

**GEORGIA BOARD OF DENTISTRY**  
**Board Meeting**  
**2 Peachtree St., N.W., 36<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**July 10, 2015**  
**9:30 a.m.**

**The following Board members were present:**

Dr. Steve Holcomb  
Ms. Becky Bynum  
Dr. Randy Daniel  
Dr. Tracy Gay  
Dr. Tom Godfrey  
Dr. Greg Goggans  
Dr. Bert Yeargan

**Staff present:**

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

**Visitors:**

Carin Cody, Scion  
JaVonya Harris, Scion  
Melana McClatchey, GDA  
Dr. Donnie Brown, GDA  
John Watson, ADSO  
TJ Kaplan, JP Morgan  
Trisha Yeatts, MAG  
Lynne Slim, GDHA  
Mark Middleton, PDS

**Open Session**

Dr. Holcomb established that a quorum was present and called the meeting to order at 9:45 a.m.

**Introduction of Visitors**

Dr. Holcomb welcomed the visitors.

**Approval of Minutes**

Dr. Goggans made a motion to approve the Public Session minutes for the June 19, 2015 meeting as amended. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to approve the Executive Session minutes for the June 19, 2015 meeting. Dr. Gay 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. Godfrey seconded and the Board voted unanimously in favor of the motion.

**Petition for Rule Variance from Brandon K. Cannon**

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

**General – Dr. Steve Holcomb**

No report.

**CE Audit Committee Report – Dr. Richard Bennett**

No report.

**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 availability notices for the CRDTS fall examination were sent out last week and reminded each Board member to check his/her email for the notice.

Dr. Holcomb reported that the Dental Hygiene Examination Review Committee (ERC) meeting is this weekend.

**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 made a motion to post Chapter 150-25 Default on Obligations. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

**CHAPTER 150-25: DEFAULT ON OBLIGATIONS.**

**150-25-.01 Federal Student Loan Default.**

(1) A person holding a current license issued by the Georgia Board of Dentistry (“Board”) may have his/her license indefinitely suspended if s/he is found to be in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program in accordance with the procedures set forth herein.

(2) After receiving a certification from a federal agency that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program, the Board shall provide written notice to the licensee via certified or registered mail at the licensee’s address of record. The notice shall contain the following:

- (a) The Board’s intended action to suspend the license;
- (b) The licensee’s right to request an appearance before the Board;
- (c) Notification that the request for an appearance must be in writing and must be received by the board within thirty (30) days of service of notice; and
- (d) The address and telephone number of the Board.

(3) If the licensee does not request an appearance before the Board within thirty (30) days, the licensee waives the right for an appearance before the Board, and the license shall be suspended.

(4) If a request to appear is timely received by the Board, the suspension of the license shall be stayed pending the licensee's appearance before the Board.

(5) Upon receipt of the request for an appearance before the Board, the Board shall notify the licensee in writing of the date and time of the appearance via certified or registered mail sent to the licensee's address of record. At this appearance, the licensee may present evidence only on the following issues:

(a) Whether the licensee is a party named in a federal educational loan agreement, service conditional loan repayment agreement, or service conditional scholarship agreement;

(b) Whether the licensee is in default of the loan obligation, service conditional loan repayment or scholarship obligation;

(c) Whether the licensee is repaying the loan obligation, service conditional loan repayment or scholarship obligation, in a manner satisfactory to the federal agency involved.

(6) Within fourteen (14) working days after the licensee's appearance before the Board, the Board will issue its decision. The Board will mail a copy of its decision to the licensee by certified mail or registered mail to the licensee's address of record.

(7) If the license is suspended, the licensee shall not practice during the period of suspension.

(8) A person whose license was suspended for being in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program may apply to have the suspension lifted. In order to have the suspension lifted, the licensee must:

(a) Request in writing to the Board that the suspension be lifted;

(b) Provide the Board a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan, service conditional loan repayment program, or service conditional scholarship program;

1. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency.

(c) Demonstrate to the satisfaction of the Board that the license has been timely renewed, where applicable, and, other than the suspension provided by this rule, is otherwise in good standing; and

(d) Submit a notarized declaration that all continuing education requirements, if any, for the entire suspension period have been met.

(9) Upon compliance with paragraph (8), the Board shall lift the suspension on the license. However, the Board may impose any conditions on the lifting of the suspension that it deems necessary to protect the public.

(10) If the licensee fails to timely renew his/her license during the period of suspension, the license shall be considered to be revoked by operation of law and subject to reinstatement in the sole discretion of the Board. The person who held the lapsed suspended license must comply with the Board's rules for reinstatement, pay any reinstatement fee, and provide the Board with a written release from the federal agency originally certifying that the licensee is in nonpayment status or default or breach of a repayment or service obligation under any federal educational loan service conditional loan repayment program or service conditional scholarship program. The release must indicate that the licensee is making payments on the loan or satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. It will be within the discretion of the Board whether to reinstate the license.

A motion was made by Dr. Godfrey, seconded by Dr. Yeargan, and the Board voted that the formulation and adoption of the proposed 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. Godfrey reported that the remainder of the items that were on the Rules Committee agenda earlier that morning were tabled.

#### **Education Committee Report – Dr. Tom Godfrey**

Dr. Godfrey reported that Dr. Brooks Keel has been named as the new president of Georgia Regents University. He stated that Dr. Gretchen Caughman was named as interim president.

#### **Long Range Planning Committee Report – Dr. Steve Holcomb**

Dr. Holcomb reported that the Committee will be reviewing the list previously provided to the Board and hopes to have it updated by the next meeting.

#### **CRDTS Steering Committee – Dr. Logan Nalley**

Dr. Holcomb discussed the annual meeting scheduled for August 21<sup>st</sup>-23<sup>rd</sup>. He states each Board member should have received notification from CRDTS about the meeting. He stated that if any Board member had not received a packet, to please contact Renee Gideon at CRDTS. He encouraged all Board members to attend the meeting.

#### **IP Committee Report – Dr. Richard Bennett**

Correspondence from Gigi Meinecke, FACES, LLC: Ms. Battle discussed an email received from Dr. Meinecke regarding the Board's letter dated April 20, 2015 to FACES stating that the Board voted to approve the course pending a favorable audit conducted by a member of the Board. Dr. Meinecke is asking the Board to consider different approval language in the letter. Dr. Holcomb responded by stating that part of the concern is coming from the Academy of General Dentistry (AGD). The AGD's concern is when the course is set up, there will be dentists that are signed up who really do not know if they are taking an approved course or not. Dr. Holcomb explained that he understands the issue has to do with the expense of the course incurred, should the board not approve it. Dr. Holcomb asked the Board if it would be okay if he pursues this matter to see when a course would be available. Ms. Battle stated that in the past, the Board has required the course to be in Georgia. Dr. Holcomb responded by stating that the Board may want to reverse that opinion. The Board directed staff to request a schedule of courses from Dr. Meinecke and report this information back to the Committee to facilitate a board member auditing the course.

DentaSpa Course Resubmission: Ms. Battle stated that DentaSpa has resubmitted a course for the Board to review the day before the last Board meeting. Due to there not being ample time for the Board to review, the matter was tabled until the July meeting. Dr. Holcomb stated that he has reviewed the information submitted and it appears to have all the components the Board requires. The Board directed staff to request a schedule of courses from DentaSpa and report this information back to the Committee. The Board also suggested amending the CE application to require the sponsoring group to submit a schedule of available courses.

#### **Executive Director's Report – Ms. Tanja Battle**

No report.

#### **Attorney General's Report Open Session – Mr. Bryon Thernes**

No report.

Ms. Battle asked the Board about a question received from a caller that asked if there a rule or guideline that indicates how long an office has to hold on to dentures that someone does not pick up. The Board

directed staff to respond to this inquiry by stating that there is nothing in the law or rules that would address this matter.

### **Correspondence from Yun Joo Huynh**

The Board considered this correspondence asking if a private DDS sponsor the individual as a volunteer dentist if he/she is willing to do so. The Board directed staff to respond by stating that a private DDS cannot sponsor the individual as a volunteer dentist.

### **Correspondence from Nancy DeMott**

The Board considered this dental screening request. Dr. Godfrey made a motion to approve the request. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

### **Correspondence from Amy Priest**

The Board considered this correspondence regarding a correctional facility that operates within all federal regulations since their client is The Federal Bureau of Prisons (BOP). Ms. Priest is inquiring as to whether or not this facility falls under Rule 150-5-.03(b) and if she is allowed to practice when the dentist is out of the facility as she is a Registered Dental Hygienist. Dr. Godfrey made a motion to direct staff to respond to Ms. Priest by stating that if in fact the facility is a federal facility and falls under federal jurisdiction, it would not fall under the Board's purview. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

### **Miscellaneous**

The Board discussed a draft policy statement regarding Social Coupon Advertising, which was tabled from the June meeting to allow for additional time to review. Dr. Holcomb suggested the Board take a short recess to allow time for Dr. Godfrey to review.

The Board recessed at 10:21 a.m.

The meeting resumed at 10:27 a.m.

Dr. Godfrey made a motion to refer the draft policy statement regarding Social Coupon Advertising back to the Rules Committee. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Dr. Tom Godfrey made a motion and Dr. Greg Goggans 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. Randy Daniel, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, and Dr. Bert Yeargan.

## **Executive Session**

### **Licensure Overview Committee Appointments/Discussion Cases**

- J.E.C.
- T.A.G.
- A.L.R.
- D.L.V.
- R.L.M.
- S.A.
- R.M.R.

- V.H.M.
- E.S.
- C.C.C.

### **Applications**

- J.A.C.
- B.M.C.
- N.N.D.
- P.K.S.
- T.C.H.
- M.S.J.
- D.M.C.

### **Investigative Committee Report**

Report presented:

- DENT150378
  - DENT150027
  - DENT150083
  - DENT150170
  - DENT140028
  - DENT130080
  - DENT140007
  - DENT150016
  - DENT140112
  - DENT150306
  - DENT140098
  - DENT150330
  - DENT140267
  - DENT150373
  - DENT100281
- 
- J.Z.R.

### **Correspondence**

- S.C.R.
- L.A.H.
- S.M.B.

### **Executive Director's Report – Ms. Tanja Battle**

- H.M.
- Possible complaint referral from J.K.

### **Attorney General's Report – Mr. Bryon Thernes**

Mr. Thernes presented the following consent orders for acceptance:

- M.A.J.
- G.E.C.
- M.P.
- L.P.H.

Mr. Thernes discussed the following case:

- A.D.

Mr. Thernes responded to a request for legal advice regarding the following:

- M.G.

### **Miscellaneous**

- Discussion was held regarding 3D scans.
- S.D.

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

## **Open Session**

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

### **Licensure Overview Committee Appointments/Discussion Cases**

- |          |                                    |  |
|----------|------------------------------------|--|
| • J.E.C. | Request to terminate probation     | Tabled pending receipt of additional information   |
| • T.A.G. | Dental Reinstatement Applicant     | Approve and require the individual to submit a letter within a year regarding ability to practice with reasonable skill and safety |
| • A.L.R. | Dental Hygiene Reinstatement       | Approve with public consent order pending receipt of additional information  |
| • D.L.V. | Dental Exam Applicant              | Approved application   |
| • R.L.M. | Dental Exam Applicant              | Approved application   |
| • S.A.   | Dental Exam Applicant              | Table pending receipt of additional information  |
| • R.M.R. | Dental Credentials Applicant       | Approved application   |
| • V.H.M. | Dental Exam Applicant              | Approved application   |
| • E.S.   | Request to terminate consent order | Refer to the Attorney General's office   |
| • C.C.C. | Correspondence regarding CE        | Directed staff to respond to licensee by stating the courses taken do not meet the requirements of Rule 150-3-.09                  |

### **Applications**

- |          |                              |  |
|----------|------------------------------|--|
| • J.A.C. | Dental Faculty Applicant     | Schedule to meet with the Licensure Overview Committee |
| • B.M.C. | Dental Exam Applicant        | Approved application                                   |
| • N.N.D. | Dental Credentials Applicant | Approved application                                   |
| • P.K.S. | Dental Credentials Applicant | Approved application                                   |
| • T.C.H. | Dental Credentials Applicant | Denied application                                     |
| • M.S.J. | Dental Hygiene Reinstatement | Approved application                                   |
| • D.M.C. | Inactive Status Applicant    | Approved application                                   |

## **Investigative Committee Report**

Report presented:

<b>Complaint Number</b>	<b>Allegations</b>	<b>Recommendation</b>
DENT150378	Unlicensed practice	Close - no action
DENT150027	Quality of Care/Substandard Practice	Close - no action
DENT150083	Quality of Care/Substandard Practice	Close - letter of concern
DENT150170	Quality of Care/Substandard Practice	Close - no action
DENT140028	Quality of Care/Substandard Practice	Close - no action
DENT130080	Records Release	Close - no action
DENT140007	Quality of Care/Substandard Practice	Close - no action
DENT150016	Quality of Care/Substandard Practice	Close - no action
DENT140112	Quality of Care/Substandard Practice	Close - no action
DENT150306	Unlicensed practice	Close upon acceptance of voluntary C&D
DENT140098	Self Report	Close - no action
DENT150330	Records Release	Close - no action
DENT140267	Unlicensed practice	Close - no action
DENT150373	Self Report	Refer to the Department of Law
DENT100281	Quality of Care/Substandard Practice	Close - letter of concern

- J.Z.R. General Anesthesia Applicant No action taken

### **Correspondence**

- S.C.R. Request for waiver of renewal fee Request denied
- L.A.H. Dental Credentials Applicant Denial upheld
- S.M.B. Correspondence Directed staff to respond to this individual's inquiry regarding what the individual can do given she is no longer able to practice as a dental hygienist due to an injury.

### **Executive Director's Report – Ms. Tanja Battle**

- H.M. Refer to Legal Officer for Summary Suspension and OMPE
- Possible complaint referral from J.K. Directed staff to respond by stating that the Board is researching the matter.

### **Attorney General's Report – Mr. Bryon Thernes**

Mr. Thernes presented the following consent orders for acceptance:

- M.A.J. Public consent order to be accepted and signed with express permission upon receipt of the original
- G.E.C. Public consent order to be accepted and signed with express permission upon receipt of the original
- M.P. Public consent order to be accepted and signed with express permission upon receipt of the original
- L.P.H. Public consent order to be accepted and signed with express permission upon receipt of the original



Mr. Thernes discussed the following case:

- A.D. No action

Mr. Thernes responded to a request for legal advice regarding the following:

- M.G. Directed staff to send a letter

**Miscellaneous**

- Discussion was held regarding 3D scans. Referred this matter to the Rules Committee to draft a referral policy that encompasses oral pathology, oral maxillofacial radiology, etc.
- S.D. Schedule to meet with the Licensure Overview Committee

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

With no further business, the Board meeting adjourned at 1:16 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, August 14, 2015, at 12:00 p.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