

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
July 10, 2020
10:00 a.m.

The following Board members were present:

Dr. Tracy Gay, President
Dr. Brent Stiehl, Vice-President
Dr. Richard Bennett
Dr. Michael Knight
Dr. Glenn Maron
Dr. Ami Patel
Mr. Mark Scheinfeld
Dr. Brent Stiehl
Dr. Debra Wilson
Dr. Bert Yeargan

Staff present:

Eric Lacefield, Deputy Director
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Alan Moree
Scott Lofranco, GDA
Pam Cushenan
Dr. Kevin Frazier, DCG
Dr. Randy Kluender
Cynthia Hughes
Suzanne Newkirk

Open Session

Dr. Gay established that a quorum was present and called the meeting to order at 10:03 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

Dr. Yeargan made a motion to approve the Public and Executive Session minutes from the June 12, 2020 Conference Call. Dr. Bennett 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. Wilson seconded and the Board voted unanimously in favor of the motion.

Petitions for Rule Waiver or Variance

Dr. Yeargan made a motion to deny the rule variance petition from Hamad Rafiq Ismail Hamad as there was no substantial hardship demonstrated. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to deny the rule waiver petition from Jeffrey P. Westra as there was no substantial hardship demonstrated. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Dr. Wilson made a motion to grant the rule waiver petition from Daniel W. Cho as he demonstrated evidence of a substantial hardship based on the special circumstances related to his wife’s medical

conditions, as noted in his petition. Additionally, he provided adequate justification for the waiver since he was in active clinical practice for six years prior to starting his residency program. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Correspondence from Alyce Weeks

The Board considered this correspondence regarding dental hygiene licensure by credentials. In her inquiry, Ms. Weeks asked if the Board would accept the results from her ADEX exam if performed on a manikin after she has worked two years in South Carolina. In response, the Board directed staff to respond by stating that she would not be eligible for licensure if the procedures were performed on a manikin.

Correspondence from Darrin Haley

The Board considered this correspondence for informational purposes only.

Correspondence from Dr. Mayo Patel

The Board considered this correspondence requesting the Board update Rule 150-11-.01 Specialties to include Oral Medicine, Orofacial Pain, and Dental Anesthesiology. The Board recommended tabling this matter to allow time for Ms. Emm to research and further discuss with the Board at its August meeting.

Correspondence from Dr. Cataldo Leone, JCNDE

The Board considered this correspondence for informational purposes only.

Correspondence from Amber Plante

The Board considered this correspondence requesting the Board grant 2020 dental hygiene graduates a temporary license in order to seek work until CRDTS provides a date as to when testing is available. The Board directed staff to respond by stating that in addition to providing proof of having applied for, paid the fee for, and been authorized by the Board to take the examination, O.C.G.A. § 43-11-70-.1 also requires the applicant to provide proof of being currently licensed to practice as a dental hygienist in another state.

Correspondence from Michele Weiland

The Board considered this correspondence regarding on-site continuing education requirements for the biennium. The Board directed staff to respond by stating that it is not making any changes to the continuing education requirements at this juncture since licensees will have until the end of 2021 to obtain the required CE.

Correspondence from NathanYour Dental Exam.com

The Board considered this correspondence regarding teledentistry laws and regulations. The Board directed staff to respond to the questions in the inquiry as follows:

1. *Do you allow for an out-of-state US-licensed dentist to perform teledentistry in your state?* No.
2. *Do you have specific consent forms in your state that are necessary for each teledentistry consultation?* No
3. *Is a teledentistry license necessary?* A Georgia dental license is required. *If so, how to obtain, and what are the fees?* Applications and fees can be found by going to:
<https://gbd.georgia.gov/applications-and-forms>

Correspondence from Marie R. Divine

The Board considered this correspondence regarding teledentistry regulations. The Board directed staff to respond to the questions in the inquiry as follows:

1. *May dentists practice teledentistry within the state?* Yes

2. *If so, are there any further requirements for dentists performing teledentistry beyond those for in-person care?* No. The dentist must abide by all current laws and rules.
3. *Specifically, are dentists required to receive informed consent, establish a patient-provider relationship, or obtain a special permit prior to performing teledentistry?* The dentist must have informed consent and a current Georgia license.

Ms. Newkirk stated that dentists are allowed to provide services through teledentistry. She asked if a dental hygienist working under general supervision in a safety net setting under House Bill 154 be allowed to communicate with the dentist and have the dentist talk with patients and update treatment plans for the dental hygienist under the current teledentistry rule. Ms. Emm responded that Ms. Newkirk's particular question would need to be submitted in writing so that it can be researched further as the Board is not prepared to issue a response on the spot today. Dr. Maron commented that this was not the intent of the law. He stated that the intent was to allow access for the dentist to be able to discuss cases with his/her patients moving forward without changing anything of actual examination. Ms. Newkirk asked if the Board has the authority to write rules around this issue? Ms. Emm responded that the teledentistry rules that were originally proposed did not receive statutory authority to move forward. She stated that all practitioners still need to abide by all law and rules in place regardless of how he/she decides to practice.

Dr. Gay stated that he does not quite understand what Ms. Newkirk is asking about. Ms. Newkirk responded that she would like to know if a dental hygienist would like for his/her supervising dentist to delegate to the hygienist with teledentistry could the Board write rules for such or would this topic need to be approached legislatively. Ms. Emm responded that a dentist cannot delegate his/her responsibilities to a dental hygienist if it is something a dental hygienist is not permitted to do by law. Dr. Bennett commented that this conversation is a bit problematic by trying to answer some of these questions on the spot. He stated that Ms. Newkirk has proposed some interesting concepts and the Board previously worked a lot on the rules; however, it did not receive statutory authority for such. He stated that going forward teledentistry is at the forefront for what would be occurring and he thinks this Board should review what its current law and rules allow. With no further discussion, Dr. Gay asked Ms. Newkirk to submit her specific questions to the Board in writing so it could research further.

Correspondence from Kendra McKune, GDHA

The Board considered this correspondence requesting the Board amend Rule 150-5-.02 to include ADEX. Dr. Gay stated that the Board will take this under consideration. Discussion was held by Dr. Bennett. Dr. Bennett commented that for hygiene, the CRDTS exam is accepted in almost 40 states and as such, he is unsure if there is a portability issue with the CRDTS exam for dental hygienists. Dr. Gay commented that the issue for dentists was the CRDTS exam was becoming so limited for testing sites and acceptability. Dr. Bennett agreed and stated that the dental hygiene CRDTS exam may have the largest number of exams in the country. He continued by stating that he just wanted to make sure everyone is aware that the dental hygiene CRDTS exam is readily available in the state and it does allow dental hygiene students who successfully pass to move relatively easy throughout the United States.

Correspondence from Elizabeth Muraya

The Board viewed this correspondence for informational purposes only.

Correspondence from Dr. Ravina Patel

The Board considered this correspondence from Dr. Patel, who is a new graduate and selected a CRDTS posterior slot prep for her exam. Dr. Patel also passed ADEX in 2020. Her correspondence requests the Board allow her to apply for licensure under special circumstances. After discussion, the Board directed staff to respond to Dr. Patel by stating that she would need to submit a rule petition to the Board for consideration.

Correspondence from Yonatan Polack

The Board considered this correspondence requesting the Board accept Dr. Polack's ADEX results from 2016 and if the Board will not accept his ADEX results, will it accept CRDTS results on a manikin. Mr. Lacefield stated that Dr. Polack described extenuating circumstances in his correspondence such as New York having a travel ban. Mr. Lacefield commented that this may be a case where this individual could submit a rule petition for the Board's consideration.

Ms. Cushenan stated that she would like to address the manikin based examination for dental hygiene. She stated that as an assistant professor of a dental hygiene program, students that were deemed competent due to his/her clinical experiences were unable to utilize the last seven weeks of his/her clinical time in the program to find live patients for the CRDTS examination. She further stated that when the students graduated, they were no longer covered under liability insurance, so they could not continue searching for live patients for the August exam. Ms. Cushenan stated that the students are not allowed to apply for liability insurance because they are not licensed at this time. She explained that CRDTS has deemed it permissible for hygiene students to sit for a manikin-based exam, but it is up to the state board to determine if that would be acceptable for licensure. Ms. Cushenan requested the Board reconsider accepting the manikin based exam based on it being a hardship for the graduates to find a live patient. Dr. Gay inquired if a degree was conferred since the students lost seven weeks of clinic time or were any other requirements completed. Ms. Cushenan responded by stating that students completed all of the requirements and re-reviewed all of their clinical hours, externships, rotations, etc. She stated that bite wing radiograph requirements were reduced because they did not have the chair time to continue. She continued by stating that all of the things CODA requires were completed. She added that the graduates have taken the national boards as well. Dr. Bennett responded by stating that, based on his understanding, the graduates would not qualify under CODA requirements for graduation because the program was shortened 6-8 weeks. He stated that if the program is condensed or interrupted, the student will have less clinical experience. He continued by stating that he believes it would be problematic if the Board allowed a candidate with less clinical experience to take an exam that is not on live patients. Dr. Bennett stated that he believes a clinical exam on a live patient is the best way to ensure the safety of the citizens of Georgia. He stated that there are avenues for hygiene graduates to obtain patients. He continued by stating that his office has three assistants that have graduated from hygiene school and his office will help them find patients for the exam. Dr. Bennett stated that if the pandemic goes on further, obviously, the Board would need to reconsider accepting a manikin-based exam. Ms. Cushenan stated that if the school has deemed its students competent and met the hourly requirements based on what CODA requires and they are considered ready for a manikin based exam, why would a dental student in the exact same situation be allowed to take simulated ADEX exam? Dr. Gay responded by stating a dental student could not get a dental license in Georgia by taking a simulated exam. Ms. Cushenan thanked the Board for its time.

The Board went back to the correspondence from Yonatan Polack and stated that the individual would need to submit a rule petition for the Board's consideration.

General – Dr. Tracy Gay

Online CE: Dr. Gay stated that this topic has already been addressed, but requested the members to be thinking of options in case the pandemic goes on longer than expected. Dr. Gay stated that up to 20 hours of continuing education may be obtained online for dentists and that up to 11 hours may be obtained online for hygienists. He urged licensees to take advantage of the time he/she may have to complete any online hours. Dr. Gay stated that CE is not due until the end of 2021, so there is still time to complete those on-site requirements.

Ms. Emm stated that she has been receiving numerous inquiries about online CE from dentists that are required to take a certain amount of on-site hours to meet the requirements of his/her consent order. She

stated that many of the dentists have deadlines to complete the specific requirements this year. Dr. Bennett responded that each person needs to submit a letter to the Board for consideration.

Executive Director's Report – Mr. Eric Lacefield

Mr. Lacefield thanked Dr. Goggans as the previous past president for his leadership during this past year. He stated that he is looking forward to working with Dr. Gay.

Mr. Lacefield reported that there has been a request from the media related to the manikin exams for new graduates. He explained that two dental hygienists contacted CBS regarding this matter and the Board will need to issue a response. He stated that he has discussed this request with Dr. Gay as CBS has requested an interview or statement from the Board. Mr. Lacefield stated that traditionally, the Board has not granted interviews. He added that the minutes from the Board's last meeting were approved this morning and will be posted on the Board's website, so staff can direct them to those. He stated that if the Board wishes to release a separate statement, that can be discussed now. Mr. Changus suggested referring them to the minutes. Dr. Stiehl and Dr. Gay agreed.

Ms. Cushenan stated that there are so many graduates looking for live patients for the CRDTS exam, and asked if it was permissible for them to work with a local dentist to screen and take x-rays of the patients under the dentist's direct supervision. Dr. Yeargan commented that it would be permissible. Dr. Goggans added that the dentist may hire the hygienist on as an assistant while he/she is waiting to take the exam.

Attorney General's Report – Mr. Max Changus

No report.

Legal Services – Ms. Kimberly Emm

Ms. Emm discussed the legislative change made to federal student loans. Dr. Bennett made a motion to repeal Rule 150-25-.01 Federal Student Loan Default. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Ms. Emm discussed an email she sent to the CE Audit Committee regarding a request concerning a dentist who went back to school for orthodontics. The dentist requested to know if his coursework for such would be acceptable CE for the biennium. Ms. Emm stated that the rule does not speak to anyone going back to school. Dr. Gay responded that if the individual is in a residency program accredited by the Commission on Dental Accreditation and taken during the current license renewal period, it would be acceptable.

Miscellaneous

Dental Screening Request from Brandon L. Maze: Dr. Bennett made a motion to approve the request. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Greg Goggans 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, and 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, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Brent Stiehl, Dr. Debra Wilson and Dr. Bert Yeargan.

Executive Session

Appearance

- M.T.S.

Licensure Overview Committee Appointments/Discussion Cases

- J.H.C.
- D.A.C.
- Z.T.M.
- Y.Y.
- T.T.R.
- R.K.G.

Applications

- A.A.K.
- M.T.S.
- R.J.P.
- A.N.P.
- L.J.S.
- C.B.S.
- R.K.C.
- R.E.L.
- M.A.H.

Correspondences

- M.L.
- C.E.M.
- J.G.B.
- M.W.C.
- C.W.W.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT190102
- DENT200256
- DENT200267
- DENT200276
- DENT200282
- DENT200288
- DENT200303
- DENT200304
- DENT200340
- DENT200341
- DENT200346
- DENT200349
- DENT200352
- DENT200353
- DENT200354
- DENT150278
- DENT190069
- DENT200056
- DENT200398
- DENT200505

- DENT200513
- D.D.

Executive Director's Report – Mr. Eric Lacefield

No report.

Sedation Committee Report – Dr. Glenn Maron

- D.M.R.

Attorney General's Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- S.L.S.

Legal Services – Ms. Kimberly Emm

- A.A.N.
- J.G.
- D.O.
- C.M.

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

Open Session

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

Appearance

- | | | |
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| • M.T.S. | Denied Credentials Applicant | Denial Upheld |
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Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|--------------------------------------|--------------------------------|
| • J.H.C. | Renewal Pending | Approved for renewal |
| • D.A.C. | Renewal Pending | Refer to the Department of Law |
| • Z.T.M. | Dental Exam Applicant | Approved application |
| • Y.Y. | Dental Hygiene Credentials Applicant | Approved application |
| • T.T.R. | Dental Hygiene Credentials Applicant | Approved application |
| • R.K.G. | Dental Exam Applicant | Approved application |

Applications

- | | | |
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| • A.A.K. | Moderate Parenteral Conscious Sedation | Approved for provisional permit |
| • M.T.S. | Moderate Parenteral Conscious Sedation | Approved for provisional permit |
| • R.J.P. | Moderate Parenteral Conscious Sedation | Approved for provisional permit |
| • A.N.P. | Moderate Enteral Conscious Sedation | Approved application |
| • L.J.S. | Moderate Parenteral Conscious Sedation | Approved for provisional permit |
| • C.B.S. | Moderate Parenteral Conscious Sedation | Overturn denial and approved |
| • R.K.C. | Moderate Parenteral Conscious Sedation | Approved evaluation |
| • R.E.L. | Dental Hygiene Reinstatement | Approved application |
| • M.A.H. | Dental Faculty Applicant | Approved application |

Correspondences

- | | | |
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| • M.L. | Request for refund of application fee | Denied request |
| • C.E.M. | Request for refund of application fee | Denied request |
| • J.G.B. | Request for refund of application fee | Denied request |
| • M.W.C. | Request for extension of application date | Approved extension through January 1, 2021 |
| • C.W.W. | Appearance Request | Request approved |

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegations	Recommendation
DENT190102	Quality of Care/Substandard Practice	Close with No Action
DENT200256	Billing	Close with No Action
DENT200267	Quality of Care/Substandard Practice	Close with No Action
DENT200276	Quality of Care/Substandard Practice	Close with No Action
DENT200282	Quality of Care/Substandard Practice	Close with No Action
DENT200288	Quality of Care/Substandard Practice	Close with No Action
DENT200303	Quality of Care/Substandard Practice	Close with No Action
DENT200304	Quality of Care/Substandard Practice	Close with No Action
DENT200340	Quality of Care/Substandard Practice	Close with No Action
DENT200341	Quality of Care/Substandard Practice	Close with No Action
DENT200346	Quality of Care/Substandard Practice	Close with No Action
DENT200349	Malpractice	Close with Letter of Concern
DENT200352	Quality of Care/Substandard Practice	Close with No Action
DENT200353	Quality of Care/Substandard Practice	Close with No Action
DENT200354	Quality of Care/Substandard Practice	Close with No Action
DENT150278	Quality of Care/Substandard Practice	Close with No Action
DENT190069	Quality of care/substandard practice	Close with Letter of Concern
DENT200056	Quality of care/substandard practice	Close with No Action
DENT200398	Quality of care/substandard practice	Close with No Action
DENT200505	Unprofessional Conduct	Close with No Action
DENT200513	Quality of care/substandard practice	Close with No Action
D.D.	Unlicensed Practice	Close with No Action

Executive Director's Report – Mr. Eric Lacefield

No report.

Sedation Committee Report – Dr. Glenn Maron

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| • D.M.R. | General Anesthesia Applicant | Issue C&D and refer to the Department of Law |
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Attorney General's Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- S.L.S. Public Consent Order accepted

Legal Services – Ms. Kimberly Emm

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| • A.A.N. | Request regarding consent order | Approved to issue letter of compliance |
| • J.G. | Request for extension to complete | Approved request |

- D.O. to complete LEAP course
Request to complete CE required Refer to the Continuing Education Committee
for consent order online
- C.M. Request to complete CE required Refer to the Continuing Education Committee
for consent order online

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

With no further business, the Board meeting adjourned at 11:49 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, August 14, 2020, 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