

GEORGIA BOARD OF DENTISTRY
Board Meeting
January 9, 2015
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
9:30 a.m.

The following Board members were present:

Dr. Logan Nalley
Dr. Stephen Holcomb
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Randy Daniel
Dr. Tom Godfrey
Dr. Antwan Treadway
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Asst Attorney General
Anil Foreman, Legal Officer
Ryan McNeal, Chief Investigator
Brandi Howell, Bus Operations Specialist

Visitors:

Pam Wilkes, Help A Child Smile
Tina Titshaw, Mark Shurett
Joe Rhodes, Mark Shurett
Dr. Donald Brown, GDA
James E. Barron, GDS
Fatimot Ladipo, GDA
TJ Kaplan, JP Morgan
Sarah Sikkelee, Kool Smiles
Nancy DeMott, GDHA

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

Public Hearing

Dr. Nalley called the Public Hearing to order at 9:31 a.m.

Rule 150-3-.09 Continuing Education for Dentists

No comments or written responses were received.

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

No comments or written responses were received.

Rule 150-13-.02 Deep Sedation/General Anesthesia Permits

No comments or written responses were received.

Rule 150-6-.01 Laboratory Prescriptions.Amended

No comments or written responses were received.

Rule 150-3-.04 Applications.Amended

No comments or written responses were received.

The hearing was adjourned at 9:33 a.m.

Dr. Godfrey made a motion to adopt Rule 150-3-.09 Continuing Education for Dentists, Rule 150-7-.04 Dental Provisional Licensure by Credentials, Rule 150-13-.02 Deep Sedation/General Anesthesia, Rule 150-6-.01 Laboratory Prescriptions.Amended, and Rule 150-3-.04 Applications.Amended. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the December 12, 2014 conference call. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Ratifications

Dr. Yeargan made a motion to ratify the list of issued licenses. Dr. Bennett seconded and the Board voted unanimously in favor of the motion. Dr. Bennett requested the report be broken down by obtained by method in the future.

Petition for Rule Variance – Renee R. Pourtemour

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

Correspondence from Lisa J. McDaniel, DH005547

The Board considered this correspondence from Ms. McDaniel, who is requesting to retake the risk management course and use those hours towards the hours required for renewal. Dr. Godfrey made a motion to deny the request. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Correspondence from Jean L. Payne

The Board considered this correspondence requesting clarification regarding topics that affect dental assistants. Dr. Bennett made a motion to respond to Ms. Payne that the Board is currently taking this under advisement and will be revisiting its rules to address this matter. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion. In addition, the Board suggested referring this matter to the Rules Committee to review.

Correspondence from Dr. Sarabess Baumrind

The Board considered this correspondence regarding whether or not Expanded Duties Assistants may use a slow hand-piece to polish with prophylaxis paste after a hygienist or dentist has scaled teeth. The Board recommended referring him to Board Rule 150-9-.02 and let him know that the Board agrees that this procedure is not allowed.

Correspondence from David O. Lofters, DN012798

The Board considered this correspondence from Dr. Lofters requesting his public consent order be removed from the Board's website. Dr. Treadway made a motion to deny his request. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Correspondence from Lawrence Caplin, DN014535

The Board considered this correspondence regarding a bid that is being submitted to the Georgia Army National Guard to provide dental treatment and examinations at various State Armories throughout Georgia and whether or not the bidder needs to be a Georgia licensed dentist. The Board recommended Dr. Caplin meet with the Licensure Overview Committee to further discuss this matter.

General – Dr. Logan Nalley

Dr. Nalley reported that Dr. Bennett will make a presentation to the GDA House of Delegates on Sunday.

CE Audit Committee Report – Dr. Richard Bennett

Dr. Bennett discussed a course syllabus received from Emily Berryman on behalf of Advanced CPR Training, LLC. The Board directed staff to respond to Ms. Berryman by stating that the only way the course would be accepted by the Board is if the course is certified through one of the five board approved organizations as listed in Board Rules 150-3-.08 and 150-5-.04 (the American Heart Association, the American Red Cross, the American Safety and Health Institute, the National Safety Council, or EMS Safety Services). Additionally, the certification card issued to the dentist or dental hygienist must list one of the five approved organizations as stated above.

Conscious Sedation/General Anesthesia Committee Report – Dr. Randy Daniel

No report.

Credentialing Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that the Examination Committee Meeting for CRDTS is next weekend in Kansas City, Missouri.

Dr. Holcomb also reported that the Southern Conference of Dental Deans and Examiners is meeting January 23-25 in Louisville, Kentucky.

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 reported that the Rules Committee met earlier that morning and discussed mobile dentistry. He stated that members of the public that are impacted with mobile dentistry were present. He stated that a draft of the mobile dentistry rules is ready for the Board's consideration. The Board recommended tabling this matter until the end of the meeting to allow for additional time to review.

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

Dr. Bennett reported that the IP Committee met earlier that morning and will have several items to discuss with the Board in Executive Session.

Executive Director’s Report – Ms. Tanja Battle

The draft records retention schedule and executive summary of the draft retention schedule were discussed by Ms. Foreman. The Board recommended tabling this matter for discussion in Executive Session.

Ms. Battle discussed the July 18, 2014 full Board meeting minutes. Specifically, the Legislative Committee Report. Dr. Goggans made a motion to amend the minutes to reflect the following:

Dr. Goggans reported that he had the opportunity to have dinner with the Rules Chair of the Senate. It is the opinion of Dr. Goggans that a hot topic currently is looking at the future of mid-level providers. Ms. Bynum added that those states that have tried to implement changes regarding such have relayed that there have been some issues and that it is not going smoothly for mid-level providers.

Dr. Godfrey seconded the motion. Discussion was held by Dr. Goggans, who explained that some individuals read the minutes to say that his opinion was that of the Senate Rules Chairman and he wanted to correct that. No further discussion was held. The Board voted unanimously in favor of the motion.

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

No report.

Dr. Tom Godfrey made a motion and Dr. Steve Holcomb 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. Logan Nalley, Dr. Steve Holcomb, Dr. Richard Bennett, Ms. Becky Bynum, Dr. Randy Daniel, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Appearance

- G.T.A.

Licensure Overview Committee Appointments/Discussion Cases

- S.C.
- D.J.B.
- K.R.
- C.R.Z.
- J.E.T.
- R.T.L.
- A.C.C.
- D.E.C.

Applications

- E.J.S.
- M.V.B.

- K.L.H.

Investigative Committee Report

Report presented:

- DENT110183
- DENT140020
- DENT120018
- DENT150118
- DENT130222
- DENT140083
- DENT140090
- DENT130200
- DENT140030
- DENT150009
- DENT150048
- DENT150056
- DENT150084
- DENT150108
- DENT150174
- S.B.M.
- C.H.P.

Correspondences

- Correspondence from D.B.
- Correspondence from C.B.O.

Executive Director's Report – Ms. Tanja Battle

- Correspondence from N.B.
- Correspondence from S.H.
- Correspondence from P.B.

Attorney General's Report – Mr. Bryon Thernes

- Dental Service Organizations and ownership of dental practices

Legal Services – Ms. Anil Foreman

- Draft records retention schedule
- Patient record request form

IP Committee Report – Dr. Richard Bennett

- A.A.A.E.
- Referrals from Medical Board
- AAFE on demand lecture

Miscellaneous

- Dental hygiene examination content

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

Open Session

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

Appearance

- G.T.A. Uphold denial of reinstatement application

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|------------------------------------|-------------------------------------------------|
| • S.C. | Request to terminate probation | Table pending receipt of additional information |
| • D.J.B. | Request to terminate probation | Request denied |
| • K.R. | Dental Credentials Applicant | Approved application |
| • C.R.Z. | Dental Credentials Applicant | Approved application |
| • J.E.T. | Request to reinstate license | Refer to the Attorney General's office |
| • R.T.L. | Dentist Exam Applicant | Approved application |
| • A.C.C. | Request to terminate consent order | Request approved |
| • D.E.C. | Request to terminate consent order | Request approved |

Applications

- | | | |
|----------|-------------------------------|----------------------|
| • E.J.S. | Dentist Credentials Applicant | Denied application |
| • M.V.B. | Dentist Credentials Applicant | Denied application |
| • K.L.H. | Dental Hygiene Reinstatement | Approved application |

Investigative Committee Report

Report presented:

Complaint Number	Allegations	Recommendations
DENT110183	Malpractice	Refer to AG
DENT140020	Quality of Care	Refer to AG
DENT120018	Malpractice	Refer to AG
DENT150118	Unprofessional Conduct	Close
DENT130222	Quality of Care	Close
DENT140083	Quality of Care	Refer to AG
DENT140090	Quality of Care	Refer to AG
DENT130200	Quality of Care	Close
DENT140030	Quality of Care	Close
DENT150009	Quality of Care	Close
DENT150048	Patient Abuse	Close w/Letter of Concern
DENT150056	Malpractice	Close
DENT150084	Quality of Care	Close
DENT150108	Quality of Care	Close
DENT150174	Assisting Unlicensed Practice	Close w/Letter of Concern
S.B.M.	Negligently supervised his employee	Close
C.H.P.	Over Px & Tx Plan - 17 Cases	Send to Records Medicaid

Correspondences

- Correspondence from D.B.: Uphold denial of dental credentials application.
- Correspondence from C.B.O.: Denied request for waiver of the reinstatement fee.

Executive Director's Report – Ms. Tanja Battle

- Correspondence from N.B.: Directed staff to respond to individual that he must first complete a remedial course, approved by the Board, prior to retaking the CRDTS examination.
- Correspondence from S.H.: Approved request for extension of provisional permit.
- Correspondence from P.B.: Directed staff to respond by stating that periodically the Board reviews the deputy examiner list and provides other individuals the opportunity to serve.

Attorney General's Report – Mr. Bryon Thernes

- Dental Service Organizations and ownership of dental practices: No action taken.

Legal Services – Ms. Anil Foreman

- Draft records retention schedule: Retention schedule approved.
- Patient records request form: Approved with noted changes.

IP Committee Report – Dr. Richard Bennett

- A.A.A.E.: Course submission denied.
- Referrals from Medical Board: Directed staff to send correspondence
- AAFE on demand lecture: Request denied.

Miscellaneous

- Dental hygiene examination content: Ms. Bynum, Dr. Treadway and Dr. Daniel were appointed to a sub-committee to handle this matter.

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

Dr. Godfrey made a motion to post the following rules:

CHAPTER 150-25 MOBILE DENTISTRY

Rule 150-25-.01 APPLICABILITY

This chapter applies to a dentist with an active Georgia license who operates a mobile dental facility or portable dental operation that provides dental or dental hygiene services. This chapter does not refer to any physically stationary office where the services may be provided. This chapter does not permit any person other than a dentist with an active license to practice in Georgia to operate a mobile dental facility or portable dental operation.

Rule 150-25-.02 DEFINITIONS

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

(a) "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, independent of whether the facility is used on a permanent or temporary basis at an out-of-office location such as a school, nursing home, or other institution.

(b) "Operator" means any person actively licensed to practice dentistry in the state of Georgia who owns and operates a mobile dental facility or portable dental operation.

(c) "Patient" means any person whom the operator or 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 dental equipment utilized in the practice of dentistry or dental hygiene 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 or locations. It shall also

mean any equipment that is set up on-site to provide dental 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 personnel associated with a registered mobile dental facility or portable dental operation are available to provide dental services at a particular location.

Rule 150-25-.03 REGISTRATION REQUIREMENT

(1) A dentist may only operate a mobile dental facility or portable dental operation after informing the Board in writing that s/he intends to operate a mobile dental facility and/or portable dental operation.

(2) A dentist who has operated a mobile dental facility or portable dental operation in the past biennium must inform the Board in writing on or before December 31 of every odd-numbered year whether s/he intends to continue operating a mobile dental facility and/or portable dental operation.

(3) The writing that an operator provides to the Board evincing intent to operate of a mobile dental facility and/or portable dental operation must include, without limitation, the following:

(a) The name, telephone number, email address, and dental license number of the operator;

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

(c) The official business address of the operator, which shall not be a post office box and shall be within the state of Georgia;

(d) The full name, address, telephone number, email address, and license number of all dentists or dental hygienists planning to work at the mobile dental facility or portable dental operation and the full name, address, telephone number, and email address of all dental assistants planning to work at the mobile dental facility or portable dental operation. The operator shall notify the Board in writing within ten (10) business days of any change in employment or association of any dentist, dental hygienist, or dental assistant working at the mobile dental facility or portable facility operation. The operator shall also notify the Board in writing within ten (10) business days of hiring any additional dentists or dental auxiliaries hired to provide dental services at the mobile dental facility or portable dental operation;

(e) A copy of a written procedure for emergency follow-up care, which includes arrangements for treatment in a dental practice that is permanently established in the area within a 25-mile radius of where mobile services are provided, subject to a qualified dentist being located in the area and subject to the dentist agreeing to provide follow-up care.

1. An operator who either is unable to identify a qualified dentist in the area or is unable to arrange for emergency follow-up care for patients otherwise shall be obligated to provide the necessary follow-up care via the mobile dental facility or portable dental operation or the operator may choose to provide the follow-up care at his/her established dental practice location in the state or at any other established dental practice in the state which agrees to accept the patient.

2. An operator who fails to arrange or provide follow-up care as required herein shall be considered to have abandoned the patient, and the operator and any dentist or dental hygienist, or both, who fail to provide the referenced follow-up care shall be subject to disciplinary action by the Board.

3. An operator shall notify the Board within ten (10) business days of any change in procedure for emergency follow-up care.

(4) The duty to inform the Board in writing under 150-25-.03(1) does not apply to an actively licensed dentist who does not have a mobile dental facility or portable dental operation who provides a dental service through the use of dental instruments, materials, and equipment taken out of a physically stationary dental office if the service is an isolated incident of providing emergency treatment for a patient of record.

RULE 150-25-.04: OPERATION OF A MOBILE DENTAL FACILITY

(1) Mobile dental facility shall only be owned and operated by a dentist actively licensed in Georgia.

(2) An operator of a mobile dental facility shall:

(a) Maintain all dental records;

(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. Providing appropriate access if services are provided to disabled persons.
2. Having access to a properly functioning sterilization system.
3. Having access to an adequate supply of potable water, including hot water, after September 1, 2015.
4. Having access to toilet facilities.
5. Having a covered galvanized, stainless steel, or other non-corrosive metal container for the deposit of refuse and waste materials

(d) Ensure that all dental services provided at a mobile dental facility are provided by persons authorized by law or regulation to provide these services;

(e) Ensure that a dentist licensed to practice dentistry in Georgia is present at all times that clinical services are rendered in the operation of the mobile dental facility;

(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 services are performed 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 his/her mobile dental facility 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 operator 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 operator for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the operator and receive treatment information, including radiographs.

RULE 150-25-.05 PORTABLE DENTAL OPERATIONS

(1) A portable dental operation shall only be owned and operated by a dentist actively licensed to practice in Georgia. A dental hygienist, dental assistant, or any other person not actively licensed to practice dentistry in the state of Georgia shall neither own nor operate a portable dental operation nor represent themselves as the owners or operators of a portable dental operation.

(2) An operator is solely responsible for the conduct and operations of his/her portable dental facility. An operator of a portable dental operation shall:

(a) Maintain all dental records;

(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 services are performed 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 his/her portable dental operation adheres to the minimum standard for safe practice including possessing the following:

1. Equipment to treat medical emergencies;

2. Appropriate and sufficient dental instruments and infection control supplies;

3. Communication abilities that enable the operator 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 operator for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the operator and receive treatment information, including radiographs.

RULE 150-25-.06 CLOSING OF OPERATIONS

(1) Upon cessation of operation of the mobile dental facility or portable dental operation, the operator shall notify the Board in writing within thirty (30) days of the last day of operations of the final disposition of patient records and charts.

(2) Upon choosing to discontinue practice or services in a community or permanent closure of the mobile dental facility or portable dental operation, the operator of a mobile dental facility or portable dental operation shall:

(a) Provide notice of closure to all patients by publication. The operator shall notify patients of the closing of the mobile dental facility or portable dental operation by publication once a week for four (4) consecutive weeks in a newspaper of general circulation in each community where the mobile dental facility or portable dental operation operated.

(b) Provide individual notice of closure to all patients via mail. At a minimum, the notice mailed to the patients shall state the following:

1. that the operator intends to discontinue the mobile dental facility's or portable dental operation's practice in the community;

2. the date that the closure becomes effective, and the date on which the dentist/patient relationship may resume, if applicable, should the dentist continue to practice at a fixed location in the community;

3. a location at 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;

4. a statement of further dental treatment required, if any; and

5. a means for the patient to obtain a copy of his/her dental records.

(3) The operator shall make reasonable arrangements with the patients of the mobile dental facility or portable dental operation for the transfer of the records, including radiographs or copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.

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

A motion was made by Dr. Bennett, seconded by Dr. Godfrey, and the Board voted that the formulation and adoption of these new and amended rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these 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. Holcomb thanked Mr. Thernes for all of his hard work and efforts pertaining to getting information to the Board regarding ownership of practices. He also thanked Ms. Foreman and Dr. Godfrey for all of their efforts and hard work on rules.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, February 20, 2015, 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.

The Board meeting adjourned at 2:40 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director