

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree Street, NW, 36th Floor
Atlanta, GA 30303
February 19, 2016
9:30 a.m.

The following Board members were present:

Dr. Bert Yeargan, Vice-President
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Tracy Gay
Dr. Greg Goggans
Dr. Logan Nalley
Dr. Antwan Treadway

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Assistant Atty General (*via conf call*)
Ryan McNeal, Chief Investigator
Anil Foreman, Legal Officer
Brandi Howell, Business Operations Specialist

Visitors:

Stephanie Lotti, GDA
Ryan Loke, PDS
Randy Kluender, GA School of Orthodontics
Tina Titshaw, Mark Shurett
Pam Wilkes, Mark Shurett
James Barron, GDS
Amit Patel, AGD
Chris Melcher, Dental College of GA

Open Session

Dr. Yeargan established that a quorum was present and called the meeting to order at 9:30 a.m.

Introduction of Visitors

Dr. Yeargan welcomed the visitors.

Cease & Desist Hearing

Dr. Nalley made a motion to continue the hearing for a future date as service of process could not be perfected.

Approval of Minutes

Dr. Nalley made a motion to approve the Public and Executive Session minutes for the January 22, 2016 meeting, the Public Session minutes for the January 27, 2016 conference call, and the Public and Executive Session minutes for the January 29, 2016 meeting. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

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

Petition for Rule Waiver/Variance from Zachary J. Levin

Dr. Nalley made a motion to postpone discussion on this petition until later in the day. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Adam J. Lane

Dr. Nalley made a motion to grant the rule waiver petition. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Correspondence from Stephanie Lotti, GDA

The Board considered this correspondence from Ms. Lotti requesting clarification regarding expanded duties accreditation and what dental assisting programs are considered approved by the Board. Dr. Goggans made a motion to table this matter for further discussion at a later time. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence from Alicia Melendez, Zenith Education Group

The Board considered this correspondence from Ms. Melendez requesting clarification on the requirements and procedures for the dental assisting programs at Zenith, aka Everest College, to become approved by the Board. The Board directed staff to respond to Ms. Melendez by requesting she submit a syllabus for the course. Once this information has been received, it is to be referred to the Rules Committee to review.

Correspondence from Randy Kluender, GA School of Orthodontics

Dr. Kluender was present at the meeting and spoke to the Board regarding specific questions he had concerning accreditation and licensure for faculty applicants. Dr. Yeargan thanked Dr. Kluender for his time and stated that the Board will take all of the information presented under consideration and will further discuss.

Correspondence from Stefani Alexander

The Board viewed this correspondence for informational purposes only.

General – Dr. Steve Holcomb

No report.

CE Audit Committee Report – Dr. Richard Bennett

Dr. Bennett reported that the Committee is in the process of conducting a post-renewal audit and stated that the members are working diligently to review the audits as soon as possible. Ms. Battle stated that there has been a 52% response rate thus far from those licensees that have been audited. She thanked the Committee for reviewing the audits in a timely manner.

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

Dr. Nalley reported that there is an upcoming examination at Augusta University in March.

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

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.

Executive Director’s Report – Ms. Tanja Battle

Correspondence from Karen Skinner, Athens Addiction Counseling: The Board considered this correspondence from Ms. Skinner requesting permission to provide advocacy for dentists with consent orders. Dr. Bennett made a motion to refer this item to the Investigative Committee to further review. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Rescheduling May and June meeting dates: Dr. Goggans made a motion to move the May meeting to the 6th and the June meeting to the 10th. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Request regarding James Talbot, DN011299: Ms. Battle discussed this request concerning the work hour restriction in Dr. Talbot’s public consent order. His current consent order restricts his work hours to a maximum of thirty-six (36) hours per week. Dr. Talbot has recently been employed by the prison system, which requires a forty (40) hour work week. Dr. Goggans made a motion to approve the request. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Attorney General’s Report Open Session – Mr. Bryon Thernes

No report.

Dr. Logan Nalley made a motion and Dr. Richard Bennett seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), §43-11-47(h) and §43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tracy Gay, Dr. Greg Goggans, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

At 10:18 a.m., Board members Dr. Nalley and Dr. Yeargan left the full Board meeting so that the Investigative Committee could reconvene. The full Board took a recess.

At 10:33 a.m., Board members Dr. Nalley and Dr. Yeargan and Dr. Holcomb returned to the full Board meeting as the Investigative Committee took a recess. The full Board meeting resumed.

Appearance

- Z.J.L.

Licensure Overview Committee Appointments/Discussion Cases

- J.B.W.
- C.K.D.
- L.M.B.
- A.M.H.
- J.L.C.
- J.J.H.
- L.A.O.

Applications

- A.K.R.
- M.P.T.
- P.D.N.
- S.C.F.
- C.D.K.
- J.M.H.
- M.B.R.
- M.A.P.
- J.B.M.
- P.D.B.
- V.P.
- N.K.C.
- A.O.

Investigative Committee Report

Report presented:

- DENT160127
- DENT160310
- DENT160064
- DENT160129
- DENT160189
- DENT160162
- DENT160170
- DENT150157
- DENT160001
- DENT160076
- DENT160078
- DENT160115
- DENT160144
- DENT160160
- DENT160172
- DENT160181

- DENT160192
- DENT160206
- DENT160209
- DENT160209
- DENT160216
- DENT160222
- DENT160224
- DENT160228
- DENT160228
- DENT160229
- DENT160230
- DENT160232
- DENT160235
- DENT160237
- DENT160239
- DENT160244
- DENT160246
- DENT160248
- DENT160254
- DENT160260
- DENT160276
- DENT160276
- DENT150273
- DENT130088
- DENT150137
- DENT150226
- DENT150360
- DENT150309
- DENT150407
- DENT150334
- DENT150397
- DENT100219
- DENT150384
- DENT150402
- DENT160164
- DENT160113
- DENT140167
- DENT140237
- DENT130125
- A.L.C.
- DENT150264
- DENT160314
- D.S.
- DENT150390
- DENT120129
- DENT130101
- DENT150346
- DENT150347

- DENT150347
- DENT150382
- DENT160006
- DENT150192
- DENT120071
- DENT150081
- DENT150097
- DENT150343
- DENT160071
- DENT160072
- DENT160126
- DENT160197
- DENT160247
- DENT130229
- DENT150187
- D.S.
- DENT150149
- DENT150310
- DENT150386
- DENT160034
- DENT160045
- DENT160068
- DENT160109
- DENT160124
- DENT160171
- DENT160173
- DENT160231
- DENT160243
- DENT160250
- DENT160265
- DENT160277
- DENT160280
- DENT160286
- DENT160295
- DENT160304
- DENT160336
- DENT160338
- DENT160296
- DENT160343
- DENT160302
- DENT160307
- DENT160288
- DENT160278

Correspondences

- N.E.R.
- B.P.D.
- S.L.T.

- C.T.C.

Continuing Education Audit

- R.O.S.

Executive Director’s Report

- L.D.
- L.S.

Attorney General’s Report

No report.

Legal Services

Ms. Foreman discussed the following individuals:

- S.N.C.
- G.C.

Ms. Foreman presented the following consent orders for acceptance:

- S.J.S.
- R.R.P.
- T.M.R.

Miscellaneous

- R.K.

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

Open Session

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

Appearance

- Z.J.L. Denied Dental Exam Applicant Overturn denial and approve for licensure

Licensure Overview Committee Appointments/Discussion Cases

- J.B.W. Renewal Approved renewal
- C.K.D. Dental Volunteer Applicant Approved application
- L.M.B. Dental Hygiene Exam Applicant Approved application
- A.M.H. Renewal Refer to Legal Officer
- J.L.C. Renewal Approved renewal
- J.J.H. Request to terminate probation Approved pending receipt of additional information
- L.A.O. Renewal Refer to Legal Officer

Applications

- A.K.R. Dental Credentials Applicant Denied application
- M.P.T. Dental Credentials Applicant Denied application
- P.D.N. Dental Credentials Applicant Denied application

- S.C.F. Dental Credentials Applicant Approved application
- C.D.K. Dental Hygiene Reinstatement Approved with letter of concern
- J.M.H. Dental Hygiene Reinstatement Approved application
- M.B.R. Dental Hygiene Reinstatement Approved with public consent order
- M.A.P. Inactive Status Applicant Approved application
- J.B.M. Renewal Refer to Legal Officer
- P.D.B. Dental Faculty Applicant Approved application
- V.P. Dental Faculty Applicant Approved application
- N.K.C. Dental Hygiene Exam Applicant Approved pending receipt of additional information

- A.O. Dental Exam Applicant Denied application

Investigative Committee Report

Report presented:

Complaint

Number

Allegations

Recommendation

DENT160127	Quality of care/substandard practice	Close with no action
DENT160310	Impairment/substance abuse	Refer to LOC for an interview
DENT160064	Unprofessional conduct	Close with no action
DENT160129	Quality of care/substandard practice	Close with no action
DENT160189	Quality of care/substandard practice	Close with no action
DENT160162	Quality of care/substandard practice	Close with no action
DENT160170	Quality of care/substandard practice	Close with no action
DENT150157	Quality of care/substandard practice	Close with no action
DENT160001	Quality of care/substandard practice	Close with no action
DENT160076	Quality of care/substandard practice	Close with no action
DENT160078	Quality of care/substandard practice	Close with no action
DENT160115	Quality of care/substandard practice	Close with no action
DENT160144	Unprofessional conduct	Close with no action
DENT160160	Quality of care/substandard practice	Close with no action
DENT160172	Quality of care/substandard practice	Close with no action
DENT160181	Quality of care/substandard practice	Close with no action
DENT160192	Quality of care/substandard practice	Close with no action
DENT160206	Quality of care/substandard practice	Close with no action
DENT160209	Quality of care/substandard practice	Close with no action
DENT160209	Quality of care/substandard practice	Close with no action
DENT160216	Quality of care/substandard practice	Close with no action
DENT160222	Quality of care/substandard practice	Close with no action
DENT160224	Quality of care/substandard practice	Close with no action
DENT160228	Quality of care/substandard practice	Close with no action
DENT160228	Quality of care/substandard practice	Close with no action
DENT160229	Quality of care/substandard practice	Close with no action
DENT160230	Quality of care/substandard practice	Close with no action
DENT160232	Billing	Close with no action
DENT160235	Unprofessional conduct	Close with no action
DENT160237	Quality of care/substandard practice	Close with no action
DENT160239	Quality of care/substandard practice	Close with no action

DENT160244	Quality of care/substandard practice	Close with no action
DENT160246	Unprofessional conduct	Close with no action
DENT160248	Unprofessional conduct	Close with no action
DENT160254	Unprofessional conduct	Close with no action
DENT160260	Unprofessional conduct	Close with no action
DENT160276	Unethical conduct	Close with no action
DENT160276	Unethical conduct	Close with no action
DENT150273	Quality of care/substandard practice	Close with no action
DENT130088	Malpractice	Close with no action
DENT150137	Quality of care/substandard practice	Close with no action
DENT150226	Quality of care/substandard practice	Close with no action
DENT150360	Quality of care/substandard practice	Refer to the Department of Law
DENT150309	Quality of care/substandard practice	Close with no action
DENT150407	Prescribing violation	Close with no action but open a complaint against K.K.
DENT150334	Quality of care/substandard practice	Close with no action
DENT150397	Quality of care/substandard practice	Close with no action
DENT100219	Quality of care/substandard practice	Close with no action
DENT150384	Quality of care/substandard practice	Close with no action
DENT150402	Quality of care/substandard practice	Close with no action
DENT160164	Unprofessional conduct	Close with no action
DENT160113	Quality of care/substandard practice	Close with no action
DENT140167	Malpractice	Close with a letter of concern about when to refer patients
DENT140237	Abandonment	Close with no action
DENT130125	Quality of care/substandard practice	Close with no action
A.L.C.	Arrest	Summarily suspend license until individual complies with the OMPE
DENT150264	Quality of care/substandard practice	Have Chief Investigator reach out to complainant about potential new evidence
DENT160314	Quality of care/substandard practice	Close with no action
D.S.	Substance abuse by supervising dentist	Send a letter referring individual to Rule 150-8-.01
DENT150390	Over Px and Tx Plan	Refer to Sedation Committee
DENT120129	Unlicensed practice	Close with no action, but have Chief Investigator follow up to ensure the practice has ceased
DENT130101	Substandard work	Refer to the Department of Law
DENT150346	Unprofessional conduct	Close with no action
DENT150347	Quality of care/substandard practice	Close with no action
DENT150347	Quality of care/substandard practice	Close with no action
DENT150382	Quality of care/substandard practice	Close with no action
DENT160006	Quality of care/substandard practice	Close with no action
DENT150192	Quality of care/substandard practice	Refer to the Department of Law
DENT120071	Quality of care/substandard practice	Close with no action
DENT150081	Unprofessional conduct	Close with no action
DENT150097	Quality of care/substandard practice	Close with no action
DENT150343	Impairment/substance abuse	Close with no action
DENT160071	Quality of care/substandard practice	Close with a letter of concern
DENT160072	Quality of care/substandard practice	Close with a letter of concern
DENT160126	Billing	Close with no action

DENT160197	Quality of care/substandard practice	Close with a letter of concern
DENT160247	Quality of care/substandard practice	Close with a letter of concern
DENT130229	Quality of care/substandard practice	Close with no action but flag license
DENT150187	Quality of care/substandard practice	Close with no action but flag license
D.S.	Correspondence	Flag D.K.'s license; directed staff to respond to D.S. advising that individual can send notice to her patients if he would like
DENT150149	Records release	Close with no action
DENT150310	Quality of care/substandard practice	Close with no action
DENT150386	Quality of care/substandard practice	Close with no action
DENT160034	Quality of care/substandard practice	Close with no action
DENT160045	Records release	Close with no action
DENT160068	Quality of care/substandard practice	Close with no action
DENT160109	Quality of care/substandard practice	Close with no action
DENT160124	Quality of care/substandard practice	Close with no action
DENT160171	Quality of care/substandard practice	Close with no action
DENT160173	Quality of care/substandard practice	Close with no action
DENT160231	Quality of care/substandard practice	Close with no action
DENT160243	Quality of care/substandard practice	Close with no action
DENT160250	Quality of care/substandard practice	Close with no action
DENT160265	Quality of care/substandard practice	Close with no action
DENT160277	Billing	Close with no action
DENT160280	Quality of care/substandard practice	Close with no action
DENT160286	Quality of care/substandard practice	Close with no action
DENT160295	Unprofessional conduct	Close with no action
DENT160304	Other	Close with no action
DENT160336	Unprofessional conduct	Close with no action
DENT160338	Unprofessional conduct	Close with no action
DENT160296	Quality of care/substandard practice	Close with no action
DENT160343	Unprofessional conduct	Close with no action
DENT160302	Billing	Close with a letter of concern
DENT160307	Quality of care/substandard practice	Close with a letter of concern
DENT160288	Unlicensed practice	Close with a letter of concern
DENT160278	Quality of care/substandard practice	Close with a letter of concern

Correspondences

- N.E.R. Request for waiver/reduction of reinstatement fee Denied request
- B.P.D. Request for waiver of late renewal fee Approved request
- S.L.T. Request to place license on inactive status Denied request
- C.T.C. Request for waiver of late renewal fee Denied request

Continuing Education Audit

- R.O.S. Refer to Legal Officer for public consent order

Executive Director's Report

- L.D. Request for waiver of late renewal fee Approved request

- L.S. Request to withdraw renewal application and place license on inactive status Approved request pending receipt of inactive status application and fee

Attorney General's Report

No report.

Legal Services

Ms. Foreman discussed the following individuals:

- S.N.C. Change private consent order to public
- G.C. Approved records request

Ms. Foreman presented the following consent orders for acceptance:

- S.J.S. Public consent order accepted
- R.R.P. Public consent order accepted
- T.M.R. Public consent order accepted

Miscellaneous

- R.K. Table pending receipt of additional information and refer individual to O.C.G.A. § 43-11-1 and § 43-11-20.

Ms. Bynum seconded and the Board voted in favor of the motion, with the exception of Dr. Bennett, who recused himself from the vote regarding A.M.H.

Miscellaneous

Dr. Nalley made a motion to grant the rule waiver/variance petition from Zachary J. Levin. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

The Board discussed the Investigative Committee's Referral to Consultant Policy. Chief Investigator McNeal stated that since all cases go through a cognizant member, then there is no need to have the policy. Dr. Nalley made a motion that this policy be stricken from the manual. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 12:08 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, March 18, 2016, at 9:30 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 P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director