

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
December 4, 2020
10:00 a.m.

The following Board members were present:

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

Staff present:

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

Visitors:

Cynthia Hughes
Bradley Rightnowar, ADSO
Dr. Randy Kluender
John Watson, ADSO
Scott Lofranco, GDA

Open Session

Dr. Gay established that a quorum was present and called the meeting to order at 10:03 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. Goggans made a motion to approve the Public and Executive Session minutes from the November 6, 2020 Conference Call. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

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

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Amber O. Robertson: Dr. Bennett made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Robertson provided adequate justification for the variance since she successfully passed the SRTA clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Robertson agrees to take and successfully negotiate a patient-based periodontics examination administered by CRDTS or another Board recognized exam once these exams are administered again. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Brandon Lynch: Dr. Bennett made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr.

Lynch provided adequate justification for the variance since he successfully passed the ADEX clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Lynch agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Emily W. Knott: Discussion was held by the Board regarding the ADEX exam taken by Dr. Knott in 2018. Dr. Bennett commented that he thinks, historically, the Board has said it will only accept the exam when the Board was involved with the testing agency. Dr. Goggans asked if this would be the same examination. Dr. Knott, who was on the call, commented that she contacted ADEX and inquired about the difference in the exam. She stated that the portion she completed on the live patient is now done on a manikin. With there being no further discussion, Dr. Bennett made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, the Board is willing to offer Dr. Knott a pathway to licensure with the condition that she agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Karunesh Chakote: Dr. Bennett made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Sandeep Chunduru: Dr. Bennett made a motion to grant the variance based on the special circumstances related to the cancellation of the CRDTS examination (due to the COVID-19 pandemic), and a new date for the examination has not been rescheduled. The Board also finds that Dr. Chunduru provided adequate justification for the variance since he successfully passed the ADEX clinical examination, which involved a live patient. The variance is granted with the condition that Dr. Chunduru agrees to take and successfully negotiate CRDTS or another Board recognized exam once these exams are administered again. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Ghazal Sadeghi: The Board discussed this rule petition that was denied at the Board's November meeting. Dr. Sadeghi, who was on the call, requested the Board reconsider its denial. She stated that she passed the ADEX examination on a live patient and is willing to take CRDTS or another Board recognized exam once these exams are administered again. Dr. Bennett made a motion to table the petition pending further discussion of Dr. Sadeghi's application in Executive Session. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. James Stockslager

The Board considered this correspondence requesting clarification regarding its acceptance of the ADEX examination results. In response, the Board directed staff to respond by stating that students who obtained passing results from the first portion of the ADEX exam taken in his/her junior year (2019-2020), and completed and passed the second portion of the exam after January 1, 2021 in his/her senior year, would meet the exam requirements.

Correspondence from Dr. Corey Woodard

The Board considered this correspondence requesting clarification as to whether or not a dental assistant under direct supervision can use an automated blood pressure cuff to take and record blood pressure and heart rate. In response, the Board directed staff to respond by stating that only an Expanded Duties Dental Assistant may take and record vital signs as per Rule 150-9-.02(3)(r).

Correspondence from Matthew Glans, American Academy of Dental Sleep Medicine

The Board considered this correspondence regarding the practice of dental sleep medicine and the use of home sleep apnea tests by qualified dentists. Dr. Bennett stated that the Board received input on this matter from the Attorney General's office several years ago. Ms. Emm commented that the Board has a policy which states the prescribing of a sleep apnea appliance does not fall within the scope of dentistry and that home sleep studies should only be ordered and interpreted by a licensed physician. Dr. Goggans commented that this issue is going to keep coming up as Georgia is one of the few states that does not allow such. After further discussion, the Board requested Mr. Changus provide the Board with a copy of the Attorney General's input on this matter.

Correspondence from Dr. Ahmad Keichour

The Board discussed this correspondence from Dr. Keichour requesting the Board's consideration in granting dental hygiene licensure to an individual that attended a non-CODA accredited school. The Board directed staff to respond to Dr. Keichour by stating the Board does not have the authority to grant licenses outside of the laws and rules of Georgia or to waive requirements written in law. For information regarding licensure requirements, please reference the Official Code of Georgia Annotated (O.C.G.A.) Title 43. Professions and Businesses; Chapter 11. Dentists, Dental Hygienists, and Dental Assistants and the Board Rules.

Correspondence from Laney Kay

The Board considered this correspondence regarding fee splitting. Dr. Bennett made a motion to table this matter for further discussion in Executive Session. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Correspondence from the DCG Class of 2021 COVID-19 Action Committee

The Board considered this correspondence requesting the Board's acceptance of a manikin based examination. Representatives from the DCG Class of 2021 COVID-19 Action Committee were on the call and answered questions from the board members. Dr. Bennett inquired as to what the experiences are that a dental student would be required to do for crown and bridge. Mr. Will Austin responded that students are in the clinic every day from 9:00 a.m. to 5:00 p.m. operating on patients. He stated that the competencies are still the same for crown and restorations. Dr. Bennett inquired as to how many externships Mr. Austin has participated. Mr. Austin responded that all externships are in house. Dr. Bennett asked how many surgical extractions Mr. Austin has completed. Mr. Austin responded that he was not sure of the number, but he has done multiple extractions on numerous patients. Dr. Bennett inquired as to how many aerosol generated experiences were completed. Mr. Austin stated the students do that every session or afternoon. Dr. Bennett asked when did the clinic open back up for aerosol use. Mr. Austin responded that the clinic opened up for aerosol use in August. Dr. Bennett stated that from March to August there was no aerosol use. Mr. Austin commented that the students were doing simulations at that point. Dr. Bennett stated that the Board appreciates the students writing the Board. He continued by stating that the Board is charged with protecting the citizens of the State of Georgia, and while he is sympathetic to the fact that there are stringent guidelines right now, through no fault of the students, there are basic minimums that need to be met. Dr. Bennett stated that, while he cannot speak for the entire board, if there was ever a time that a third party's unbiased assessment of a candidate's ability was needed, it would be now where a student's dental education was interrupted for months. He stated to Mr. Austin that there will be class members that get out of school and have an unrestricted license to be able to do endodontics and possibly having only done one extraction on a live patient or restoration. Dr. Bennett continued by stating that each board member sees patients on a daily basis. Mr. Austin stated that some of the facts Dr. Bennett mentioned are not correct. He stated that productivity is the same in year's past with the procedures the students are doing and the competencies have not changed. Mr. Austin continued by stating that the expectations are still the same. Dr. Gay responded by stating that if everything is still measuring up to the same standard in school, then the students should take the same exam as everybody else ahead of him/her. He continued by stating that

in clinical practice, he/she will be working on live patients, not manikins. Another representative of the Class of 2021 (name unknown) stated that their main concern with doing a manikin based exam was for the ethical consideration of their patients. The caller explained that all patients will have to be in a waiting area. The caller continued by stating that they are concerned about patients sitting in a room with numerous other people and having to remove his/her masks. The caller explained that the patient will be leaving with rubber dams on instead of masks. The caller continued by stating that they are concerned for the safety of the graders, staff and the patients. Dr. Stiehl stated that, as a grader of some of these exams, there is a difference between working on a live patient versus a manikin. The caller responded by asking if Dr. Stiehl was aware that there are forty-six states that are accepting manikin based exam. Dr. Stiehl responded by stating that is forty-six other states where a student could obtain dental a license. No further discussion was held.

Correspondence from John Watson, ADSO

The Board considered this correspondence requesting it take steps to keep dentistry open to all urgent, emergent, and elective care throughout any future shutdown, and to allow dentists to provide COVID-19 and influenza testing and vaccinations. Dr. Gay asked Mr. Changus for his thoughts on this matter. Mr. Changus responded by stating that in terms of the administration of vaccines, the U.S. Department of Health and Human Services (HHS) is looking to streamline the delivery of the vaccine where pharmacists, interns and technicians are included. He stated that there has been some input from the ADA to include dentists in that group, but there has not been anything official on that yet. Mr. Watson, commented that not every dentist will want to participate with the vaccination process and the conditions under which those vaccinations would be stored. He stated there are a lot of unanswered questions.

Mr. Lofranco commented that he confirmed with the Department of Public Health (DPH) that dentists are not part of that vaccination distribution program. He stated that he was told emails from Dr. Toomey were sent to everyone on the PDMP distribution list. He further stated that it was unclear in the Dental Practice Act if a dentist could administer the vaccine. Mr. Lofranco stated that he asked DPH if they would create emergency use authorization for that and was told there were not any plans to do so. Dr. Bennett commented that many individuals will go to the dentist instead of his/her primary care provider, especially in rural areas. He added that he thinks if the Board has the opportunity to help people in the state, it may want to have a conversation about obtaining emergency authorization. Dr. Maron made a motion for the Board to compose a letter to the Governor regarding such. Dr. Bennett seconded. Discussion was held by Dr. Gay. He requested Dr. Maron, Dr. Bennett and Mr. Scheinfeld compose the letter. Mr. Watson commented that he would stand ready to assist the Board in any way. Mr. Rightnowar thanked the board members for being pro-active in helping protect the health, safety and welfare of the citizens of Georgia. He stated that he thinks a dentist who wants to administer the vaccine is taking the next step in protecting the health, safety and welfare of Georgia citizens. Mr. Rightnowar commented that those dentists who do not wish to provide that service certainly do not have to. Mr. Lofranco commented that it is great for the dentist to have the ability to administer, but suggested the Board may want to request the Governor include dentists in the "healthcare worker" definition. He stated that he thinks that would be another component and it is just a suggestion. Ms. Mattingly requested the Board consider adding vaccine administration as a delegable duty for dental hygienists. Mr. Changus stated that he thinks asking for the Governor to broaden the authority for dentists to provide the vaccinations is one thing, but in terms of adding or amending a rule at this point, he does not know if that is within the Board's statute. There being no further discussion, the Board voted unanimously in favor of the motion.

General – Dr. Tracy Gay

No report.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

Correspondence from Scott Lofranco regarding Temporary Use of Telehealth Services:

Mr. Lacefield stated that in April the Board issued a statement regarding Temporary Use of Telehealth Services. He stated that Mr. Lofranco brought to the Board's attention that the statement extended the temporary use of telehealth services until May 13, 2020 or until the lifting of the State of Emergency. He asked if the Board would like to revise the statement. Dr. Goggans made a motion to direct staff to revise the statement by removing the date and have it align with the State of Emergency. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Correspondence from Cindy Washburn regarding CITA: Mr. Lacefield stated that CITA has extended an invitation to the Board to be a part of the CITA organization. Dr. Goggans made a motion for the Board to become a member of CITA. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Legal Services – Ms. Kimberly Emm

No report.

Miscellaneous

Application from The Injectable Academy, LLC: Dr. Bennett made a motion to deny the request to be a board-approved provider of injectable pharmacologics. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Request from Dr. Richard Callan: The Board discussed this request from Dr. Callan to be considered as a Competency Assessment Provider. Dr. Bennett made a motion to approve the request. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Pre-Recorded Virtual Lectures: Dr. Maron stated that he has been in contact with Hinman regarding this matter. He asked if a virtual lecture is pre-recorded, but the speaker is still on the virtual meeting to answer questions, if this would be acceptable as live CE. Dr. Maron stated that his recommendation would be that as long as the speaker and/or moderator is live to answer questions to lead an interactive discussion, it should be acceptable. Dr. Gay agreed. Mr. Lofranco inquired as to whether or not that meant a pre-recorded session could be held and then a Q&A session be held after the course where the speaker could answer questions in real time. Dr. Maron responded by stating that the speaker must be on the webinar during the playing of the lecture. Ms. Emm asked if this would alter the statement the Board already made for the 2020-2021 biennium. Dr. Maron responded that it is more of a clarification. Ms. Emm asked how would the Board know with its other continuing education providers that the speaker and/or moderator is live on the virtual meeting as the CE certificate provided to the individual would just say "webinar". Dr. Maron responded that the Board would have to go by the ethics of the person giving the course. Dr. Bennett commented that some of this comes down to personal responsibility as the Board cannot police every aspect. He stated that the Board needs to make sure there are guidelines in place. Mr. Scheinfeld suggested the solution be for the speaker to attest to that on the certificate. Dr. Maron agreed. After further discussion, the Board agreed that its previous statement regarding CE for the 2020-2021 would need to be revised. Dr. Gay requested Ms. Emm revise the statement and bring it back to the Board for consideration.

Draft Board opinion on COVID-19 Testing: Ms. Emm stated that at the Board's November meeting, it discussed dentists, as healthcare practitioners, performing COVID testing in office. She directed the Board to the draft statement on Sharepoint. Ms. Mattingly asked if the Board would allow dental hygienists to do a swab because they are currently doing it with Public Health. She stated that is not specified in the statement. Dr. Bennett responded by stating that he is not aware of any statutory provision that would allow for such. Ms. Mattingly responded that it is allowed in a Public Health setting. Ms. Emm

commented that DPH is treated differently under all the executive orders, so its employees fall under a different standard. Ms. Mattingly stated that her suggestion would be for it to be allowed under the direct supervision of a dentist. She added that she thinks anything the Board can do to assist the communities in helping with COVID should be done. She continued by stating that the Board is charged to help the citizens in this state and this is something she thinks a dental hygienist could do. Dr. Gay asked the board members if it wanted to add dental hygienists to the statement or does the Board want to approve it as is. Dr. Bennett made a motion to accept the policy as written. Dr. Patel seconded and the Board voted unanimously in favor of the motion. Discussion was held by Ms. Mattingly. She stated that she would like to see hygiene added. Dr. Bennett asked Ms. Mattingly if she opposed the motion. She responded that she would like the statement to be modified to add that dental hygienists be allowed to perform COVID testing under the direct supervision of a dentist. Mr. Changus commented that one of the issues is would this be something that is authorized under the Board's statute. He stated that, in terms of diagnosing something, he is not sure that is authorized in the Dental Practice Act. Ms. Mattingly responded by stating that the hygienist would not be allowed to diagnose as the test is sent out to a lab. She stated that this would be administering the test. Mr. Lofranco stated that he thinks two different issues are being argued. He added that GDA was talking about point of care saliva tests, not the nasal tests, needing to be sent out. Ms. Mattingly stated that a dental hygienist could do the swabbing. Dr. Wilson agreed with Ms. Mattingly. Dr. Wilson stated that if people can do the test themselves she does not see a reason why a dental hygienist could not do it if the dentist wanted to do testing in his/her office. Dr. Gay stated that this matter has been voted on and passed. He added that there seems to be a desire to add dental hygienists. He requested Ms. Emm research and review to see if this is something that can be delegated to a dental hygienist.

Dr. Richard Bennett 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)(2), § 43-11-47(h), and § 43-1-2(k) to deliberate and receive information on applications, investigative reports, the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Richard Bennett, Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Brent Stiehl and Dr. Debra Wilson.

Executive Session

Appearance

- M.C.C.

Licensure Overview Committee Appointments/Discussion Cases

- D.C.M.
- T.N.P.

Applications

- G.S.
- J.W.S.
- P.E.G.
- K.A.B.
- D.C.N.

Correspondences

- A.S.W.
- D.L.

Investigative Committee Report – Dr. Richard Bennett

Report presented:

- DENT200130
- DENT180364
- DENT190283
- DENT190285
- DENT190306
- DENT190326
- DENT190355
- DENT190359
- DENT210190
- DENT190391
- DENT210074
- DENT180332
- DENT170069
- DENT180027

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- A.A.
- S.A.V.
- Y.U.P.
- M.J.
- A.J.P.

Mr. Changus discussed the following case:

- DENT210035

Executive Director’s Report – Mr. Eric Lacefield

- F.A.

Legal Services – Ms. Kimberly Emm

- S.A.M.

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

Open Session

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

Appearance

- | | | |
|--|-----------------------|--|
| <ul style="list-style-type: none"> • M.C.C. | Denied Exam Applicant | Overturned denial and approved application |
|--|-----------------------|--|

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> • D.C.M. • T.N.P. | Request to terminate probation
Renewal Pending Applicant | Approved request
Tabled pending receipt of |
|--|---|---|

additional information

Applications

- G.S. Dental Exam Applicant Tabled pending receipt of additional information
- J.W.S. Moderate Enteral Conscious Sedation Schedule to meet with the Licensure Overview Committee
- P.E.G. Moderate Parenteral Conscious Sedation Schedule to meet with the Licensure Overview Committee
- K.A.B. Dental Hygiene Reinstatement Approved application
- D.C.N. Dental Faculty Applicant Approved application

Correspondences

- A.S.W. Refund request Denied request
- D.L. Request regarding CE required per Consent Order Denied request

Investigative Committee Report – Dr. Richard Bennett

Report presented:

Complaint Number	Allegations	Recommendation
DENT200130	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT180364	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190283	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT190285	Quality of Care/Substandard Practice	Close with no action pending receipt of additional information
DENT190306	Unprofessional Conduct	Close with no action
DENT190326	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT190355	Quality of Care/Substandard Practice	Refer to the Department of Law
DENT190359	Quality of Care/Substandard Practice	Close with no action
DENT210190	Other	Close with Letter of Concern
DENT190391	Quality of care/substandard practice	Close with Letter of Concern
DENT210074	Quality of care/substandard practice	Close with Letter of Concern
DENT180332	Quality of care/substandard practice	Close with no action
DENT170069	Quality of Care/Substandard Practice	
DENT180027	Quality of Care/Substandard Practice	Refer to the Department of Law

Attorney General's Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- A.A. Public Consent Order accepted
- S.A.V. Public Consent Order accepted
- Y.U.P. Public Consent Order accepted
- M.J. Public Consent Order accepted
- A.J.P. Public Consent Order accepted

Mr. Changus discussed the following case:

- DENT210035 Accepted counteroffer

Executive Director’s Report – Mr. Eric Lacefield

- F.A. Appearance request Denied request

Legal Services – Ms. Kimberly Emm

- S.A.M. Request for modification of Consent Order regarding continuing education Approved request

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

In the same motion, the Board voted to direct staff to respond to the correspondence submitted by Laney Kay by stating that sufficient information was not supplied in order for the Board to provide a response.

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Ghazal Sadeghi: Dr. Bennett made a motion to table the rule variance petition until the Board’s January meeting. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Miscellaneous

Dr. Gay reminded the board members that IC interviews will be conducted following the January and February full Board meetings.

With no further business, the Board meeting adjourned at 12:09 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, January 8, 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