

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
February 10, 2017
10:00 a.m.

The following Board members were present:

Dr. Tom Godfrey, Vice-President
Ms. Becky Bynum
Dr. Tracy Gay
Dr. Greg Goggans
Ms. Wendy Johnson
Dr. Dale Mayfield
Dr. Antwan Treadway

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Assistant Attorney General
Ryan McNeil, Chief Investigator
Anil Foreman, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Ryan Loke, PDS
James E. Barron, GDS
Pam Wilkes, Help A Child Smile
Kevin Frazier, DCG
Sarah Thiel, CE Zoom
Deborah Carrier, 2wice as Nice
Kendra McKune, GDHA
Jesse Werthington

Open Session

Dr. Godfrey established that a quorum was present and called the meeting to order at 10:14 a.m.

Introduction of Visitors

Dr. Godfrey welcomed the visitors.

Approval of Minutes

Dr. Treadway made a motion to approve the Public and Executive Session minutes for the January 20, 2017 meeting. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Appearance

Appearance by Sarah Thiel, CE Zoom. Ms. Thiel presented the Board with information regarding CE Zoom, which is an electronic tracking and compliance system for continuing education. Ms. Thiel explained that the Board can select the percentage of licensees that it would like to audit. Additional features of the program include tracking of allowed maximum CE's per day; management of on-line state mandated courses; notifications to the licensees, etc.

Dr. Godfrey asked Ms. Thiel what makes this software different from others. Ms. Thiel responded that she knows of one other vendor that is similar. Dr. Treadway asked if there was a fee involved. Ms. Thiel stated the program is free to the state and free for the licensees to store and submit his/her transcripts to the state. Mr. Thernes asked if there are other states that have implemented use of this program. Ms. Thiel responded thirty-three (33). With no further questions, Dr. Godfrey thanked Ms. Thiel for presenting this information to the Board.

Licenses to Ratify

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

Correspondence from Dr. Brian P. Martin

The Board considered this correspondence regarding denture identification. Dr. Goggans made a motion to table this correspondence until the Board's next meeting to allow additional time for research. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Correspondence from Laurel Yancey

The Board considered this correspondence asking under what specific circumstances a Georgia Board certified dentist would use a dental drill to significantly remove the enamel, and reduce the size of healthy upper teeth as preparation for placing veneers. Lastly, Ms. Yancey asked what is the usual and customary dental standard of care in Georgia. Dr. Goggans made a motion to direct staff to respond by stating that in regards to her first question, the standard of care is highly fact dependent and the Board is not in a position to advise on individual hypothetical questions. In regards to her second question, the dental standard of care in Georgia can be described as the degree of care and skill required by a dental professional is that which, under similar conditions and like surrounding circumstances, is ordinarily employed by the profession generally. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Correspondence from Michelle Hawk, Georgia School of Orthodontics

The Board considered this correspondence requesting a letter of exemption for SEVIS (Student and Exchange Visitor Information System). Dr. Treadway made a motion to table this matter and receive legal advice from Mr. Thernes in Executive Session. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

General – Dr. Bert Yeargan

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Steve Holcomb

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. Godfrey presented the Board with a draft policy regarding approval of expanded duties dental assisting programs. Dr. Goggans made a motion to adopt the policy. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion. The policy states the following:

The Georgia Board of Dentistry approves all out-of-state expanded duties dental assisting programs whose programs train expanded duties dental assistants in the duties set forth in Ga. Comp. R. & Regs. 150-9-.02(3) and certificates issued include the duties set forth in Ga. Comp. R. & Regs. 150-9-.02(3). No expanded duties dental assistant shall be permitted to perform any duties that exceed those set forth in Ga. Comp. R. & Regs. r. 150-9-.02(3), even if such expanded duties dental assistant received training in another state in those tasks.

Ms. Bynum made a motion to post Rule 150-7-.04 Dental Provisional Licensure by Credentials. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

150-7-.04 Dental Provisional Licensure by Credentials.

(1) For purposes of this rule:

(a) “State” includes Washington D.C. and all U.S. territories.

(b) “Provisional Licensure by Credentials” means a license to practice dentistry in the State of Georgia granted to individuals licensed to practice dentistry in another state who have not met all of the requirements for a ~~regular~~ dental license by examination but who have met equivalent requirements for the practice of dentistry as set forth in O.C.G.A. § 43-11-41 and by board rule.

(c) “Full-Time Clinical Practice” means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the hands-on treatment of patients. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. Neither clinical practice through ~~training~~ programs nor during periods of residency ~~do not~~ qualify as full-time clinical practice. Whether a part of or separate from the training or residency program, no clinical practice while participating in or enrolled in any training or residency program shall be considered for the purposes of this rule.

(d) “Active Dental License” is defined as an ~~unencumbered~~ license to practice dentistry held by an individual ~~without restrictions~~.

(e) “Full-Time Clinical Faculty Practice” means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. For any time periods during which the applicant is participating in or enrolled in any training or residency program, the teaching of clinical skills shall not be considered for the purposes of this rule.

(2) Only those applicants licensed and currently engaged in full-time clinical practice as defined in subsection (1)(c) of this rule in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials. Applicants from states not issuing licenses by credentials are ineligible.

~~(3) The board may, in its discretion, grant a provisional license by credentials to dentists licensed in another state who do not hold a Georgia license to practice dentistry.~~

~~(4)~~(3) As set forth in O.C.G.A. § 43-11-41, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active dental license in good standing from another state.

(b) Must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency.

(c) Applicants must have been in full-time clinical practice, as defined in subsection (1)(c) of this rule; full-time faculty as defined in subsection (1)(e) of this rule; or a combination of both for each of the five years immediately preceding the date of the application.

~~(d) Candidates with any felony convictions are not eligible. Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs including, but not limited to controlled substances, are not eligible.~~

~~(e)~~(d) Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, must provide the following in order to complete their application:

1. Certified copy of the applicant's testing results showing passage of all sections with a score of 75 or higher or its equivalent score on a clinical examination administered by the board or a testing agency designated and approved by the board.

(i) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

2. Show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be administered in the English language.

3. Proof of current CPR certification;

4. Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;

5. Official transcripts under seal from a school or university from which the applicant received ~~his/her~~ a doctorate in dentistry;

6. National Board scores showing passage of all sections of the examination with a score of 75 or higher;

7. Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry;

8. Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

9. In accordance with O.C.G.A. §50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with ~~his or her~~ an application.

~~(5)~~(4) Those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, in addition to the information required in subsection ~~(8)~~(3)(a), (c), and (d) ~~and~~ (e) of this rule must also provide the following in order to complete their application:

(a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(b) Certification by the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.

~~(6)~~(5) A certification letter from a dental board or regional testing agency of a passing score of 75 or higher on each section of a clinical licensure examination substantially equivalent to the clinical licensure examination required in Georgia and which was administrated by the dental board or its designated testing agency. A certification letter from the applicant's dental school is not acceptable.

(a) Such certification shall state that the examination included procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;
2. endodontics, clinical abilities testing;
3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;
4. anterior class III composite preparation and restoration, human subject clinical abilities testing;
5. crown preparation, clinical abilities testing;
6. prosthetics, written or clinical abilities testing;
7. oral diagnosis, written or clinical abilities testing; and
8. oral surgery, written or clinical abilities testing.

(b) In addition to the foregoing requirements to be eligible for licensure consideration by credentials, a license examination after January 1, 1998 shall include:

1. anonymity between candidates and examination raters;
2. standardization and calibration of raters; and
3. a mechanism for post exam analysis.

(c) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

(d) All applicants must show passage of a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

~~(7) Within the first two (2) years of being granted a provisional license by credentials, the applicant must establish full time clinical practice that is defined as 1,000 hours in the hands-on treatment of patients per twelve (12) month period, or the license will be automatically revoked.~~

~~(8)(6)~~ Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(9)(7)~~ Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(10)(8)~~ An active duty military dentist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicant's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

~~(11) For the first five biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full time clinical practice in the State of Georgia as defined in subsection (1)(c) of this rule.~~

~~(12)~~ (9) The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dentist licensed by the Board, or to discipline a dentist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §§ 43-1-19, 43-11-47.

(10) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked. "Active practice" shall mean a minimum of 1,000 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Dr. Gay made a motion to post Rule 150-7-.05 Dental Hygiene Provisional Licensure by Credentials. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

150-7-.05 Dental Hygiene Provisional Licensure by Credentials.

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

~~(2)(b)~~ "Provisional Licensure by Credentials" means a license to practice dental hygiene in the State of Georgia granted to individuals licensed to practice dental hygiene in another state who have not met all of the requirements for a ~~regular~~ dental hygiene license by examination but who have met equivalent requirements for the practice of dental hygiene as set forth in O.C.G.A. § 43-11-71.1 and by board rule.

~~(3)(c)~~ "Full Time Clinical Practice" means a minimum of 1,000 hours for each twelve (12) month period immediately preceding the date of the application in the hands-on treatment of patients.

~~(4)(d)~~ "Active Dental Hygiene License" is defined as an ~~unnumbered~~ license to practice dental hygiene held by an individual ~~without restrictions~~.

~~(5)(e)~~ "Full Time Clinical Faculty" means a minimum of 1,000 hours per year in the teaching of clinical dental hygiene skills at an ADA-accredited dental hygiene school/program.

~~(6)(2)~~ Only those applicants licensed and currently engaged in full-time clinical practice as defined in sub-section ~~(3)(1)(c)~~ of this rule in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials.

Applicants from states not issuing licenses by credentials are ineligible.

~~(7) The board may, in its discretion, grant a provisional license by credentials to dental hygienists licensed in another state.~~

~~(8)(3)~~ In addition to the requirements set forth in O.C.G.A. § 43-11-71.1, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active ~~unrestricted~~ dental hygiene license in good standing from another state.

(b) Must have received a dental hygiene degree from a dental hygiene college or school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency, if any.

(c) ~~Applicants m~~Must have been in full time clinical practice, as defined in sub-section ~~(3)(1)(c)~~ of this rule; full-time clinical faculty as defined in sub-section ~~(5)(1)(e)~~ of this rule; or a combination of both for each of the two years immediately preceding the date of the application.

~~(d) Candidates with any felony convictions are not eligible. Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs, including but not limited to controlled substances, are not eligible.~~

~~(e)(d)~~ ~~The applicant m~~Must meet all requirements for licensure set forth in Board Rules 150-5.02, 150-5-.03, 150-5-.04, and 150-5-.05.

~~(f)(e)~~ Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

~~(g) Within the first two (2) years of being granted a provisional license by credentials, an applicant must establish full time dental hygiene clinical practice which is defined in subsection (3) of this rule or the license will be automatically revoked.~~

~~(h)(f)~~ All applicants ~~m~~Must show passage of all sections with a score of 75 or higher, or its equivalent score, on a clinical examination administered by the board or testing agency designated and approved by the board and a jurisprudence examination on the laws and rules governing the practice of dental hygiene in the State of Georgia. Such examinations shall be administered in the English language.

~~(i)~~ After a fourth (4th) attempt of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

~~(9)(4)~~ Active duty military dental hygienists on federal installations are exempt from the state of practice requirement as contained in subsection ~~(6)(2)~~ of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(10)(5)~~ Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection ~~(6)(2)~~ of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(11)(6) These exempt applicants~~ An active duty military dental hygienist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicants's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

~~(12) For the first five biennial renewal periods, the holder of a dental hygiene provisional license by credentials must attest to the fact that he or she has maintained full time clinical practice in the State of Georgia as defined in subsection (3) of this rule.~~

~~(13)(7)~~ The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dental hygienist licensed by the Board, or to discipline a dental hygienist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §43-11-72.

(8) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked. "Active practice" shall mean a minimum of 1,000 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Dr. Goggans made a motion to post Rule 150-7-.06 Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

150-7-.06 Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members.

(1) As used in this rule:

(a) "Expedited application review" means the review by the Board of a completed application within fourteen (14) business days of submission to the Board of Dentistry;

(b) "License" means a document issued by the Board of Dentistry to an applicant granting the applicant the ability to lawfully practice dentistry or dental hygiene under Title 43, Chapter 11;

(c) "Military" means the United States armed forces, including the National Guard;

(d) "Military spouse" means a spouse of a service member or a transitioning service member;

(e) "Service member" means an active or reserve member of the armed forces, including the National Guard;

(f) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) A service member, military spouse, or transitioning service member qualifies for expedited application review where the applicant:

(a) Has submitted a completed application for licensure by examination; or

(b) Has submitted a completed application for licensure by credentials.

(3) Where the expedited application review for the application of a service member, military spouse, or transitioning service member results in an approval

(4) Approvals of applications under expedited application review shall be issued within fourteen (14) business days of submission of the Board.

(5) Denials of applications under expedited application review shall be issued at the next Board meeting following submission of the completed application, unless such submission was less than fourteen (14) business days from the next Board meeting.

Dr. Godfrey reported that Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising has been tabled.

Dr. Gay made a motion to post Rule 150-14-.02 Fabrication of Dental Appliances, Caps, Coverings, Prostheses and Cosmetic Coverings is Practice of Dentistry. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

150-14-.02 Fabrication of Dental Appliances, Caps, Coverings, Prostheses and Cosmetic Coverings is Practice of Dentistry.

(1) The fabrication of any dental appliance, cap, covering, prosthesis or cosmetic covering, as defined by this chapter, is included in the practice of dentistry as defined by O.C.G.A. §43-11-17.

(2) No person shall fabricate any dental appliance, cap, covering, prosthesis or cosmetic covering, as defined by this chapter, unless he or she is licensed to practice dentistry or working under the prescription of a licensed dentist. Nothing in this chapter shall prohibit a physician licensed pursuant to Article 2, Chapter 34, Title 43 of the Official Code of Georgia from performing any act within the scope of his or her license.

(3) The onsite fabrication of a tooth whitening appliance, i.e. bleach tray, and/or the administration of tooth whitening material is considered to be the practice of dentistry and can only be performed by direct supervision of a licensed dentist. This provision shall not prohibit the sale of tooth whitening materials for at home use.

(4) This rule shall not apply to any structure that is used solely for theatrical purposes as defined by this chapter.

Dr. Godfrey discussed Chapter 150-26 Mobile Dentistry. The Board recommended tabling this matter and receive legal advice from Mr. Thernes in Executive Session.

A motion was made by Dr. Gay, seconded by Ms. Bynum, and the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7, 43-11-9. The formulation and adoption of these amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

No report.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

Dr. Goggans reported that the Committee will be meeting in March.

Executive Director’s Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Bryon Thernes

No report.

Miscellaneous

Dental Screening Request from Kim Belanger-Giguere: Dr. Gay made a motion to approve the request. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Dr. Greg Goggans made a motion and Dr. Antwan Treadway 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 Ms. Becky Bynum, Dr. Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Ms. Wendy Johnson, Dr. Dale Mayfield, and Dr. Antwan Treadway.

Executive Session

Applications

- B.M.H.
- K.S.
- J.S.
- C.K.B.
- E.A.
- S.R.C.
- T.C.D.
- T.M.B.
- J.H.
- S.L.D.
- S.M.O.
- S.S.F.
- Y.L.R.
- D.S.P.
- D.E.S.
- J.C.L.
- M.L.M.C.
- F.E.H.
- L.F.A.
- T.L.A.
- P.G.
- Y.H.T.

Correspondences

- B.V.
- W.M.W.
- S.C.

Investigative Committee Report

Report presented:

- DENT140022
- DENT140320
- DENT150296
- DENT160196

- DENT160512
- DENT160174
- DENT160436
- K.K.
- DENT150202
- DENT160483
- DENT170007
- DENT170019
- DENT170044
- DENT170095
- DENT170099
- DENT170101
- DENT170103
- DENT170107
- DENT170108
- DENT170126
- DENT170128
- DENT170150
- DENT170152
- DENT170154
- DENT170155
- DENT170156
- DENT170158
- DENT160453
- Docket #2016-0029
- DENT160159
- DENT160420
- DENT120086
- DENT140275
- DENT160207
- DENT160293
- DENT160513
- DENT160511
- DENT160323
- DENT160529
- DENT170024
- DENT150410
- DENT160203
- DENT170091
- DENT160207
- DENT160293
- DENT160513

Executive Director's Report – Ms. Tanja Battle

No report.

Attorney General's Report – Mr. Bryon Thernes

- Correspondence from W.J.B.
- Correspondence from M.H.
- Legal advice regarding proposed Rule 150-7-.06 Expedited Licenses.

Mr. Thernes discussed the following cases:

- D.O.
- C.H.

Mr. Thernes presented the following consent order for acceptance:

- R.B.

Legal Services – Ms. Anil Foreman

No report.

Miscellaneous

The Board requested legal advice regarding investigations and discipline.

Received legal advice regarding mobile dentistry.

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

Open Session

Dr. Mayfield made a motion to post Chapter 150-26 Mobile Dentistry. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

CHAPTER 150-26 MOBILE DENTISTRY

150-26-.01 Applicability.

This chapter applies to a dentist with an active Georgia license who provides dental services at a mobile dental facility or portable dental operation. This chapter does not permit any person other than a dentist with an active license to practice in Georgia to provide dental services at a mobile dental facility or portable dental operation, excepting dental auxiliaries who are under the direct supervision of a licensed dentist and providing services within the appropriate scope of practice authorized by law and regulation and to the extent required under Rule 150-5-.03. This chapter does not apply to any physically stationary office where dental services may be provided.

150-26-.02 Definitions.

For the purposes of this chapter, the following words have the following meanings.

- (a) "Dental Auxiliary" means a dental hygienist or dental assistant.
- (b) "Mobile Dental Facility" means any self-contained facility in which dentistry or dental hygiene is practiced which may be moved, towed, or transported from one location to another, regardless of the length of time that the facility is maintained at any particular location.
- (c) "Patient" means any person whom any treating dentist working at the mobile dental facility or portable dental operation has examined, treated, cared for, or otherwise consulted with during the previous one (1) year period.
- (d) "Portable Dental Operation" means the organization and use of dental or dental hygiene equipment that is transported to and utilized on a temporary basis at an out-of-office location, including but not limited to patients' homes, schools, nursing homes, or other institutions and locations. It shall also mean

the organization and use of any equipment that is set up on-site to provide dental or dental hygiene services outside of a mobile dental facility or a dental office and uses non-fixed dental equipment and independent plumbing.

(e) "Session" means any period of time during which a dentist and/or the dentist's auxiliary(ies) at mobile dental facility or portable dental operation are available to provide dental services at a particular location.

150-26-.03 Patient Notice Requirement.

(1) Prior to providing services at a mobile dental facility and/or portable dental operation, a dentist must provide to each patient written notice, to be signed and dated by the patient or the patient's parent or legal guardian, that includes, without limitation:

(a) The name, business telephone number, and dental license number of the dentist;

(b) The trade or business name(s) used for the mobile dental facility or portable dental operation;

(c) The duration the mobile dental facility and/or portable dental operation is anticipated to be active at the subject location, and if for less than thirty (30) days, the location where the mobile dental facility and/or portable dental operation is anticipated to next be active;

(d) An official business address of the mobile dental facility or portable dental operation at which written correspondence can be received;

(e) A method by which the patient can request and obtain a copy of his or her dental records; and

(f) A copy of a written procedure for emergency or follow-up care, valid for not less than thirty (30) days from the date of treatment.

(2) The written notice required by this Rule shall be maintained as part of the patient's dental record.

150-26-.04 Operation of a Mobile Dental Facility.

(1) Only a dentist actively licensed in Georgia can provide dental services at a mobile dental facility. No dentist actively licensed in Georgia shall provide dental services at a mobile dental facility unless the minimum standards of safe and acceptable practice set forth in this section are satisfied.

(2) A dentist who provides dental services at a mobile dental facility shall:

(a) Maintain all dental records for patients;

(b) Ensure that informed consent is provided when treating patients;

(c) Comply with all applicable rules and regulations promulgated by the Occupational Safety and Health Administration, the federal Centers for Disease Control and Prevention, the Georgia Department of Public Health, any local Departments of Health, and all applicable federal, state, or local laws, regulations, or ordinances including, but not limited, those relating to radiographic equipment, flammability, construction, sanitation, medical waste transportation, zoning, and prevention of transmission of infection and disease, including but not limited to:

1. Provide appropriate access if services are provided to disabled persons.

2. Have access to a properly functioning sterilization system.

3. Have access to an adequate supply of potable water, including hot water.

4. Have access to toilet facilities.

5. Have a covered galvanized, stainless steel, or other non-corrosive metal container for the deposit of refuse and waste materials.

(d) Ensure that all dental auxiliaries that assist the dentist in the provision of dental services at a mobile dental facility are authorized by law or regulation to provide these services;

(e) Provide direct supervision of any dental auxiliaries as provided by law and regulation;

(f) Maintain a written or electronic record, which shall be available to the Board within ten (10) business days of a request, detailing each location where the dentist performed dental services that includes at least all of the following information:

1. The street address of the service location;

2. The dates of each session;

3. The number of patients served;

4. The types of dental services provided and the quantity of each service provided;
(g) Ensure that any mobile dental facility at which the dentist provides dental services contains the equipment necessary to perform dental procedures at or above the minimum standards of safe, acceptable, and prevailing dental practice, including, without limitation, possession of the following:
1. Equipment to treat medical emergencies;
 2. Appropriate and sufficient dental instruments and infection control supplies;
 3. Communication abilities that enable the dentist to contact necessary parties in the event of a medical or dental emergency, that enable the patient or parent or guardian of the patient treated to contact the dentist for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the dentist and receive treatment information, including radiographs.

150-26-.05 Portable Dental Operations.

- (1) Only a dentist actively licensed in Georgia can provide dental services at a portable dental operation. No dentist actively licensed in Georgia shall provide dental services at a portable dental operation unless the minimum standards of safe and acceptable practice set forth in this section are satisfied.
- (2) A dentist who provides dental services at a mobile dental operation shall:
- (a) Maintain all dental records for patients;
 - (b) Ensure that informed consent is provided when treating patients;
 - (c) Comply with all applicable rules and regulations promulgated by the Occupational Safety and Health Administration, the federal Centers for Disease Control and Prevention, the Georgia Department of Public Health, any local Departments of Health, and all applicable federal, state, or local laws, regulations, or ordinances including, but not limited, those relating to sanitation, medical waste transportation, zoning, and prevention of transmission of infection and disease;
 - (d) Maintain a written or electronic record, which shall be available to the Board within ten (10) business days of a request, detailing each location where s/he performed dental services that includes at least all of the following information:
 1. The street address of the service location;
 2. The dates of each session;
 3. The number of patients served;
 4. The types of dental services provided and the quantity of each service provided;
 - (e) Ensure that all dental auxiliaries that assist the dentist in the provision of dental services at a portable dental operation are authorized by law or regulation to provide these services;
 - (f) Provide direct supervision of any dental auxiliaries to the extent required by law and regulation;
 - (g) Ensure that any portable dental operation at which the dentist provides dental services contains the equipment necessary to perform dental procedures at or above the minimum standards of safe, acceptable, and prevailing dental practice, including, without limitation, possession of the following:
 1. Equipment to treat medical emergencies;
 2. Appropriate and sufficient dental instruments and infection control supplies;
 3. Communication abilities that enable the dentist to contact necessary parties in the event of a medical or dental emergency, that enable the patient or parent or guardian of the patient treated to contact the dentist for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the dentist and receive treatment information, including radiographs.

150-26-.06 Closing of Operations.

- (1) Upon discontinuing services in a community or permanent closure of a mobile dental facility or portable dental operation which has been active in the same location for a period of six months or longer, a dentist who provided dental services at such mobile dental facility or portable dental operation shall provide individual notice of closure to all patients via mail. At a minimum, the notice mailed to the patients shall state the following:

- (a) That the dentist intends to discontinue providing services at the mobile dental facility or portable dental operation in the community;
 - (b) The date the closure becomes effective;
 - (c) The location where the mobile dental facility and/or portable dental operation is anticipated to next be active, if applicable;
 - (d) Whether the dentist patient relationship is terminated, and if so, the date on which the dentist/patient relationship may resume, if applicable;
 - (e) A means by which a patient may receive emergency dental care for at least thirty (30) days following the closure of the mobile dental facility or portable dental operation;
 - (f) A statement of further dental treatment required, if any; and
 - (g) A means for the patient to obtain a copy of the patient's dental records.
- (2) The dentist shall make reasonable arrangements with the patients whom the dentist treated at the mobile dental facility or portable dental operation for the transfer of the records, including radiographs or copies thereof, to any succeeding practitioner or, at the written request of the patient, to the patient.

A motion was made by Dr. Mayfield, seconded by Ms. Johnson, and the Board voted that the formulation and adoption of these proposed rules do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7, 43-11-9. The formulation and adoption of these proposed rules will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

Dr. Gay made a motion to refer Rule 150-3-.01 Examination for Dental Licensure to the Rules Committee for an amendment that would mirror the language in Rule 150-7-.04 Dental Provisional Licensure by Credentials regarding examination failure. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

Ms. Battle stated that the Board has received presentations from two vendors, CE Zoom and CE Broker. She stated that, from an administrative standpoint, CE Broker seemed more thorough. Dr. Godfrey requested staff send the links to each vendor's website so that the Board can further review.

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

Applications

- | | | |
|----------|---------------------------------|----------------------|
| • B.M.H. | Dental Exam Applicant | Approved application |
| • K.S. | Dental Exam Applicant | Approved application |
| • J.S. | Dental Exam Applicant | Approved application |
| • C.K.B. | Hygiene Credentials Applicant | Approved application |
| • E.A. | Hygiene Credentials Applicant | Approved application |
| • S.R.C. | Hygiene Credentials Applicant | Approved application |
| • T.C.D. | Dental Credentials Applicant | Denied application |
| • T.M.B. | Dental Credentials Applicant | Approved application |
| • J.H. | Dental Credentials Applicant | Approved application |
| • S.L.D. | Hygiene Reinstatement Applicant | Approved application |
| • S.M.O. | Hygiene Reinstatement Applicant | Approved application |
| • S.S.F. | Hygiene Reinstatement Applicant | Approved application |
| • Y.L.R. | Dental Reinstatement Applicant | Approved application |
| • D.S.P. | Dental Reinstatement Applicant | Approved application |
| • D.E.S. | Dental Faculty Applicant | Approved application |

- J.C.L. Dental Faculty Applicant Approved application
- M.L.M.C. Volunteer Applicant Approved application
- F.E.H. Enteral Sedation Applicant Table pending receipt of additional information
- L.F.A. General Anesthesia Applicant Approved application
- T.L.A. Enteral Sedation Applicant Approved application
- P.G. Enteral Sedation Applicant Table pending receipt of additional information
- Y.H.T. Conscious Sedation Applicant Refer for evaluation

Correspondences

- B.V. Correspondence The Board directed staff to respond to this individual by thanking him for his correspondence and advise that the Board will take this matter under advisement.
- W.M.W. Request to terminate probation Approved request
- S.C. Request regarding denial of application The Board directed staff to provide clarification regarding the denial.

Investigative Committee Report

Report presented:

Complaint Number	Allegations	Recommendation
DENT140022	Quality of care/substandard practice	Close with no action
DENT140320	Quality of care/substandard practice	Close with no action
DENT150296	Quality of care/substandard practice	Close with no action
DENT160196	Quality of care/substandard practice	Close with no action
DENT160512	Quality of care/substandard practice	Close with no action
DENT160174	Quality of care/substandard practice	Close with no action
DENT160436	Fraud	Close with no action
K.K.	Unsanitary conditions	Close with a letter of concern
DENT150202	Other	Close with no action
DENT160483	Quality of care/substandard practice	Close with no action
DENT170007	Quality of care/substandard practice	Close with no action
DENT170019	Quality of care/substandard practice	Close with no action
DENT170044	Quality of care/substandard practice	Close with no action
DENT170095	Quality of care/substandard practice	Close with no action
DENT170099	Quality of care/substandard practice	Close with no action
DENT170101	Unprofessional conduct	Close with no action
DENT170103	Billing	Close with no action
DENT170107	Billing	Close with no action
DENT170108	Quality of care/substandard practice	Close with a letter of concern
DENT170126	Other	Close with no action
DENT170128	Quality of care/substandard practice	Close with no action
DENT170150	Billing	Close with no action
DENT170152	Quality of care/substandard practice	Close with no action
DENT170154	Billing	Close with no action

DENT170155	Billing	Close with no action
DENT170156	Billing	Close with no action
DENT170158	Quality of care/substandard practice	Close with no action
DENT160453	Other	Close with no action
Docket #2016-0029	Compliance with consent order	Send a letter stating that the individual has complied with the order
DENT160159	Quality of care/substandard practice	Close with no action
DENT160420	Abandonment	Close with no action
DENT120086	Quality of care/substandard practice	Close with no action
DENT140275	Quality of care/substandard practice	Close with no action
DENT160207	Abandonment	Refer to the Department of Law
DENT160293	Abandonment	See DENT160207
DENT160513	Abandonment	See DENT160207
DENT160511	Quality of care/substandard practice	Refer to the Department of Law
DENT160323	Malpractice	Close with no action
DENT160529	Quality of care/substandard practice	Close with no action against M.S., but schedule an interview with G.W.
DENT170024	Quality of care/substandard practice	Close with no action
DENT150410	Unethical conduct	Close with no action
DENT160203	Quality of care/substandard practice	Refer to the Department of Law
DENT170091	Quality of care/substandard practice	Close with a letter of concern
DENT160207	Abandonment	Refer to the Department of Law
DENT160293	Abandonment	See DENT160207
DENT160513	Abandonment	See DENT160207

Executive Director’s Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Bryon Thernes

- Correspondence from W.J.B.: The Board directed staff to respond by stating the proposed ownership structure is permitted under the Dental Practice Act. An LLC wholly owned by one or more Georgia licensed dentists may be the owner of another LLC, through which the practice of dentistry is carried on. For clarity, please be advised that every natural person in the chain of ownership of the dental practice must be a Georgia licensed dentist.
- Correspondence from M.H.: The Board directed staff to respond by referring the individual to O.C.G.A. §43-11-20(b).
- Legal advice regarding proposed Rule 150-7-.06 Expedited Licenses.

Mr. Thernes discussed the following cases:

- D.O. Update provided
- C.H. Update provided

Mr. Thernes presented the following consent order for acceptance:

- R.B. Public consent order to be accepted and signed with express permission upon receipt of the original.

Legal Services – Ms. Anil Foreman

No report.

Miscellaneous

The Board requested legal advice regarding investigations and discipline.

Received legal advice regarding mobile dentistry.

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

With no further business, the Board meeting adjourned at 12:35 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, March 3, 2017, at 10:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director