

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
December 7, 2018
11:00 a.m.

The following Board members were present:

Dr. Greg Goggans, Vice-President
Ms. Becky Bynum
Dr. Tracy Gay
Dr. Tom Godfrey
Ms. Wendy Johnson
Dr. Logan Nalley
Dr. Parag Soni
Dr. Brent Stiehl
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Max Changus, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Rhonda Cox, Sage Dental
Charles Craig, GDHA
Emily Yona, GDA
Lauren Pollow, JL Morgan
Scott Lofranco, GDA
Bill Bachand, Dental College of Georgia
James E. Barron, Georgia Dental Society

Open Session

Dr. Goggans established that a quorum was present and called the meeting to order at 11:17 a.m.

Introduction of Visitors

Dr. Goggans welcomed the visitors.

Approval of Minutes

Dr. Nalley made a motion to approve the Public and Executive Session minutes for the November 2, 2018 meeting. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

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

Petition for Rule Variance from Dr. Tamara N. Evans

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

Petition for Rule Variance from Dr. Jennette O'Bryhim

Dr. Nalley made a motion to grant the rule variance petition. Discussion was held by Dr. Godfrey. He stated that Dr. O'Bryhim does not have quite five (5) years of practice. Dr. Nalley responded by stating that she would qualify for a military exception. Dr. Godfrey stated that while the Board does grant military exceptions, the applicant would still have to have five (5) years of full-time clinical practice outside of the residency period. He stated the Board added specific language to the rule that excluded time in residency program. Mr. Changus explained that the rule waiver/variance process is to grant relief

for a substantial hardship. He stated the hardship is defined as something unique. Mr. Changus further explained that the argument in this situation is Dr. O'Bryhim's military service prevented her from moving through the normal course of obtaining licensure and the Board can define that as a unique circumstance. With no further discussion, Dr. Yeargan seconded and the Board voted in favor of the motion, with the exception of Dr. Godfrey, who opposed.

Correspondence from Dr. W. Lee Young, Jr.

The Board considered this correspondence regarding a pharmacist refusing to fill a prescription (Hydrocodone/Acetaminophen 10/325, #12) following a dental surgery based on 'current guidelines'. Specifically, Dr. Young asked for the Board to provide him with an acceptable guideline for the prescription. The Board directed staff to respond by stating that it does not set specific dosage guidelines for medications.

Correspondence from Dr. Robert Finkel

The Board considered this correspondence requesting clarification on the use of home sleep testing for titration of oral sleep appliances, once prescribed by the sleep physician. The Board directed staff to respond to Dr. Finkel by requesting he submit suggestions on what he deems would be appropriate solutions.

General – Dr. Richard Bennett

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

General Anesthesia Committee Report – Dr. Antwan Treadway

No report.

Conscious Sedation Committee Report – Dr. Richard Bennett

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Bert Yeargan

Dr. Yeargan reminded the board members to sign up for the exam as the Spring sign up is out for CRDTS.

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

No report.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that he received an email inviting the Board to the upcoming meeting of the Southern Conference of Dental Deans and Examiners. He stated that the meeting will be hosted by the Dental College of Georgia. Dr. Godfrey stated that it appears it will be a three-day meeting and he would really like to attend but has a scheduling conflict. Dr. Nalley commented that he has been to a number of the meetings. He stated he is unsure as to what the participation will be, but that he will likely attend. Dr. Goggans indicated that he understands Dr. Bennett will be in attendance.

Long Range Planning Committee Report – Dr. Richard Bennett

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley reported that the Committee will meet in January.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director’s Report – Ms. Tanja Battle

Correspondence from Dr. William Bachand, Dental College of Georgia: The Board considered this correspondence requesting clarification on the storage of dental casts. Specifically, Dr. Bachand asked if it is feasible to allow 3D scanning of the casts and then store the digital images in lieu of the actual casts. Dr. Godfrey made a motion to direct staff to respond by stating that this would be permissible. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Attorney General’s Report – Mr. Max Changus

No report.

Legal Services – Ms. Kimberly Emm

Correspondence from Wadley Dental Center: The Board considered this correspondence requesting clarification on O.C.G.A. §43-11-47(a)(7). The Board directed staff to respond by stating that they may continue to practice with a relief dentist for up to six (6) months.

Miscellaneous

2019 Proposed Meeting Dates: Dr. Yeargan made a motion to approve the 2019 meeting dates for September through December. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

IC Peer Reviewer: Dr. Nalley made a motion to appoint Dr. Suketu Patel as consultant for the Investigative Committee. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Logan Nalley made a motion and Dr. Tracy Gay 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 Ms. Becky Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Ms. Wendy Johnson, Dr. Logan Nalley, Dr. Parag Soni, Dr. Brent Stiehl, and Dr. Bert Yeargan.

Licensure Overview Committee Appointments/Discussion Cases

- J.G.S.
- C.S.C.
- L.D.J.
- L.N.I.

Applications

- C.J.T.
- C.J.S.
- C.S.F.
- D.T.
- G.N.M.
- J.J.M.
- K.L.B.
- L.E.M.
- M.S.
- P.L.J.
- M.A.I.
- S.M.D.
- T.L.M.
- J.P.L.
- S.E.T.
- K.D.D.
- M.L.C.
- A.H.A.
- C.F.N.
- H.W.L.

Correspondences

- R.E.W.
- J.I.J.

Investigative Committee Report

Report Presented:

- DENT140023
- DENT140025
- DENT140189
- DENT150335
- DENT160227
- DENT160253
- DENT170006
- DENT170085
- DENT170190
- DENT170263
- DENT170279

- DENT180012
- DENT180093
- DENT180109
- DENT180280
- DENT180325
- DENT180340
- DENT180347
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- DENT180403
- DENT190002
- DENT190004
- DENT190006
- DENT190007
- DENT190008
- DENT190014
- DENT190016
- DENT190018
- DENT190022
- DENT190024
- DENT190028
- DENT190035
- DENT190036
- DENT190042
- DENT190053
- H.F.
- DENT170325
- DENT170148
- DENT180037
- DENT180257
- DENT170138
- DENT160253

- DENT130087
- DENT140048
- DENT190145
- DENT190146
- DENT190147
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- DENT190269

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

Executive Director’s Report – Ms. Tanja Battle

- No report.

Attorney General’s Report – Mr. Max Changus

The Board requested and received legal advice regarding Rule 150-7-.04 Dental Provisional Licensure by Credentials.

The Board requested and received legal advice regarding Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising.

Mr. Changus presented the following consent orders for acceptance:

- M.M.M.
- D.G.K.
- R.P.G.

Mr. Changus discussed the following individual:

- L.E.F.

Legal Services – Ms. Kimberly Emm

- A.J.D.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- J.G.S. Dental Licensee Table until January meeting to allow

- C.S.C. Dental Credentials Applicant additional time to review
- L.D.J. Dental Exam Applicant Approved application
- L.N.I. Dental Hygiene Exam Applicant Denied application

Applications

- C.J.T. Dental Credentials Applicant Denied application
- C.J.S. Dental Credentials Applicant Approved application
- C.S.F. Dental Credentials Applicant Denied application
- D.T. Dental Credentials Applicant Denied application
- G.N.M. Dental Credentials Applicant Denied application
- J.J.M. Dental Credentials Applicant Approved application
- K.L.B. Dental Hygiene Credentials Approved application
- L.E.M. Dental Hygiene Credentials Approved application
- M.S. Dental Credentials Overturn denial and approve application
- P.L.J. Dental Credentials Schedule to meet with the Licensure Overview Committee
- M.A.I. Conscious Sedation Applicant Approved evaluation
- S.M.D. Conscious Sedation Applicant Approved for provisional permit
- T.L.M. Enteral/Inhalation Applicant Approved application
- J.P.L. General Anesthesia Applicant Approved evaluation
- S.E.T. General Anesthesia Applicant Approved evaluation
- K.D.D. Dental Reinstatement Applicant Approved application
- M.L.C. Dental Hygiene Reinstatement Table pending receipt of additional information
- A.H.A. Dental Faculty Applicant Approved application
- C.F.N. Dental Faculty Applicant Approved application
- H.W.L. Dental Faculty Applicant Approved application

Correspondences

- R.E.W. Dental Reinstatement Applicant The Board viewed this correspondence for informational purposes only.
- J.I.J. Public Health Licensee The Board viewed this correspondence for informational purposes only.

Investigative Committee Report

Report presented:

Complaint Number	Allegations	Recommendation
DENT140023	Quality of Care/Substandard Practice	Re-refer to Department of Law with Updated Sanctions
DENT140025	Unprofessional Conduct	Accept CE for CO
DENT140189	Quality of Care/Substandard Practice	Re-refer to Department of Law with Updated Sanctions
DENT150335	Malpractice	Refer to Department of Law
DENT160227	Quality of Care/Substandard Practice	Re-refer to Department of Law with Updated Sanctions
DENT160253	Quality of Care/Substandard Practice	Void Mitigating Circumstance Letter/Refer to the Department of Law
DENT170006	Quality of Care/Substandard Practice	Close with No Action
DENT170085	Quality of Care/Substandard Practice	Close with No Action

DENT170190	Quality of Care/Substandard Practice	Close with No Action and Flag License for future HIPAA issues
DENT170263	Quality of Care/Substandard Practice	Close with Letter of Concern regarding allowing assistants to adjust prostheses
DENT170279	Quality of Care/Substandard Practice	Close with Letter of Concern regarding record keeping, perio carting, and comprehensive exam notes
DENT180012	Quality of Care/Substandard Practice	Close with No Action
DENT180093	Quality of Care/Substandard Practice	Close with No Action
DENT180109	Quality of Care/Substandard Practice	Close with No Action
DENT180280	Quality of Care/Substandard Practice	Close with No Action
DENT180325	Quality of Care/Substandard Practice	Close with No Action
DENT180340	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT180347	Unlicensed Practice	Close with No Action
DENT180354	Quality of Care/Substandard Practice	Close with No Action
DENT180355	Quality of Care/Substandard Practice	Close with No Action
DENT180356	Quality of Care/Substandard Practice	Close with No Action
DENT180362	Quality of Care/Substandard Practice	Close with No Action
DENT180366	Quality of Care/Substandard Practice	Close with No Action
DENT180367	Quality of Care/Substandard Practice	Close with No Action
DENT180373	Quality of Care/Substandard Practice	Close with No Action
DENT180374	Billing	Close with No Action
DENT180379	Quality of Care/Substandard Practice	Close with No Action
DENT180382	Quality of Care/Substandard Practice	Close with No Action
DENT180385	Quality of Care/Substandard Practice	Close with No Action
DENT180386	Billing	Close with No Action
DENT180387	Quality of Care/Substandard Practice	Close with No Action
DENT180388	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT180391	Malpractice	Close with No Action
DENT180395	Quality of Care/Substandard Practice	Close with No Action
DENT180399	Quality of Care/Substandard Practice	Close with No Action
DENT180400	Quality of Care/Substandard Practice	Close with No Action
DENT180403	Quality of Care/Substandard Practice	Close with No Action
DENT190002	Billing	Close with No Action
DENT190004	Quality of Care/Substandard Practice	Close with No Action
DENT190006	Billing	Close with No Action
DENT190007	Quality of Care/Substandard Practice	Close with No Action
DENT190008	Quality of Care/Substandard Practice	Close with No Action
DENT190014	Quality of Care/Substandard Practice	Close with No Action
DENT190016	Quality of Care/Substandard Practice	Close with No Action
DENT190018	Quality of Care/Substandard Practice	Close with No Action
DENT190022	Quality of Care/Substandard Practice	Close with No Action
DENT190024	Quality of Care/Substandard Practice	Close with No Action
DENT190028	Quality of Care/Substandard Practice	Close with No Action
DENT190035	Quality of Care/Substandard Practice	Close with No Action
DENT190036	Impairment/Substance Abuse	Close with No Action
DENT190042	Malpractice	Close with Letter of Concern
DENT190053	Unlicensed Practice	Refer to Local DA

H.F.	Billing	
		Send Correspondence: The Board has reviewed your correspondence. This appears to be a contractual matter to be disputed between you and your insurance company regarding what the insurance will and will not cover.
DENT170325	Quality of Care/Substandard Practice	Close with No Action
DENT170148	Quality of Care/Substandard Practice	Close with No Action
DENT180037	Quality of Care/Substandard Practice	Close with No Action
DENT180257	Quality of Care/Substandard Practice	FYI - Case already closed
DENT170138	Quality of Care/Substandard Practice	Deny extension; Refer to the Department of Law
DENT160253	Quality of Care/Substandard Practice	Deny extension; Add CE in posterior crown & bridge to referral for DENT170138
DENT130087	Quality of Care/Substandard Practice	Sanctions Confirmed on 11/5 Referral
DENT140048	Quality of Care/Substandard Practice	Accept CO;Approve CE plan
DENT190145	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190146	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190147	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190148	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190149	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190150	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190151	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
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DENT190159	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190160	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190161	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190162	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190163	Unprofessional Conduct	Close No Action - DECEASED
DENT190171	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board

DENT190257	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190258	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190259	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190260	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190261	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190262	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190263	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190264	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190265	Unprofessional Conduct	Close No Action - Resolved
DENT190266	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190267	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190268	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190269	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board
DENT190270	Unprofessional Conduct	Refer to the Department of Law with Sanctions to be determined by Full Board

Discussed list of non-compliant dentists as it relates to the PDMP requirements. The Board had previously discussed sanctions at its June meeting. The Board reaffirmed its previous recommendation of a public reprimand and fine of \$500 for the non-compliant dentists.

Executive Director’s Report – Ms. Tanja Battle

- No report.

Attorney General’s Report – Mr. Max Changus

The Board requested and received legal advice regarding Rule 150-7-.04 Dental Provisional Licensure by Credentials.

The Board requested and received legal advice regarding Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising.

Mr. Changus presented the following consent orders for acceptance:

- M.M.M. Public Consent Order accepted
- D.G.K. Public Consent Order accepted
- R.P.G. Public Consent Order accepted

Mr. Changus discussed the following individual:

- L.E.F. Update provided

Legal Services – Ms. Kimberly Emm

- A.J.D. Renewal Pending Denied renewal of conscious sedation permit

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

With no further business, the Board meeting adjourned at 12:40 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, January 11, 2019, at 11:00 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