

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
August 9, 2019
12:00 p.m.

The following Board members were present:

Dr. Greg Goggans, President
Dr. Tracy Gay, Vice-President
Dr. Richard Bennett
Dr. Tom Godfrey
Dr. Michael Knight
Dr. Ami Patel
Dr. Parag Soni
Dr. Brent Stiehl
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Max Changus, Assistant Attorney General
Bryon Thernes, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Lauren Pollow, PDS
John Watson, ADSO
Scott Lofranco, GDA
Bradley Rightnowar, ADSO
Emily Yona, GDA
Carson Brown, DPG
Charles Craig, GDHA
Nettie Hatcher, The Breathe Organization
Steve Watts, Jr., Butler Creek

Open Session

Dr. Goggans established that a quorum was present and called the meeting to order at 12:09 p.m.

Introduction of Visitors

Dr. Goggans welcomed the visitors.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the July 12, 2019 meeting. Discussion was held by Dr. Godfrey, who requested the Board table consideration of the Executive Session minutes for later in the meeting. Dr. Yeargan amended his motion to state that the Public Session minutes for the July 12, 2019 were approved. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

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

Petition for Rule Waiver from Dr. Khushbu Mody

Dr. Bennett made a motion to deny the rule waiver petition. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Correspondence from Bekah Adamson, GDHA

The Board considered this correspondence regarding inconsistencies with the language in O.C.G.A. § 43-11-74(b) and Rules 150-5-.03(10)(a) and 150-9-.02(3)(i) concerning nitrous oxide administration under direct supervision. In her correspondence, Ms. Adamson states that the GDHA feels that Rule 150-9-.02(3)(i) may be interpreted to mean that a dental assistant may increase the level of nitrous oxide following the specific instruction of the dentist, whereas the language in O.C.G.A. § 43-11-74(b) specifically prohibits a hygienist from increasing the initial dosage even though Rule 150-5-.03(10)(a) authorizes a dental hygienist to perform all of the duties performed by a dental assistant. Ms. Adamson requested the Board provide clarification regarding this issue. Dr. Soni made a motion to refer this matter to the Rules Committee to address. Dr. Knight seconded and the Board voted unanimously in favor of the motion.

Miscellaneous

Dr. Soni made a motion to post Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising. Dr. Yeargan seconded. Discussion was held by Dr. Godfrey. Dr. Godfrey stated that the draft presented has removed the language “assert and allude” in sections (6)(c) and (6)(e). He stated that the rule is called “Fraudulent, Misleading or Deceptive Advertising” and as drafted, the Board is covering “fraudulent”. Dr. Godfrey commented that if there is “misleading”, then “assert and allude” need to be included. Dr. Godfrey made a motion to include “assert and allude” in sections (6)(c) and (6)(e). With no further discussion, the Board voted in favor of the previous motion.

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

(1) For purposes of O.C.G.A. § 43-11-47(a)(15), “advertising” shall include any information communicated in a manner designed to attract public attention to the practice of the licensee, including the use of a trade name or corporate name.

(2) A dentist may provide information regarding ~~himself or herself~~ the dentist personally, his or her the dentist’s practice, and fixed fees associated with routine dental services in a dignified manner in newspapers, magazines, yellow page directories, consumer directories, ~~or~~ comparable written publications, ~~or~~ broadcast advertising, or Internet advertising. The dentist shall have ultimate responsibility for all advertisements approved or placed by the dentist or ~~his or her~~ the dentist’s agents, employees, ~~or~~ associates, or contractors. The dentist shall retain a copy, recording, or specification of the advertisement for at least one year following the last appearance or use of the advertisement, and shall provide a copy, recording, or specification to the Board within ten (10) days of any request by the Board.

(3) Advertising may include, but is not limited to, the following information:

(a) The dentist’s title or degree;

(b) A designation of specialty dental practice, if said specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150- 11-.01 and the dentist has completed the educational requirements stated in the American Dental Association’s specialty practice guidelines in existence at the time the advertisement is made;

(c) Office and telephone answering hours, office location, office telephone number, and residence address and telephone number;

(d) Fees for a specific, routine service. For purposes of this Rule, a dental service may be characterized as a “routine dental service” if it is performed frequently in the dentist’s practice, is usually provided at a specific fee to substantially all patients receiving the service, and is provided with little or no variance in technique or materials. The following requirements shall be met when a dentist advertises a routine dental service:

1. If a range of fees is advertised (including use of words such as “from,” “as low as,” “starting at”), the minimum and maximum fees shall be fully disclosed;

2. Consultation, treatment planning, or treatment for any routine dental service advertised for a specific fee must be made available for a minimum of sixty (60) days following the date of the last publication or broadcast of that fee, unless another date is specified in the advertisement;

3. When a routine dental service is advertised as “free,” “no charge,” or like terms, such service must be made available at no cost for a minimum of sixty (60) days following the date of last publication or broadcast of that fee, unless another date is specified in the advertisement;
 4. When a patient accepts the treatment planned for a routine dental service which was advertised by the dentist for a specific fee during the previous sixty (60) days (or other period specified in the advertisement), any subsequent dental service that is reasonably and ~~foreseeably~~ foreseeably related to the advertised routine service must be provided without additional charge, unless the advertisement for the routine dental service includes the following statement: “ADDITIONAL CHARGES MAY BE INCURRED FOR RELATED SERVICES WHICH MAY BE REQUIRED IN INDIVIDUAL CASES.”
- (4) A dentist may use or participate in the use of professional cards, appointment slips or cards, letterhead, office signs, or similar professional notices, provided they are not false, misleading, or deceptive.
- (5) Advertising shall not reveal a patient’s personally identifiable facts, data or information obtained in a professional capacity, without the patient’s written consent.
- (6) The following statements in advertising shall be deemed to be misleading to the public for purposes of this Rule:
- (a) Statements claiming or implying the superiority of a method of treatment, material, drug or appliance;
 - (b) Statements that assert or allude that a certain dentist is a specialist or specializes in any branch of dentistry, unless that specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150-11-.01 and the dentist has completed the educational requirements for that specialty as stated in the American Dental Association’s specialty practice guidelines in existence at the time the advertisement is made;
 - (c) Statements that a dentist has received certification by a particular Board, credentialing organization, professional association, or other certifying body when the dentist has not;
 - ~~(e)~~(d) 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;
 - ~~(d) Statements offering or announcing “quality dentistry,” “quality work,” “staff of skilled dentists,” “skilled employees,” or other like terms, and statements indicating that uncertified persons perform functions requiring a license under O.C.G.A. § 43-11-1, et seq.;~~
 - ~~(e) Statements indicating the availability of superior facilities at a certain office, including statements that an office is “scientifically equipped” or has the “latest modern equipment,” statements making reference to a “modern office,” “modern methods,” “modern devices,” or any similar expressions;~~
 - (e) Statements that a dentist has an ownership interest in a dental practice, facility, or clinic, when that dentist does not in fact have such an ownership interest. The listing of a dentist’s full name in any sign, card, announcement, advertisement, or method used to state or imply that dentistry may or will be done by anyone at any place in this state, in compliance with O.C.G.A. §43-1-18, shall not in and of itself be construed as implying ownership in a dental practice, facility, or clinic for the purposes of this rule;
 - (f) Statements that a dental operation or treatment can be performed without causing any pain; and
 - ~~(g) Use of a trade name or corporate name that is confusingly similar to a trade name or corporate name already in use by a dental practice in this state.~~Statements that contain other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

Dr. Richard Bennett made a motion and Dr. Brent Stiehl 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, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Michael Knight, Dr. Ami Patel, Dr. Parag Soni, Dr. Brent Stiehl and Dr. Bert Yeagan.

Applications

- J.R.D.
- B.D.B.
- E.H.S.
- D.H.T.
- M.M.
- N.S.P.
- B.C.B.
- J.N.W.
- M.B.S.

Investigative Committee Report – Dr. Bert Yeargan

Report Present:

- DENT140247
- DENT150192
- DENT180282
- DENT180322
- DENT190101
- DENT190166
- DENT190213
- DENT190274
- DENT190287
- DENT190291
- DENT190294
- DENT190310
- DENT190331
- DENT190335
- DENT190350
- DENT190356
- DENT190362
- DENT190367
- DENT190368
- DENT190370
- DENT190371
- DENT190377
- DENT190378
- DENT190383
- DENT190388
- DENT190390
- DENT190396
- DENT190397
- DENT190399
- DENT190402
- DENT190403
- DENT190404

- DENT190417
- DENT190418
- DENT190428
- DENT190430
- DENT190446

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent order for acceptance:

- A.S.

Mr. Changus provided an update on pending litigation.

Executive Director’s Report – Ms. Tanja Battle

- R.N.

Miscellaneous

- DENT180097

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

Open Session

Approval of Minutes

Dr. Bennett made a motion to approve the Executive Session minutes for the July 12, 2019 meeting with the changes noted. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

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

Applications

- | | | |
|----------|------------------------------|--|
| • J.R.D. | Dental Exam Applicant | Denied application |
| • B.D.B. | Dental Credentials Applicant | Approved application |
| • E.H.S. | Dental Credentials Applicant | Approved application |
| • D.H.T. | Dental Credentials Applicant | Schedule to meet with the Licensure Overview Committee |
| • M.M. | Dental Credentials Applicant | Approved application |
| • N.S.P. | Dental Reinstatement | Approved application |
| • B.C.B. | General Anesthesia Applicant | Approved for provisional permit |
| • J.N.W. | Conscious Sedation Applicant | Approved application |
| • M.B.S. | Conscious Sedation Applicant | Approved application |

Investigative Committee Report – Dr. Bert Yeargan

Report Present:

Complaint Number	Allegations	Recommendation
DENT140247	Records Release	Close No Action
DENT150192	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT180282	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT180322	Quality of Care/Substandard Practice	Close No Action

DENT190101	Quality of Care/Substandard Practice	Close No Action
DENT190166	Quality of Care/Substandard Practice	Close No Action
DENT190213	Quality of Care/Substandard Practice	Close No Action
DENT190274	Billing	Close No Action
DENT190287	Quality of Care/Substandard Practice	Close No Action
DENT190291	Billing	Close No Action
DENT190294	Unprofessional Conduct	Close No Action
DENT190310	Quality of Care/Substandard Practice	Close No Action
DENT190331	Quality of Care/Substandard Practice	Close No Action
DENT190335	Unprofessional Conduct	Close No Action
DENT190350	Quality of Care/Substandard Practice	Close No Action
DENT190356	Quality of Care/Substandard Practice	Close No Action
DENT190362	Records Release	Close with Letter of Concern
DENT190367	Quality of Care/Substandard Practice	Close No Action
DENT190368	Billing	Close No Action
DENT190370	Quality of Care/Substandard Practice	Close No Action
DENT190371	Quality of Care/Substandard Practice	Close No Action
DENT190377	Quality of Care/Substandard Practice	Close No Action
DENT190378	Quality of Care/Substandard Practice	Close No Action
DENT190383	Quality of Care/Substandard Practice	Close No Action
DENT190388	Quality of Care/Substandard Practice	Close No Action
DENT190390	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190396	Quality of Care/Substandard Practice	Close No Action
DENT190397	Quality of Care/Substandard Practice	Close No Action
DENT190399	Quality of Care/Substandard Practice	Close No Action
DENT190402	Quality of Care/Substandard Practice	Close No Action
DENT190403	Quality of Care/Substandard Practice	Close No Action
DENT190404	Quality of Care/Substandard Practice	Close No Action
DENT190417	Quality of Care/Substandard Practice	Close No Action
DENT190418	Quality of Care/Substandard Practice	Close No Action
DENT190428	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190430	Quality of Care/Substandard Practice	Close No Action
DENT190446	Billing	Close No Action

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent order for acceptance:

- A.S. Public Consent Order accepted.

Mr. Changus provided an update on pending litigation.

Executive Director’s Report – Ms. Tanja Battle

- R.N. Request regarding faculty license Approved request to lapse license

Miscellaneous

- DENT180097 Update provided

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

With no further business, the Board meeting adjourned at 12:50 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, September 20, 2019, 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