk

The Board considered the Coronal Polishing and Fluoride Powerpoint, along with the Ethics and Jurisprudence Exam for Dental Assistants, which was tabled from the Board's July meeting. Dr. Holcomb commented that it is a well thought out program. He stated he was hoping the Rules Committee would be able review it. He stated he did have some questions concerning what the prevailing standard is related to some of the program's components and wants to make sure it comports with what the Board feels. Ms. Newkirk, who was present at the meeting, stated she would be happy to answer any questions the Board had. Dr. Holcomb responded by stating that he did not have any questions for her, but thinks this will require research on the Board's part.

Correspondence from Suzanne Newkirk

The Board considered this correspondence from Ms. Newkirk requesting the Board's approval for dental hygienists in Georgia, under the direction of their supervising dentist, to be delegated duties for low level light/laser therapy for the promotion of wound healing, treatment of soft tissue lesions and reduction of bacteria and pain following nonsurgical and surgical procedures. Dr. Holcomb stated that he thinks there is literature showing this does hold promise and benefit; however, there was a study from NYU that showed more research needed to be conducted. He stated he thinks this is something to be taken under consideration by the Rules Committee. Dr. Holcomb made a motion to refer this matter to the Rules Committee to see how this would apply in Georgia. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Ms. Newkirk stated that she is new to the State of Georgia, and when she looked at the law, this is an area that is ambiguous and open to interpretation or misinterpretation. She stated that in writing to the Board, she is requesting clarification as to whether or not this is something that may be delegated. Dr. Holcomb read Rule 150-5-.03(11) which states in part, "*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.*" Dr. Holcomb stated that this means any technology is prohibited and if there are any dentists delegating this duty, he/she is in violation of the rule. Ms. Newkirk stated that she suggests in the letter she wrote Low Level Light/Laser Therapy also known as Photobiomodulation and biostimulation therapy. Dr. Yeargan pointed out that a laser creates light waves, which creates heat. Ms. Newkirk stated that this laser therapy does not damage the tissue. Dr. Bennett stated that for this moment, Dr. Holcomb's point is well taken and at this point, it is very clear the use of a laser can only be utilized by a licensed dentist. However, he stated the Board will refer the information presented by Ms. Newkirk to the Rules Committee to review.

Correspondence from Suzanne Newkirk

The Board considered this correspondence from Ms. Newkirk regarding teledentistry. Dr. Bennett stated that this has been a topic of the Board's as far as long range planning goes. He stated he thinks the Board needs to be prepared to adjust its rules to address such. Dr. Nalley made a motion to forward the information provided by Ms. Newkirk to the Rules Committee. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Correspondence from Joint Commission on National Dental Examinations

The Board considered this correspondence regarding National Board Dental Exam Parts I and II being replaced with the Integrated National Board Dental Exam. Dr. Bennett suggested referring this information to the Rules Committee for review.

Correspondence from Emily Yona, GDA

The Board considered this correspondence regarding expanded duties certification expiration. Dr. Nalley made a motion to direct staff to respond by stating that the Board states a dental assistant may perform the expanded duties listed on the certificate, regardless of when the certificate was issued, as long as he/she has completed the appropriate training for such as required per Board Rule 150-9-.02. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

General – Dr. Richard Bennett

Dr. Bennett stated that the next scheduled board meeting will be on Friday, September 14, 2018 at 10:00 a.m. He added that the Rules Committee will meet that morning from 8:00 a.m. to 10:00 a.m. as there are many pending items for the Committee to discuss and will make sure there is ample time for public input. He stated that the Licensure Overview Committee will meet at 7:00 a.m. Mr. John Watson, ADSO, asked

if the Rules Committee was still scheduled to meet on August 10, 2018. Dr. Bennett responded by stating that yes, there will be a working session on the 10th.

Southern Conference of Deans and Dental Examiners: Dr. Bennett reported that the annual meeting for the Southern Conference of Deans and Dental Examiners will be held on January 25-27th of 2019 in Georgia. He stated he has had initial conversations with Dr. Kevin Frazier, Dental College of Georgia (DCG), as far as a venue in Augusta. He is aware that there are some board members who would like to see it closer to Atlanta or Lake Oconee. He was going to ask that the Board be allowed to have a presentation at that meeting about clinical exams and licensure. Dr. Bennett stated he will work on content for that.

Dr. Nalley commented that he thinks Lake Oconee is a great place as that is where the conference was previously held. He stated that in his opinion he is not sure that Augusta will attract as many people; however, it may be more convenient for the Dental College of Georgia. Dr. Alan Furness, Dental College of Georgia, spoke to the Board regarding this matter. He stated that the tentative agenda submitted is just tentative. He added that Dr. Frazier has received several questions from other schools as to where the meeting will be held, so he is feeling pressure to finalize event details. Dr. Furness stated that there is cost savings to the school having the meeting in Augusta as opposed to having it at Lake Oconee. He stated that he understands that is not the most desired place, but asked the Board to keep that in mind. Dr. Bennett stated that he will be in talks with Dr. Frazier to get this going and will make sure the Board receives this information in a timely manner to review.

CE Audit Committee Report – Dr. Richard Bennett

Dr. Bennett reported that 2017 was a renewal year. He stated that as of July 1st, those licensees that did not renew have been lapsed. Dr. Bennett stated that the Board will proceed with its post-renewal audit.

General Anesthesia Committee Report – Dr. Antwan Treadway

No report.

Conscious Sedation Committee Report – Dr. Richard Bennett

Dr. Bennett stated he appreciates Dr. Gay's timely review of the applications.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Bert Yeargan

No report.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Legislative Committee Report – Dr. Greg Goggans

No report.

Licensure Overview Committee Report – Dr. Tracy Gay

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Bennett stated that he previously discussed when the Committee would be meeting. He stated he hopes to get pending issues resolved soon.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb thanked Dr. Bennett for addressing several of the items that have been forwarded to the Rules Committee. Specifically, teledentistry.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley reported that the CRDTS Steering Committee will meet on August 23rd and 24th.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

Dr. Goggans discussed expanded duties course submissions received from Dental Staff School and American Academy of Dental Assisting. Dr. Goggans made a motion to approve the schools as providers of EDDA courses. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Executive Director’s Report – Ms. Tanja Battle

Ms. Battle acknowledge an email received from Mr. Scott Lofranco, GDA, regarding proposed language related to non-profit clinics. She stated that she has forwarded the information received to the Rules Committee.

Attorney General’s Report – Mr. Bryon Thernes

No report.

Legal Services – Ms. Kimberly Emm

Ms. Emm discussed an inquiry she received regarding forensic dental identification for law enforcement. She stated the individual will not be working with any live patients and is requesting to know if he needs to obtain a dental license to do such. The Board directed staff to respond by stating that there is nothing in the law or rules regarding such and for the individual to contact the Georgia Crime Lab to ask what is required for him to be able to perform this duty.

Ms. Emm discussed an inquiry she received from Lakimberly Flowers regarding the standard of care for minor patients that receive their dental treatment at the local hospital under general anesthesia. Ms. Flowers states she is updating their policy manual and asks how long after the procedure should they be following up. The Board directed staff to respond by stating that she should update the manual based on the hospital’s policy.

Dr. Logan Nalley made a motion and Dr. Steve Holcomb 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. Voting in favor of the motion were those present who included Dr. Richard Bennett, Dr. Tracy Gay, Dr. Greg Goggans, Dr. Steve Holcomb, Dr. Logan Nalley, and Dr. Bert Yeargan.

Licensure Overview Committee Appointments/Discussion Cases

- A.L.K.
- M.P.
- P.L.P.

Applications

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

Correspondence

- S.H.H.

Investigative Committee Report

Report Presented:

- DENT180186
- DENT150100
- DENT180160
- DENT150316
- DENT160317
- DENT140092
- DENT150277
- DENT170068
- DENT140066
- DENT130199
- DENT160467
- DENT180100
- DENT180291
- DENT140134
- DENT150206
- DENT160475
- DENT170045
- DENT170333
- DENT170213
- DENT170242

- DENT180014
- DENT180071
- DENT180080
- DENT180082
- DENT180084
- DENT180102
- DENT180203
- DENT180208
- DENT180224
- DENT180232
- DENT180260
- DENT180274
- DENT180275
- DENT180293
- DENT180305

Executive Director’s Report – Ms. Tanja Battle

Discussed list of non-compliant dentists as it relates to the PDMP requirements.

Attorney General’s Report – Mr. Bryon Thernes

Mr. Thernes discussed the following individuals:

- A.J.D.
- S.A.G.
- T.F.F.
- J.G.S.

Mr. Thernes discussed the Board’s directives regarding impairment orders.

Legal Services – Ms. Kimberly Emm

No report.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> • A.L.K. • M.P. • P.L.P. | <ul style="list-style-type: none"> Dental Hygiene Exam Applicant Request to Terminate Probation Dental Hygiene Reinstatement | <ul style="list-style-type: none"> Approved application Table pending receipt of additional information Table pending receipt of additional information |
|--|---|--|

Applications

- | | | |
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| <ul style="list-style-type: none"> • J.A.B. • L.V.G. • M.S. | <ul style="list-style-type: none"> Dental Exam Applicant Dental Hygiene Exam Applicant Dental Credentials Applicant | <ul style="list-style-type: none"> Approved application Approved application Denied application |
|--|--|--|

- B.J.P. Dental Faculty Applicant Approved application
- M.W.L. Dental Faculty Applicant Approved application
- O.A. Dental Reinstatement Applicant Denied application
- B.A.B. Conscious Sedation Applicant Approved for provisional permit
- D.T.K. Conscious Sedation Applicant Approved evaluation
- D.H.H. Conscious Sedation Applicant Denied request for 2nd extension of provisional permit
- J.W.G. Conscious Sedation Applicant Approved for provisional permit
- K.T.C. Conscious Sedation Applicant Approved evaluation
- J.P.L. General Anesthesia Applicant Tabled to allow additional time for review
- S.M.B. General Anesthesia Applicant Tabled to allow additional time for review

Correspondence

- S.H.H. Request for extension of application Approved request

Investigative Committee Report

Report Presented:

Complaint Number	Allegations	Recommendation
DENT180186	Fraud	Close - No Action
DENT150100	Quality of care/substandard practice	Accept MIT results/Close - No Action
DENT180160	Malpractice	Close - No Action
DENT150316	Quality of Care/Substandard Practice	Close - No Action
DENT160317	Quality of Care/Substandard Practice	Close - No Action
DENT140092	Quality of Care/Substandard Practice	Close - No Action
DENT150277	Other	Close - No Action
DENT170068	Quality of Care/Substandard Practice	Close - No Action
DENT140066	Unprofessional Conduct	Close - Flag license if reinstated reopen
DENT130199	Malpractice	Close - No Action
DENT160467	Quality of Care/Substandard Practice	Close - No Action
DENT180100	Arrest, Conviction & Pleas	Close - No Action
DENT180291	Quality of Care/Substandard Practice	Close - No Action
DENT140134	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT150206	Quality of Care/Substandard Practice	Close
DENT160475	Quality of Care/Substandard Practice	Close
DENT170045	Quality of Care/Substandard Practice	Close
DENT170333	Quality of Care/Substandard Practice	Close
DENT170213	Quality of Care/Substandard Practice	Close
DENT170242	Fraud	Close
DENT180014	Quality of Care/Substandard Practice	Close
DENT180071	Fraud	Close
DENT180080	Quality of Care/Substandard Practice	Close
DENT180082	Quality of Care/Substandard Practice	Close
DENT180084	Quality of Care/Substandard Practice	Close
DENT180102	Malpractice	Close
DENT180203	Malpractice	Close
DENT180208	Malpractice	Close

DENT180224	Quality of Care/Substandard Practice	Close
DENT180232	Malpractice	Close
DENT180260	Record Release	Close
DENT180274	Morbidity and Mortality	Close
DENT180275	Quality of Care/Substandard Practice	Close
DENT180293	Quality of Care/Substandard Practice	Close
DENT180305	Malpractice	See DENT140134 (close together)

Executive Director’s Report – Ms. Tanja Battle

Discussed list of non-compliant dentists as it relates to the PDMP requirements.

Attorney General’s Report – Mr. Bryon Thernes

Mr. Thernes discussed the following individuals:

- A.J.D.
- S.A.G.
- T.F.F.
- J.G.S.

Mr. Thernes discussed the Board’s directives regarding impairment orders.

Legal Services – Ms. Kimberly Emm

No report.

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

With no further business, the Board meeting adjourned at 11:45 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, September 14, 2018, at 10:00 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director