

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
December 3, 2021
10:00 a.m.

The following Board members were present:

Dr. Glenn Maron, President
Dr. Ami Patel, Vice-President
Dr. Greg Goggans
Ms. Misty Mattingly
Dr. Larry Miles
Dr. David Reznik
Mr. Mark Scheinfeld
Dr. Brent Stiehl
Dr. Debra Wilson

Staff present:

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

Special Assistant Attorney General:

James Cobb, Caplan & Cobb

Visitors:

Dr. Randy Kluender, GA School of Orthodontics
Cindy Gaskill, CRDTS
Pam Cushenan
Dr. Elizabeth Consky

Open Session

Dr. Maron established that a quorum was present and called the meeting to order at 10:02 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. Reznik made a motion to approve the Public and Executive Session minutes from the November 5, 2021, Conference Call. Dr. Wilson seconded, and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Dr. Brent Stiehl 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. Greg Goggans, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Larry Miles, Dr. Ami Patel, Dr. David Reznik, Mr. Mark Scheinfeld, Dr. Brent Stiehl, and Dr. Debra Wilson.

Executive Session

The Board requested legal advice.

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

Open Session

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Elizabeth Consky: Dr. Consky was on the call and spoke to the Board about her petition. She provided information regarding her background. She explained that she is an oral maxillofacial surgeon practicing in Sandy Springs. Dr. Consky stated that when she accepted the position in Sandy Springs, she moved her family from Alaska to Georgia with the intent of practicing oral and maxillofacial surgery under her Georgia medical license while transitioning to full dental licensure in Georgia. She explained that she obtained her North Carolina license after passing the ADEX and CITA exams involving live patients in 2014. Dr. Consky stated that she is not able to practice the full scope of oral and maxillofacial surgery to the full extent due to the limited examination offerings during the COVID-19 pandemic.

Dr. Consky proposed three pathways to obtain licensure. She requested the Board grant a variance to the rule by accepting her 2014 ADEX exam; the Board issue a temporary permit until such time that the ADEX/CRDTS exam could be offered in Georgia, or; issue an official opinion regarding the practice of full scope oral and maxillofacial surgery under the practitioner's medical license.

Mr. Scheinfeld inquired if Dr. Consky has a Georgia medical license and if there was a licensed CRNA present, is Dr. Consky able to practice to the full degree of what is needed for her job obligations. Dr. Consky responded by stating that she could hire a CRNA to deliver anesthesia; however, that would be an excess cost. She added that it was not typically the standard of what is practiced for oral maxillofacial surgery.

Dr. Reznik requested Dr. Consky provide clarification as to what her hardship would be in terms of why the Board should grant the petition. Dr. Consky responded that the hardship would be both the cost and coordination of not being able to perform sedations during surgery.

Dr. Maron asked if there were any further questions from the Board. He explained that he recused himself from the discussion since he knew Dr. Consky. Dr. Reznik stated that Dr. Consky passed ADEX in 2014 and the Board only accepts results taken from 2015 and forward. He inquired if the live patient exam would be available in February for Dr. Consky to take. Dr. Consky responded that it would not be available in Georgia. She stated that if she would be required to take the exam, she would have to take adequate time to prepare for it. Dr. Consky inquired if there was a difference in the 2014 and 2015 ADEX exams. Ms. Emm responded that, based on information provided to the Board regarding ADEX, the last time the exam was significantly changed was in 2015 and that is why the Board does not accept results prior to 2015.

Dr. Maron stated that a situation like this is the exact reason why the Board needs to create a specialty license in Georgia. He asked if it was appropriate to require a specialist to retake an exam. He stated that this should give the Board further impetus on why it should focus on that in the future. Dr. Maron inquired if there were any further comments or recommendations. Dr. Stiehl commented that while he did not see a hardship demonstrated, it was ridiculous to require a specialist to jump through multiple hoops for a Georgia dental license. Dr. Consky explained that with the live exam, there is not much availability as there was previously due to the pandemic. She added that she was previously unable to travel for the exam due to being pregnant at the time. She continued by stating that she now has two small children at home, and traveling out of state would be difficult. There being no further discussion, Dr. Wilson made a motion to grant the petition based on the special circumstances related to the COVID-19 pandemic. Additionally, the Board also finds that Dr. Consky provided adequate justification for the variance since she has two small

children, one of which is a newborn, and having to travel to complete an accepted licensure examination creates an additional hardship. The Board also considered that Dr. Consky is a Georgia licensed medical doctor and successfully passed the ADEX examination involving live patients in 2014. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. John Kim: Dr. Goggans made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Correspondences

Correspondence from Jessica Bui, Executive Director, SRTA: The Board considered this correspondence requesting an appearance to provide a presentation regarding the SRTA examination. The Board recommended approving the request and directed staff to schedule Ms. Bui for the January meeting.

Correspondence from Sandi Woodward, Wiregrass Technical College: The Board considered this request for approval of the coronal polishing course at Wiregrass Technical College. Ms. Mattingly made a motion to approve the course. Dr. Reznik seconded and the Board voted unanimously in favor of the motion.

Correspondence from Kimber Cobb, CDCA/WREB: The Board considered this correspondence requesting an appearance to provide a presentation regarding acceptance of the ADEX simulated dental hygiene examination. The Board recommended approving the request and directed staff to schedule Ms. Cobb for the February meeting.

Correspondence from Dr. Naquilla Thomas, Clayton State University: The Board considered this correspondence requesting clarification and guidance concerning taking radiographs, developing and implementing treatment plans within an approved on campus training clinic. The Board recommended tabling this matter and directed staff to seek further clarification regarding the request.

General – Dr. Glenn Maron

In-Person Meetings: Dr. Maron reported that he had been informed that some boards just started meeting in person with the Executive Director and key speakers only. Dr. Maron stated that he felt all board members were key speakers and all should be permitted to meet in person. He further stated that members of the public would have to continue to meet virtually. Dr. Maron stated that wearing masks would be mandatory. He added that it was his understanding that, as Board President, he had the right to establish the requirement that all board members meet in person as long as the Department of Community Health would not limit the members from entering the building. He further stated that members of the public must continue to call in to the meetings as they were not permitted to attend the meetings in person.

Local Anesthesia: Dr. Maron requested Ms. Mattingly and members of the Local Anesthesia Committee be prepared to make a presentation to the full Board regarding local anesthesia. Ms. Emm commented that the Committee met and Ms. Emm has the proposed suggestions. She added that she needs to formulate the suggestions into the proper format so it can be presented. Ms. Emm stated that she will compile the information and forward it to the Committee for review so they can prepare.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

2022 Accreditation Site Visits: Mr. Lacefield discussed correspondence received from the Commission on Dental Accreditation (CODA) extending an invitation to the Board for participation in the 2022 dental

assisting education accreditation site visit of Albany Technical College. Mr. Lacefield inquired if there were any volunteers for the site visit. Dr. Miles volunteered to attend.

CRDTS Steering Committee Representative: Mr. Lacefield reported that Dr. Maron appointed Dr. Stiehl as the CRDTS Steering Committee Representative for the Board.

Legal Services – Ms. Kimberly Emm

No report.

Rules Discussion

Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising: The Board recommended tabling this subject until its January meeting.

Appearances

Dr. Suzanne Mericle was on the call and spoke to the Board concerning allowing general dentists to order a sleep test. Dr. Mericle explained that sleep disorders, such as sleep apnea, have become more widely recognized. She further stated that 22 million Americans suffer from sleep apnea. Dr. Mericle continued by stating the dentist is in a unique position as he/she has the patient in the chair and can see straight down the patient’s airway. She added that she would like dentists to order and administer the sleep test, and have the test read, interpreted, and diagnosed by a Sleep Physician, who would recommend the appropriate treatment. Dr. Maron inquired if there were other states that permitted such. Dr. Mericle responded that forty-eight (48) states were permitted to offer and administer a home sleep test, which have to be read by a board certified sleep physician. Dr. Maron stated that he sees many patients with sleep apnea and refers them to a pulmonologist for consultation. He continued by stating that most sleep studies are done by a certified sleep medicine specialist and the physician would be the one to determine the appropriateness of a home study versus an in office study. He explained that the concern he has is if the dentist orders the home sleep study, the dentist is making the diagnosis. Additionally, Dr. Maron stated that the accuracy of a home study was not the same as an in office study. After further discussion, Dr. Maron stated that he agreed that this was something that should be at the purview of the dentist and the Board would take this matter into consideration. Dr. Mericle responded that this was the second time she had come before the Board to discuss this matter. She added that she was told the exact same thing the first time she discussed it and had not heard anything else about it. Dr. Maron responded that this is now a different board and it would do its best to try to take action. He requested this topic be placed on the list of items to be discussed by the Board to consider for a policy change.

Dr. MaryJane Hanlon, Promethean Dental Systems, was on the call and provided the Board with an overview of remediation services offered by Promethean Dental Systems.

Dr. Brent Stiehl made a motion and Dr. David Reznik 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. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Larry Miles, Dr. David Reznik, Mr. Mark Scheinfeld, Dr. Brent Stiehl, and Dr. Debra Wilson.

Executive Session

Special Assistant Attorney General

- Pending litigation

Licensure Overview Committee Appointments/Discussion Cases

- M.E.S.
- R.S.
- S.D.A.
- R.K.C.
- L.K.P.
- V.K.
- P.N.M.
- M.M.M.

Applications

- J.W.K.
- P.J.C.
- J.K.
- S.A.A.
- R.D.
- J.M.D.
- D.L.C.
- S.R.B.
- L.D.B.

Investigative Committee Report – Dr. Brent Stiehl

Report presented:

- DENT190481
- DENT200109
- DENT220090
- DENT220159
- DENT220144
- DENT220137
- DENT200309
- DENT200327
- DENT200333
- DENT200336
- DENT200338
- DENT200441
- DENT210014
- DENT210017
- DENT210022
- DENT210027
- DENT210049
- DENT210495
- DENT190477
- DENT160096
- DENT180167
- DENT180027
- DENT220171
- G.S.

- DENT190363
- DENT190382
- DENT190455
- DENT200021
- DENT200029
- DENT200093
- DENT200103
- DENT180286
- DENT190136
- J.G.

Attorney General’s Report – Mr. Max Changus

Mr. Changus provided an update on the following cases:

- J.P.
- M.S.D.
- DENT190376
- S.H.

Ms. Daughdril provided legal advice regarding the Board’s authority to draft rules related to teledentistry.

Executive Director’s Report – Mr. Eric Lacefield

No report.

Legal Services – Ms. Kimberly Emm

- A.E.A.
- I.L.

Miscellaneous

The Board discussed the complaint process related to a pending complaint.

Discussion was held regarding infection control practices related to a pending complaint.

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

Open Session

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

Special Assistant Attorney General

- Pending litigation Update provided

Licensure Overview Committee Appointments/Discussion Cases

- | | |
|---|--|
| <ul style="list-style-type: none"> • M.E.S. Faculty Applicant • R.S. Renewal Pending | <p>Approved application
Renew with letter stating the Board has not concluded its consideration of the matter.</p> |
| <ul style="list-style-type: none"> • S.D.A. Renewal Pending | <p>Renew with letter stating the Board has not concluded its consideration of the matter.</p> |

- R.K.C. Renewal Pending Renew with letter stating the Board has not concluded its consideration of the matter.
- L.K.P. Renewal Pending Renew with letter stating the Board has not concluded its consideration of the matter.
- V.K. Renewal Pending Refer to the Department of Law
- P.N.M. Renewal Pending Approved for renewal
- M.M.M. Renewal Pending Renew with letter stating the Board has not concluded its consideration of the matter.

Applications

- J.W.K. Dental Exam Applicant Approved application
- P.J.C. Dental Credentials Applicant Denied application
- J.K. Denied Credentials Applicant Denial upheld
- S.A.A. Initial Moderate Enteral CS Approved for provisional permit
- R.D. General Anesthesia Approved application
- J.M.D. Initial General Anesthesia Approved evaluation
- D.L.C. Initial General Anesthesia Approved evaluation
- S.R.B. Dental Hygiene Reinstatement Table pending receipt of additional information
- L.D.B. Inactive Status Applications Approved application

Investigative Committee Report – Dr. Brent Stiehl

Complaint Number	Allegations	Recommendation
DENT190481	Unprofessional conduct	Close with Letter of Concern
DENT200109	Quality of Care/Substandard Practice	Close - Deceased
DENT220090	Quality of Care/Substandard Practice	Accept Cease & Desist
DENT220159	Quality of Care/Substandard Practice	Withdrawn
DENT220144	Quality of Care/Substandard Practice	Withdrawn
DENT220137	Quality of Care/Substandard Practice	Withdrawn
DENT200309	Malpractice	Close with No Action
DENT200327	Quality of Care/Substandard Practice	Close with No Action
DENT200333	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT200336	Quality of Care/Substandard Practice	Close with No Action
DENT200338	Quality of Care/Substandard Practice	Close with No Action
DENT200441	Abandonment	Close with No Action
DENT210014	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT210017	Quality of Care/Substandard Practice	Close with No Action
DENT210022	Record Release Violation	Close with Letter of Concern
DENT210027	Quality of Care/Substandard Practice	Close with No Action
DENT210049	Quality of Care/Substandard Practice	Close with No Action
DENT210495	Quality of Care/Substandard Practice	Close with No Action
DENT190477	Quality of Care/Substandard Practice	Close with No Action
DENT160096	Quality of Care/Substandard Practice	Close with Public Consent Order
DENT180167	Quality of Care/Substandard Practice	Close with Public Consent Order
DENT180027	Quality of Care/Substandard Practice	Close with No Action

DENT220171	Other	Refer to Department of Law
G.S.	Unlicensed practice	Accept Cease & Desist
DENT190363	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190382	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190455	Quality of Care/Substandard Practice	Close with No Action
DENT200021	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT200029	Quality of Care/Substandard Practice	Withdrawn
DENT200093	Malpractice	Close with Letter of Concern
DENT200103	Quality of Care/Substandard Practice	DN1: Close with Letter of Concern / DN2: Close with No Action
DENT180286	Quality of Care/Substandard Practice	Close with No Action
DENT190136	Quality of Care/Substandard Practice	Close with No Action
J.G.	Arrest, Conviction, & Pleas	Take as Information Only

Attorney General’s Report – Mr. Max Changus

Mr. Changus provided an update on the following cases:

- J.P. Close with no action
- M.S.D. Update provided
- DENT190376 Close with no action
- S.H. Update provided

Ms. Daughdril provided legal advice regarding the Board’s authority to draft rules related to teledentistry.

Executive Director’s Report – Mr. Eric Lacefield

No report.

Legal Services – Ms. Kimberly Emm

- A.E.A. Request for letter of compliance Approved request
- I.L. Request for letter of compliance Approved request

Miscellaneous

The Board discussed the complaint process related to a pending complaint.

Discussion was held regarding infection control practices related to a pending complaint.

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

With no further business, the Board meeting adjourned at 1:36 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, January 7, 2022, 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