

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
February 5, 2021
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
Dr. Bert Yeargan

Staff present:

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

Special Assistant Attorney General:

James Cobb, Caplan & Cobb
Ashley Brown, Caplan & Cobb

Visitors:

Emily Yona, ADSO/Impact Public Affairs
Matthew Yeung
James Smithson

Open Session

Dr. Gay established that a quorum was present and called the meeting to order at 10:02 a.m.

Introduction of Visitors

Mr. Lacefield asked the visitors on the call to send an email via the “Contact Us” portal on the website if he/she would like his/her name reflected as being in attendance in the minutes.

Approval of Minutes

Mr. Scheinfeld made a motion to approve the Public and Executive Session minutes from the January 8, 2021 Conference Call. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Dr. Yeargan 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. Timothy J. Moses: Dr. Bennett made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Cheri Ransby: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested Dr. Ransby submit an application for temporary dental licensure for consideration. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. James Smithson: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested the Board is willing to offer Dr. Smithson a pathway to licensure with the condition that he agrees to take and successfully negotiate CRDTS or another Board recognized exam once the exams are administered again. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Karunesh Chakote: Dr. Goggans made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested the Board is willing to offer Dr. Chakote a pathway to licensure with the condition that he agrees to take and successfully negotiate CRDTS or another Board recognized exam once the exams are administered again. Dr. Maron seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Matthew Yeung: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested the Board is willing to offer Dr. Yeung a pathway to licensure with the condition that he agrees to take and successfully negotiate CRDTS or another Board recognized exam once the exams are administered again. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

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

Rule Variance Petition from Dr. Pil Kwon: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, suggested the Board is willing to offer Dr. Kwon a pathway to licensure with the condition that he agrees to take and successfully negotiate CRDTS or another Board recognized exam once the exams are administered again. Mr. Scheinfeld seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Rachel Miro: Dr. Maron made a motion to grant the rule variance petition based on the special circumstances noted in her petition. The Board also finds that Dr. Miro has provided adequate justification for the variance since she successfully passed the ADEX clinical examination in February 2020, which involved a live patient. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Preston Shurley: Dr. Bennett made a motion to grant the waiver 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. Shurley has provided adequate justification for the waiver based on his military service, and successfully passing the ADEX clinical examination, along with completing an AEGD residency. As such, the Board voted to grant the request upon receipt of a statement of fitness from his supervising authority/commanding officer stating that he is able to practice dentistry with reasonable skill and safety. Ms. Mattingly seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Lara Ragab: Dr. Bennett made a motion to table the petition pending receipt of evidence showing passage of a clinical examination. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Vincent J. Lloyd

The Board considered this request regarding the ADEX examination. In response to Dr. Lloyd's request, the Board directed staff to respond by stating that, at this time, the Board is unable to make any exceptions

to Board Rule 150-3-.01(7). Therefore, his request as presented would not meet the examination requirements and he would need to complete an approved live patient exam in its entirety.

Correspondence from Emavel Licerio

The Board considered this correspondence asking if an out of state dentist could treat live patients at the upcoming Hinman Dental Meeting and if there was a temporary license that would allow for such. Dr. Maron made a motion to deny the request as there is not a pathway for an out-of-state dentist to treat live patients at the Hinman event. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Correspondence from Danielle Thomas

The Board considered this correspondence regarding a Botox/Dermal Filler course at the Hinman Dental Meeting. In her inquiry, Ms. Thomas asked if there was a temporary license that would allow an out of state dentist to inject patients at the meeting. Dr. Maron made a motion to deny the request as there is not a pathway for an out-of-state dentist to treat live patients at the Hinman event. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Correspondence from Jade Gilbert

The Board considered this request regarding the ADEX examination. In response to Ms. Gilbert's request, the Board directed staff to respond by stating that, at this time, the Board is unable to make any exceptions to Board Rule 150-3-.01(7). Therefore, her request as presented would not meet the examination requirements and she would need to complete an approved live patient exam in its entirety.

General – Dr. Tracy Gay

March CITA Exam: Dr. Gay reported that the March CITA exam at the Dental College of Georgia (DCG) was cancelled. He stated that it is his understanding that the May exam is still scheduled. Dr. Gay commented that they are seeing patients, but for some reason they cannot see patients for an exam. He stated he is unsure why that is. Dr. Knight inquired as to whether or not anyone has contacted the school. Dr. Gay responded that he has not heard anything official from the school, but his understanding is there are issues with social distancing of the examiners and there being too many patients. He stated the students are saying it would be a super spreader event, have involved the media, and are trying to portray it in a bad light. Dr. Gay stated that his understanding is the senior clinic is full of patients daily. Dr. Yeargan responded that there were no issues at the manikin exam. He stated there was discussion about spreading the patients out in the clinics and doing three day exam instead of a two day exam. Dr. Maron inquired as to whether or not the Board could send a letter of concern to DCG as they are the only dental school in Georgia that administers the exam. He stated it is highly recommended that the school evaluate its setup so they can resume administering the exam for licensure. Dr. Gay agreed and stated that was a good idea.

Dr. Bennett commented that the Board is willing to work with the school in any capacity whether that means testing multiple weekends or expanding the number of days of the test. Dr. Gay commented that CITA has stated it will give examiners to assist with administering the exam when the school is willing to allow for such. Dr. Goggans commented that it seems the Board and the college are at odds at what they are willing to do and the students are caught in the cross fire. He added that he would welcome discussion on what the Board can do to assist in this matter.

Dr. Alan Furness, DCG, was on the call and stated that he would be happy to answer any questions the Board has regarding this situation. He stated that there are protocol issues with the licensing exam that the school does not have in running a daily clinic. Dr. Furness explained the first issue is the school does not allow anyone in the waiting areas. He further explained that if there are 50-60 students with three patients a piece, the school does not have the capacity to allow for such. Dr. Maron inquired as to why the patients could not wait in his/her car until called for. Dr. Furness responded by stating that is what the school is

trying to work on. Dr. Furness stated that DCG has worked with CITA and will conduct a four day exam in May. He further stated that a CRDTS exam is also scheduled in May. Dr. Furness stated that there are no plans to change that and the school hopes to have some of these issues addressed. Dr. Gay stated the students will have the opportunity to take the exam in May. Dr. Furness commented that the students need some additional time as patient screening in the community has been taken away from them. He stated that the dental disease the students are typically treating in the student population is far beyond what he/she would want to address on a board exam. He further stated the periodontal component for the ADEX exam is proving to be more difficult to find patients for in comparison to CRDTS because CRDTS allows the candidate to move to a different quadrant. Dr. Furness stated there are many issues here and having a dialogue with the Board would be great. Dr. Gay thanked Dr. Furness for the information. He stated that it is good to know the students will have an opportunity in May and will also have an opportunity to retest soon after if he/she were to fail.

Dr. Bennett stated that he was unsure as to whom the school liaison is on the Board, but this is a critical time to ensure that there is a dedicated board member who is having fairly frequent dialog with the school. He added this would ensure the school feels the Board is being supportive of its concerns and also, as board members, are being responsive to the oath taken when sworn in, which is to protect the citizens of the State of Georgia. Dr. Patel volunteered to be the liaison. The Board agreed.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

Temporary CE Policy Regarding Onsite CPR: Mr. Lacefield requested the Board's permission to update its Temporary Continuing Education Policy for 2020-2021 to state that CPR must be obtained onsite and that certificates from online CPR courses will not be accepted. Additionally, any training or continuing education required for the issuance of a new sedation and/or injectable pharmacologics permit of any kind must be obtained in person. The Board agreed to amend its policy to reflect such.

Guidelines for Temporary Licensure: Mr. Lacefield reported that the Board voted at its January meeting to extend the guidelines for one month and re-evaluate the matter on a month to month basis. Mr. Lacefield stated 23 temporary licenses have been issued and will expire May 31, 2021. He inquired as to whether or not the Board would like to continue accepting those applications from 2020 graduates. Dr. Bennett commented hopefully all of the 2020 graduates have been addressed. Dr. Maron added that any graduate from 2020 has had enough opportunity to apply by now. With no further discussion, Dr. Maron made a motion to no longer accept temporary dental and dental hygiene applications from 2020 graduates. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

House Bill 147 and Senate Bill 45: Mr. Lacefield provided the Board with copies of House Bill 147 and Senate Bill 45. He stated that these bills mirror the law that recently became effective which assist military spouses and expands that to all individuals regardless of military service. He stated the bill does conflict with the Board's current laws regarding credentials. Mr. Lacefield explained that, in the past, the Board has not taken a position regarding pending legislation; however, Mr. Lacefield was contacted by Representative Lee Hawkins asking if the Board would like to take a position on this matter. Dr. Bennett explained this bill would bypass the vetting process this Board typically does for credentials applications. He stated that he has some concerns and has addressed those with Representative Hawkins. Dr. Bennett explained that Representative Hawkins offered an amendment. He further explained that the Georgia Composite Medical Board was able to be excluded. He stated that the Board needs to be aware and if it does have some concerns, to work with the Board's different member organizations. Dr. Goggans responded by stating that he agrees with Dr. Bennett. He inquired as to how the Georgia Composite Medical Board was able to be excluded. Dr. Goggans stated that Representative Hawkins tried to get the

Board of Dentistry excluded, but that was not accepted. He further stated that there was an amendment to effect only the boards under the Secretary of State's Office, but a committee member objected to it and the bill was tabled at that point. Mr. Changus commented that these two bills were discussed and an association member was present and raised some concerns.

Ms. Emm asked if any GDA members were on the call. Mr. Scott Lofranco, GDA, responded by stating that GDA is closely monitoring the bill. He stated that GDA does see there are issues with the language, but it has not taken a formal position yet. Dr. Goggans commented that the language in the bill, if passed, could lead to litigation because of definitions that are not clear. Mr. Lofranco responded that in GDA's analysis of the bill one concern is the term "residency" is not defined. He stated the other concern is the definition of what constitutes "substantially similar". Mr. Lofranco stated that this is not limited to just the Board of Dentistry. He stated that each professional board has a different definition and it would create litigation for the state. Dr. Gay stated that the Board would not issue a statement, but would continue to monitor the bill. He asked Mr. Changus if this bill would override the Board's credentials law. Mr. Changus affirmed it would.

Legal Services – Ms. Kimberly Emm

Dentist transitioning from an office: Ms. Emm discussed this correspondence from a dentist that has a concern. She stated the dentist is leaving the current practice, has pending patients, but the practice will not allow her to finish her work on these patients. Ms. Emm stated that she responded to the dentist by stating the Board does not offer legal advice, but she wanted to present this to the Board to see if it had any additional comments. Dr. Bennett responded by stating that the Board would need additional information before it could comment. The Board recommended having the Chief Investigator Altman review the matter.

Correspondence from Ida Lanier, DN011228: Ms. Emm discussed correspondence received from Dr. Lanier regarding the Board's requirement for Dr. Lanier to complete 10 hours management of immediate removeable prosthetics per her Public Consent Order. Dr. Lanier's correspondence states that she is having issues finding the required onsite courses and is inquiring as to whether or not there was an alternate category or a more generic course she should be looking for. The Board recommended tabling the matter until the end of the meeting to allow time additional time to review.

Dr. Bert Yeargan 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, Dr. Debra Wilson, and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- S.M.P.
- F.E.S.
- J.M.J.
- S.C.
- D.A.S.
- M.W.P.

Applications

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

Correspondence

- R.B.P.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT160376
- DENT160379
- DENT160391
- DENT190017
- DENT190037
- DENT190037
- DENT190037
- DENT190047
- DENT190346
- DENT190434
- DENT200141
- DENT200178
- DENT200185
- DENT200196
- DENT200213
- DENT200226
- DENT200228

- DENT200264
- DENT200329
- DENT200335
- DENT200350
- DENT200356
- DENT200405
- DENT200434
- DENT200447
- DENT200448
- DENT210023
- DENT210038
- DENT210227
- DENT210233
- J.S.

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- B.M.

Executive Director’s Report – Mr. Eric Lacefield

Received legal advice regarding O.C.G.A. § 43-11-6 and § 45-7-21.

Legal Services – Ms. Kimberly Emm

- D.B.J.
- C.M.
- F.F.W.
- J.A.G.
- D.C.L.

Special Assistant Attorney General

- Pending litigation

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

Open Session

Correspondence from Ida Lanier, DN011228: The Board discussed this request tabled from earlier in the meeting. In response to Dr. Lanier’s request, the Board stated that any course that involves dentures and removable prosthetics would be considered.

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

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|--------------------------------|---|
| • S.M.P. | Request to terminate probation | Approved request |
| • F.E.S. | Correspondence | Schedule to meet with the
Licensure Overview Committee |
| • J.M.J. | Dental Faculty Applicant | Approved application |
| • S.C. | Dental Exam Applicant | Approved application |

• D.A.S.	Moderate Enteral Conscious Sedation	Table pending receipt of additional information
• M.W.P.	Moderate Enteral Conscious Sedation	Table pending receipt of additional information
<u>Applications</u>		
• J.N.F.	Temporary Dental Applicant	Approved request to add additional supervising dentist
• A.D.B.	Temporary Dental Applicant	Approved request to add additional supervising dentist
• C.L.T.	Dental Hygiene Exam Applicant	Schedule to meet with the Licensure Overview Committee
• M.J.B.	Dental Exam Applicant	Approved application
• B.M.L.	Dental Exam Applicant	Denied application
• C.S.S.	Dental Exam Applicant	Refer to the Department of Law
• P.D.S.	Dental Exam Applicant	Tabled pending receipt of additional information
• J.I.B.	Dental Credentials Applicant	Denied application
• N.J.C.	Dental Credentials Applicant	Denied application
• S.B.	Dental Hygiene Credentials Applicant	Denied application
• A.N.B.	Moderate Enteral Conscious Sedation	Tabled pending receipt of additional information
• R.L.V.	Moderate Parenteral Conscious Sedation	Approved for provisional permit
• D.T.R.	Moderate Parenteral Conscious Sedation	Approved for provisional permit
• B.M.B.	General Anesthesia Applicant	Approved evaluation
• S.H.	Moderate Parenteral Conscious Sedation	Approved evaluation
• A.A.K.	Moderate Parenteral Conscious Sedation	Approved application
• O.W.	Moderate Parenteral Conscious Sedation	Approved application
• M.T.S.	Moderate Parenteral Conscious Sedation	Approved extension request
• R.J.P.	Moderate Parenteral Conscious Sedation	Approved extension request
• J.D.K.	General Anesthesia Applicant	Approved application
• K.D.M.	Dental Hygiene Reinstatement	Tabled pending receipt of additional information
• D.A.C.W.	Injectable Pharmacologics	Denied application
• R.B.E.	Public Health Applicant	Approved application

Correspondence

• R.B.P.	Request regarding assessment course	Approved request
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Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegations	Recommendation
DENT160376	Billing	Close with No Action
DENT160379	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT160391	Quality of Care/Substandard Practice	Close with No Action
DENT190017	Unlicensed Practice	Close as to Initial Respondent; Additional Information Required
DENT190037	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190037	Quality of Care/Substandard Practice	Close with Letter of Concern

DENT190037	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT190047	Malpractice	Close with No Action
DENT190346	Quality of Care/Substandard Practice	Close with no Action
DENT190434	Malpractice	Close with Letter of Concern
DENT200141	Quality of Care/Substandard Practice	Uphold Close with No Action
DENT200178	Quality of Care/Substandard Practice	Close with No Action
DENT200185	Billing	Close with Letter of Concern
DENT200196	Quality of Care/Substandard Practice	Close with No Action
DENT200213	Quality of Care/Substandard Practice	Close with No Action
DENT200226	Billing	Close with Letter of Concern
DENT200228	Malpractice	Close with No Action
DENT200264	Quality of Care/Substandard Practice	Close with No Action
DENT200329	Quality of Care/Substandard Practice	Close with No Action
DENT200335	Quality of Care/Substandard Practice	Close with No Action
DENT200350	Malpractice	Close with Letter of Concern
DENT200356	Billing	Close with No Action
DENT200405	Malpractice	Close with No Action
DENT200434	Quality of Care/Substandard Practice	Close with No Action
DENT200447	Quality of Care/Substandard Practice	Close with No Action
DENT200448	Quality of Care/Substandard Practice	Close with No Action
DENT210023	Unlicensed Practice	Refer to Local PD
DENT210038	Unlicensed Practice	Refer to Local PD
DENT210227	Unethical Conduct	Close with Letter of Concern
DENT210233	Quality of Care/Substandard Practice	Close - Lapsed License
J.S.	Billing	No Further Action Required

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- B.M. Public Consent Order accepted

Executive Director’s Report – Mr. Eric Lacefield

Received legal advice regarding O.C.G.A. § 43-11-6 and § 45-7-21.

Legal Services – Ms. Kimberly Emm

- D.B.J. Request regarding Public Consent Order Denied request
- C.M. Request for extension to complete CE requirements Approved request
of consent order
- F.F.W. Request for completion review of Consent Order Approved request
- J.A.G. Request for completion review of Consent Order Approved request
- D.C.L. Request regarding CE required for Consent Order Denied request

Special Assistant Attorney General

- Pending litigation Update provided

Dr. Yeagan seconded and the Board voted, in favor of the motion, with the exception of Dr. Wilson, who recused herself from the vote regarding D.B.J.

With no further business, the Board meeting adjourned at 12:34 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, March 5, 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