

GEORGIA BOARD OF DENTISTRY
Rules Committee Meeting
January 17, 2014
2 Peachtree St., N.W. 36th Floor
Atlanta, GA 30303
7:30 a.m.

The following committee members were present:

Dr. Tom Godfrey
Dr. Bert Yeargan

Staff Present:

Bryon Thernes, Board Attorney
Anil Foreman, Legal Officer

Visitors:

Melana McClatchey, GDA
Cresta Turner
Wendy Blond, GDHA
Dr. Clyde Andrews

Open Session

Dr. Godfrey established that a quorum was present and called the meeting to order 7:34 a.m.

Approval of Minutes

Dr. Yeargan made a motion to approve the minutes for the November 1, 2013 Rules Committee Meeting. Dr. Godfrey seconded and the Committee voted unanimously in favor of the motion.

Discussion Topics

Unprofessional Conduct: The Committee discussed whether the Board can amend the rule to prohibit an agreement through which an unlicensed party may control or attempt to control the professional judgment or the clinical or treatment decisions of a dentist or hygienist.

Mr. Thernes stated that the Board can make a rule to prohibit such an agreement. He also suggested that the Board may want to create a model contract for independent contractors, as other boards in jurisdictions such as Pennsylvania have them.

Dr. Godfrey stated that the Committee will discuss a draft of the proposed amendments at the next Rules Committee meeting in February, with possible presentation to the Board at the full Board meeting in February.

Fee-Splitting: The Committee discussed whether proposing an amendment to the fee-splitting rule to prohibit sharing of fees for treatment services would inadvertently include the payment of fee for services from a dental practice organized as a corporation and owned by a dentist to an independent contractor or employee working for the dentist's practice.

Dr. Yeargan discussed drawing a distinction between fees for service and fee-sharing. Dr. Godfrey suggested tabling the proposed amendments until such time as a distinction could be written into the draft between the sharing of treatment fees for services and the unauthorized splitting of fees.

Animals in the Office: The Committee discussed whether animals other than service and guide animals should be strictly prohibited in a dental office, whether fish and service animals should be

permitted, or whether service animals and any small domestic animal should be permitted. It was decided that the proposed new rule should exclude all animals except those service animals as provided by state and federal law.

There was a brief recess at 8:02 AM.

The meeting was called back to order by Dr. Godfrey at 8:48 a.m.

Fraudulent, Misleading, or Deceptive Advertising: The Committee discussed the proposal that statements that assert or allude that a dentist has an ownership interest in a dental practice, facility, or clinic without an equity stake, the ability to sell one's interest in a practice, and other rights of ownership common to partnerships or corporations should be changed to include statements that assert or allude that a dentist has an ownership interest in a dental practice, facility, or clinic without an equity stake, the ability to sell one's interest in a practice, and other rights of ownership common to partnerships or corporations.

Dr. Godfrey stated that the final form for the proposed Animals rule and the proposed amendments to the Fraudulent, Misleading, or Deceptive Advertising Rule should be discussed by the Committee in February and potentially presented to the Board at the February meeting.

Mobile Dentistry: A draft of a proposed new chapter of rules regarding mobile dentistry was discussed, including a possible inspection requirement for mobile dental facilities and portable dental operations. Dr. Godfrey stated that the question of whether portable dental operations need to be inspected biannually would go to the Board, and that upon clarification of that question, the rule would be potentially presented to the Board in February.

Procedural Rules: A draft of ten new chapters of procedural rules was discussed. Mr. Thernes suggested that the language in the proposed rule regarding the computation of time should be changed to mirror the Civil Practice Act and that the proposed rule regarding depositions should include a provision permitting objections to errors and irregularities before the deposition without written notice to the Board. Ms. Foreman suggested that the title of a draft chapter of rules regarding consolidations and continuances be changed.

There being no further business to come before the Committee, the meeting was adjourned at 9:17 a.m.

Minutes recorded by Anil Foreman, Legal Officer

Minutes edited by Tanja D. Battle, Executive Director