

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
July 12, 2019
10:00 a.m.

The following Board members were present:

Dr. Greg Goggans, President
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Tom Godfrey
Dr. Michael Knight
Dr. Ami Patel
Dr. Parag Soni
Dr. Brent Stiehl
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Kirsten Daughdril, Senior Assistant Attorney General
Max Changus, Assistant Attorney General
Bryon Thernes, Asst Attorney General (*via conf call*)
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney

Special Assistant Attorney General:

James Cobb, Caplan & Cobb

Visitors:

Gianna Hartwig, AAO
Scott Lofranco, GDA
Lauren Pollow, PDS
Brad Rightnowar, ADSO
John Watson, ADSO
Anton Blackwood, AU
Dixianne Parker
James E. Barron, GDS
Charles Craig, GDHA
Pam Cushenan, GDHA
Carol Lefebvre, Dental College of GA
Keith Kirshner, Ben Massell Dental Clinic
Scott Maxwell, DOCS Education

Dr. Goggans established that a quorum was present and called the meeting to order at 10:08 a.m.

Introduction of Visitors

Dr. Goggans welcomed the visitors.

Public Hearing

Dr. Goggans called the public hearing to order at 10:09 a.m.

Rule 150-7-.03 Volunteers in Dentistry

Dr. Godfrey commented that there was some discussion about this rule at the Rules Committee meeting earlier that morning in an effort to get a feel for where everyone was regarding the proposed language. He asked the members of the public that wished to comment to summarize his/her thoughts.

Public comments were received from Keith Kirshner, Ben Massell Dental Clinic: Mr. Kirshner commented that their objective is to provide an administrative mechanism to convert currently licensed Georgia dentists to volunteers when they retire. He stated that many dentists want to stay with them after retirement and wish to continue their services. Mr. Kirshner stated that they choose not to do that because the process is arduous, or they do not want to volunteer. He stated that they have heard from colleagues that have significant challenges with access to care who would like to volunteer to bring those services back. Mr. Kirshner requested the Board's consideration to move this as expeditiously as possible for the renewal cycle. Dr. Bennett asked Mr. Massell if they prescribe or dispense in house. Mr. Kirshner responded that they prescribe, but do not dispense. He stated that they would need a DEA license to prescribe controlled substances. He commented that if the dentist does not have one, they work with another volunteer who does to reassess the patient and move forward.

Public comments were received from Dr. Carol Lefebvre, Dental College of Georgia: Dr. Lefebvre provided a hard copy of her comments to the Board and read them aloud:

Leadership from The Dental College of Georgia (DCG) has reviewed Rule 150-7-.03 Volunteers in Dentistry and offers the following comments.

The DCG is the recipient of a Health Resources and Services Administration (HRSA) Dental Faculty Loan Repayment Program grant to provide loan repayment to qualified primary care faculty (general, public health and pediatric dentists). The purpose of the grant is to attract faculty who might not otherwise consider academic dentistry as a career due to loan indebtedness. Dental faculty accepted into the program must participate in 15 to 25 hours of community service activities per year, prorated according to the outstanding loan balance, to remain qualified for the program. Examples of community service activities that faculty participate in include Georgia Mission of Mercy (GMOM), Augusta Stand Down for the Homeless, local community health fairs, Augusta University (AU) Day of Service, AU Equality Clinic, DCG student-led Dentists for Della preventive care program at the Georgia War Veterans Nursing Home, etc. Currently, all faculty enrolled in the loan repayment program have an unrestricted dental license for the State of Georgia. However, future participants may have a dental faculty license and could qualify for a Temporary Restricted Volunteer License to participate in such community service activities.

In addition, all dental students enrolled in the DCG are required to complete 20 hours of community service per year. Some of the service activities, such as screening patients at health fairs, require supervision by DCG faculty. Faculty with a dental faculty license could qualify for a Temporary Restricted Volunteer License to supervise students participating in community service in an off-campus location.

Therefore, the DCG is in support of the Georgia Dental Association's (GDA) proposed amendments to Rule 150-7-.03. Volunteers in Dentistry with one exception. While the GDA proposes that "such license shall be valid for no more than a period of three (3) consecutive days during such continuing education or charitable dental event," the DCG prefers to delete the word "consecutive" to allow for three days to be used in a discretionary manner during the 6-month period that the volunteer license is valid. This modification will allow much needed flexibility for faculty participating in volunteer community service activities as many of the events are for a single day, or even a half day.

Furthermore, we request clarification of the statement, "Proof that the applicant has not failed Georgia's clinical licensing exam within the past five (5) years." Applicants challenging the exam may fail a section of the licensing exam on the first or second try, and then eventually pass it within the same year (test cycle). Please clarify at what point is failure determined?

In summary, we support the GDA rule amendments with the exception noted above. Thank you for considering this request and we look forward to being engaged in the rule making process.

Dr. Godfrey responded that he is not sure why the language is in there about not having failed an exam. He asked if anyone recalled. Ms. Bynum responded that not all volunteers are from this state. She stated that possibly, it was to ensure the individual was competent in his/her abilities.

Dr. Godfrey commented to Dr. Lefebvre that she brought up two points. The first being the word “consecutive” and the second being what constitutes a failure. Dr. Bennett commented that if the individual fails the completed CIF format, that is counted as one failure. He stated after three failures, the individual has to request to petition for a fourth attempt. He further stated that if the individual has unsuccessfully completed CRDTS, that would be one failure. Dr. Lefebvre responded that it would be hard for someone applying for a volunteer license. Dr. Bennett stated the ultimate goal is to protect the public. Dr. Bennett stated the Board’s intent is not to make this difficult for everyone. Dr. Lefebvre stated that to Mr. Kirshner’s point, to apply for a volunteer license is somewhat arduous. Dr. Bennett responded by stating that the Board is aware of that and is trying to do something to free up that process, but will maintain some protection. Dr. Lefebvre responded that DCG’s faculty skills are honed and it is a shame they cannot participate and serve the underserved citizens of Georgia.

Public comments were received from Scott Lofranco, Georgia Dental Association: Mr. Lofranco stated that GDA’s proposed language comes from GMOM, a two day clinic where free dental services are provided. He stated one of the issues is there is a culture of out-of-state dentists coming to Georgia. Mr. Lofranco stated they want to be able to have those dentists practice, but do not want to circumvent the Board’s process. He stated the proposed language is requesting a temporary license and it be valid for no more than a period of three consecutive days. Mr. Lofranco stated that obviously the Board would have to take in other groups’ concerns. He commented that GDA’s overriding concern is protecting patient safety and establishing continuity of care for low-income patients.

Dr. Godfrey discussed GDA’s proposed language which reads, “The dentist must submit an application for a temporary restricted volunteer license to the Board at least thirty (30) days prior to the date on which the dentist seeks to practice dentistry in this state pursuant to this rule and pay the applicable licensing fee to the Board.” Dr. Godfrey asked Mr. Lofranco if 60 days would be better. Mr. Lofranco responded that GDA only put 30 days as a starting point and would leave it at the discretion of the Board. He stated that the more prevalent concern is how many days the license would be good for. He further stated that they do not want people to be able to circumvent the Board’s full volunteer rule.

Public comments were received from Pam Cushenan, GDHA. Ms. Cushenan requested the Board change the wording in subsection (b) to read: “Qualifications of a Volunteer Georgia Licensed Dentist and Dental Hygienist.” Ms. Cushenan asked the Board to not limit the license to being valid for more than three days as suggested by GDA’s proposed language. She commented that there are events that last for five days. Ms. Cushenan commented it is all well and good to have a licensed dentist overseeing the event; however, at a remote location there was a two hour wait from the time the charitable event began until a licensed dentist showed up. She stated there were people waiting in the streets because of that particular restriction.

Public comments were received from Scott Maxwell, DOCS Education: Mr. Maxwell commented that five years of active practice will severely restrict qualified dentists from being able to participate in charitable work. Mr. Maxwell also commented on the number of days the license would be valid. He stated a 10 day license within a six-month period would be sufficient. Dr. Bennett commented that he was unsure of what the volunteer aspect of DOCS Education was. Mr. Maxwell responded by stating the clinic would provide free care and the dentist pays for the course, but the patient pays nothing. Dr.

Bennett responded that DOCS wants to use the volunteer license as a vehicle to provide continuing education in remote/immediate need areas.

Written responses were received from DOCS Education, Georgia Dental Association, Dr. Stanley Halpern, Bekah Adamson, GDHA, and Dr. Carol Lefebvre, Dental College of Georgia.

Dr. Goggans asked for the Board's thoughts. Dr. Bennett commented that a lot of work has been done on this rule and it has been ongoing. He stated there are three different aspects the Board needs to address properly. Dr. Bennett stated that the first aspect is the long time Georgia dentist that has been practicing, sells his/her practice and then wants to volunteer. He stated the Board needs to have an unencumbered pathway for that individual. Dr. Bennett stated the second aspect is GMOMS and other organizations. He commented that the Board's goal is to protect the citizens of Georgia, but the Board needs to provide a vehicle that is not as cumbersome to be able to allow someone who has so much experience from another state to come in and provide care for a temporary amount of time. Dr. Bennett stated the third aspect is he does not see a volunteer license as a vehicle for outside providers to come in and gain continuing education experience under the guidelines of it being a charitable cause.

Dr. Godfrey requested the Board's direction on how to proceed. Dr. Goggans stated that the Rules Committee has worked really hard, but the rule presented is not perfected yet. Dr. Godfrey stated he agrees, but would ask if the Board would like to consider adding "dental hygienist", and does it want to leave in the word "consecutive", etc? Dr. Goggans asked if the Board would like to table consideration of the rule and bring back at its next meeting for a vote. Dr. Godfrey requested the Board give him guidance so he would know what to bring back. He stated if the Board can give him direction, then he can come up with a draft. Ms. Emm commented that the Board may want to table the rule at this time so that she and Mr. Changus can further review the proposal submitted by GDA. Mr. Lofranco commented that in the proposal it references the code section which pertains to the powers of the Board. Mr. Changus responded that the issue is that a Volunteer Dental license is provided statutorily. Mr. Lofranco commented that they anticipated that and what the GDA has done is created a new subset of license. Mr. Changus discussed the Board's authority, especially in the area of volunteers. He stated he was unsure at this time, if the Board had the authority to create a separate license. Mr. Lofranco asked about the Board's authority to create a faculty license or public health license. Ms. Emm responded that it was in the statute.

After further discussion, Ms. Emm stated that she and Mr. Changus needed additional time to review the GDA's proposal. Mr. Changus stated that the public hearing is on a rule that has been posted. He stated in looking at that, there have been objections to the language. He stated to the Board that it has the authority to pass the rule that is before them; however, once they start altering the nature of the license, that requires additional thought. Dr. Bennett made a motion to table Rule 150-7-.03 Volunteers in Dentistry. Dr. Yeargan seconded. Discussion was held by Dr. Stiehl who asked what is the potential pitfall for not going 10 days either consecutive or non-consecutive. Dr. Bennett responded by stating that Mr. Changus stated previously that the Board that does not have the authority. With no further discussion, the motion passed.

The public hearing was concluded at 10:47 a.m.

Open Session

The Board recognized Dr. Richard Bennett in appreciation for the job he did as Board president from July 1, 2018 – June 30, 2019.

Approval of Minutes

Ms. Bynum made a motion to approve the Public and Executive Session minutes for the June 21, 2019 meeting. Dr. Soni seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

Dr. Bennett made a motion to ratify the list of licenses issued. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Dr. Justin P. Lewis

Dr. Bennett made a motion to deny the rule waiver petition. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Steve Budnick

The Board considered this correspondence regarding mediation. Dr. Godfrey made a motion to direct staff to respond by stating the Board wishes to thank Dr. Halpern for his correspondence; however, the Board does not have a mediation process at this time. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Emily M. Jenks, Accelerated Dental Assisting Academy

The Board considered this correspondence requesting clarity on what students can and cannot do without a licensed dentist present. Dr. Godfrey made a motion to direct staff to respond by stating that in response to the questions provided and the procedures listed, only flossing may be done without a licensed dentist present. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

General – Dr. Greg Goggans

Dr. Goggans reported that the Board's listing of committees has been updated and distributed to each of the board members. He stated that the number of committees has been reduced. He requested the chairs of each committee notify staff in advance of each meeting if he/she wished to have an item on the open session agenda for discussion. Dr. Goggans stated that otherwise at future meetings he will not go through each committee report if there is not anything to discuss.

CE Audit Committee Report – Dr. Richard Bennett

Dr. Bennett reminded the Board and guests that this is a renewal year and to make sure he/she has completed the required hours of continuing education. Dr. Bennett added that effective this renewal year there is a new requirement for one (1) hour of opioid training.

Sedation Committee Report – Dr. Richard Bennett

No report.

Credentials Committee Report – Dr. Tom Godfrey

No report.

Examination Committee Report – Dr. Bert Yeargan

Dr. Yeargan reminded the board members to sign up for the exams when available.

Dr. Yeargan reported that the annual meeting is on August 24th in Kansas City.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Licensure Overview Committee Report – Dr. Tracy Gay

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey made a motion to post Rule 150-3-.01 Examinations. Dr. Soni seconded and the Board voted unanimously in favor of the motion.

Rule 150-3-.01. Examination for Dental Licensure

- (1) Each candidate submitting an application for a dental license must have passed all sections of the National Board Theory Examinations - Part I and Part II with a score of 75 or higher or have a passing score on the Integrated National Board Dental Exam. The President of the Georgia Board of Dentistry may appoint one or more members of the Board to proctor the National Dental Board Examinations held in Georgia.
- (2) Each candidate for a license to practice dentistry must pass with a score of 75 or higher a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be in the English language. The score will be valid for one year.
- (3) Each candidate for a license to practice dentistry must pass all sections with a score of 75 or higher on any clinical examination administered by the Georgia Board of Dentistry, or a testing agency designated and approved by the Board. Such examination shall be in the English language.
- (4) Any candidate who fails one or two sections of any clinical examination or any combination of one, two, or three sections of the clinical examination, three times must take a remedial course of study designated and pre-approved by the board.
 - (a) Once the candidate shows written proof of successful completion of the approved course of study, the Board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the board.
 - (b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.
- (5) Any candidate who fails three or more sections of any clinical examination three times must successfully complete a one-year American Dental Association-accredited course of study pre-approved by the board.
 - (a) Once the candidate provides written proof of successful completion of this one-year course of study, the board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the Georgia Board.
 - (b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.
- (6) For purposes of this rule, failure of the completed curriculum integrated format type examination shall only be counted as one (1) examination failure. The final section/sections failed with the curriculum integrated format type examination will be applicable to sections (4) and (5) of this rule.
- (7) In determining whether an applicant has met the requirements for licensure, the board will only consider:
 - (a) The examination given by the Georgia Board of Dentistry prior to February 22, 1993.
 - (b) Results from the Southern Regional Testing Agency (SRTA) that were attained between February 22, 1993 and December 31, 2005; to include SRTA retake examination results until December 31, 2006.
 - (c) Results from the American Board of Dental Examiners (ADEX) examination as uniformly administered by the Central Regional Dental Testing Service (CRDTS) and the Northeast Regional Board of Dental Examiners (NERB) that were attained between January 1, 2006 and June 30, 2009.
 - (d) Results from the Central Regional Dental Testing Service (CRDTS) examination or any other testing agency designated and approved by the Board attained subsequent to June 30, 2009. Results from the retake examinations administered by the Northeast Regional Board of Dental Examiners (NERB) or the Central Regional Dental Testing Service (CRDTS) are accepted through June 30, 2010. Such retakes must be from initial examinations taken prior to June 30, 2009 and must include at least one successful score

from Parts II, III, IV or V. Examination scores from slot preparations of restorative dentistry shall neither be accepted nor recognized by the Board.

(e) Regional examinations must include procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;

2. endodontics, clinical abilities testing;

3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;

4. anterior class III composite preparation and restoration, human subject clinical abilities testing;

5. crown preparation, clinical abilities testing;

6. prosthetics, written or clinical abilities testing;

7. oral diagnosis, written or clinical abilities testing; and

8. oral surgery, written or clinical abilities testing.

(8) Each candidate for Georgia licensure must furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(9) The Board may hold other examinations as may be required and necessary.

Dr. Godfrey made a motion to post Rule 150-3-.09 Continuing Education for Dentists. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Rule 150-3-.09. Continuing Education for Dentists

(1) Dentists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of forty (40) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dentist for at least three (3) years following the end of the biennium during which the course as taken.

(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of actively licenses dentists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall not apply to dentists whose licenses are on inactive status.

(d) The continuing education requirements shall apply within the first biennium that a dentist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dentist may submit as their continuing education hours proof of dental coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency. Following the first biennium that a dentist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-3-.09(2) and (3).

(e) The continuing education requirements for dentists holding volunteer licenses may be satisfied by compliance with this rule, or they may alternatively be satisfied by compliance with Rule 150-3-.10.

(2) Coursework, including home study courses, sponsored or approved by the following recognized organizations will be accepted:

(a) American Dental Association/American Dental Hygienists association, and their affiliate associations and societies;

(b) Academy of General Dentistry;

- (c) National Dental Association and its affiliate societies;
 - (d) Colleges, and universities and institutions with programs in dentistry and dental hygiene that are accredited by the Commission on Dental Accreditation of the American Dental Association when the professional continuing education course is held under the auspices of the school of dentistry or school of dental hygiene;
 - (e) CPR courses offered by the American Red Cross, the American Heart Association, the American Safety and Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board.
 - (f) National and State Associations and/or societies of all specialties in dentistry recognized under Georgia law;
 - (g) Veterans Administration Dental Department;
 - (h) Armed Forces Dental Department;
 - (i) Georgia Department of Public Health;
 - (j) American Medical Association, the National Medical Association and its affiliate associations and societies;
 - (k) Hospitals accredited by the Joint Commission on Accreditation of Hospital Organizations (JCAHO).
- (3) Course content:
- (a) All courses must reflect the professional needs of the dentist in providing quality dental health care to the public;
 - (b) At least thirty (30) hours of the minimum requirement shall be clinical courses in the actual delivery of dental services to the patient or to the community;
 - (c) Four (4) credit hours for successful completion of the CPR course required by Georgia law may be used to satisfy continuing education requirements per renewal period;
 - (d) ~~Effective for the 2019 renewal year, one (1) hour of the minimum requirement shall include the impact of opioid abuse, and/or the proper prescription writing, and/or the use of opioids in dental practice;~~ One (1) hour of the minimum requirement shall include the impact of opioid abuse, and/or the proper prescription writing, and/or the use of opioids in dental practice;
 - (e) Up to fifteen (15) hours of continuing education per year may be obtained by assisting the Board with administering the clinical licensing examination. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency listed in 150-3-.09 (2);
 - (f) Eight (8) hours per biennium may be obtained by assisting the board with investigations of licensees. This may include consultant review on behalf of the Georgia Board of Dentistry and peer reviews completed by committees of the Georgia Dental Association but shall be limited to two (2) hours for each case reviewed. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency listed in 150-3-.09 (2);
 - (g) Up to ten (10) hours of continuing education per year may be obtained by teaching clinical dentistry or dental hygiene at any ADA-approved educational facility. These hours shall be awarded in writing by the course director at the facility and approved by the Continuing Education Committee of the Georgia Board of Dentistry;
 - (h) Up to ten (10) hours of continuing education per biennium may be obtained by providing, uncompensated dental care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dentistry services to indigent patients;
 - (i) Up to twenty (20) hours of continuing education per biennium may be obtained by members of the Georgia Board of Dentistry for member service, where one continuing education hour is credited for each five hours of Board service provided.
- (4) Criteria for receiving credit for attending an approved continuing education course:
- (a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied;
 - (b) One credit hour for each hour of course attendance will be allowed;
 - (c) Only twelve hours of credit will be accepted per calendar day;

- (d) Effective January 1, 2008, at least twenty (20) of the required forty (40) hours of credit must be acquired in person at an on-site course or seminar; you are not allowed to acquire all CE hours through on-line courses, electronic means, journal studies, etc.
- (5) Criteria for receiving credit for teaching an approved continuing education course:
- (a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;
- (b) A dentist who teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of course work that he or she presents at a particular course. Credit will be given for teaching a particular course on one occasion. A maximum of ten (10) credit hours per biennium may be obtained by a dentist by whom an approved continuing education course is taught;
- (c) Only continuing education courses sponsored by organizations designated in Rule 150-3.09(2) will be considered for credit pursuant to this subsection of the rule.
- (d) In the event that an audit is conducted of the continuing education hours of a dentist who has taught a course approved by a recognized organization, the following information shall be required to document the dentist's role in presenting a continuing education course:
- (i) Documentation from an approved provider verifying that the dentist presented an approved continuing education course;
- (ii) Documentation from an approved provider reflecting the content of the course;
- (iii) Documentation from an approved provider specifying the list of materials used as a part of the course; and
- (iv) Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.
- (e) In the event that an approved continuing education course is taught by more than one dentist, continuing education credit will be given for those portions of coursework for which the dentist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dentist whose participation in preparing and presenting an approved course is not readily identifiable.
- (6) Criteria for receiving credit for providing uncompensated indigent dental care.
- (a) Up to ten (10) hours of continuing education per biennium may be obtained by providing, uncompensated dental care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dentistry services to indigent patients.
- (b) Dentists may receive one hour of continuing education for every four hours of indigent dental care the dentist provides, up to ten (10) hours. Such continuing education credits will be applied toward the dentist's clinical courses.
- (c) All credit hours must be received during the two (2) year renewal period;
- (d) All appropriate medical/dental records must be kept;
- (e) Dentists shall at all times be required to meet the minimal standards of acceptable and prevailing dental practice in Georgia;
- (f) The Board shall have the right to request the following:
1. Documentation from the organization indicating that the dentist provided the dental services;
 2. Documentation from the organization that it provided medical and/or dental services to the indigent and/or those making up the underserved populations;
 3. Notarized verifications from the organization documenting the dentist's agreement not to receive compensation for the services provided;
 4. Documentation from the organization detailing the actual number of hours spent providing said services; and
 5. Documentation from the dentist and/or organization verifying the services provided.
- (7) Effective January 1, 2012, dentists may receive continuing education credit for dental coursework taken during a residency program from a university or other institution accredited by the Commission on

Dental Accreditation of the American Dental Association. Such coursework must have been taken during the current license renewal period.

- (1) Submission of a copy of the certificate of completion of program showing dates of completion is sufficient proof of coursework.
- (2) One (1) credit hour equals one (1) continuing education credit.

Dr. Godfrey made a motion to post Rule 150-5-.03 Supervision of Dental Hygienists. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Rule 150-5-.03. Supervision of Dental Hygienists

(1) Definitions.

- (a) "Authorizing dentist" shall mean a dentist licensed to practice in Georgia who permits a dental hygienist to practice under general supervision.
- (b) "Dental hygiene duties" and "dental hygiene services" shall mean those tasks which a dental hygienist may lawfully perform under O.C.G.A. § 43-11-74 and this Rule
- (c) "Dental hygienist" shall mean an individual licensed to practice dental hygiene in Georgia.
- (d) "Dental screening" shall mean a visual assessment of the oral cavity without the use of x-rays, laboratory tests, or diagnostic models to determine if it appears that a more thorough clinical examination and diagnosis should be conducted by a licensed dentist.
- (e) "Dentist" shall mean an individual licensed to practice dentistry in Georgia.
- (f) "Direct supervision" shall mean that a licensed dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the dental hygienist, and before dismissal of the patient, examines the patient.
- (g) "General supervision" shall mean that a licensed dentist has authorized the delegable duties of a dental hygienist but does not require that a licensed dentist be present when such duties are performed.

(2) No dentist shall be required to authorize a dental hygienist to perform dental hygiene duties under general supervision, and no part of this Rule shall be construed as to establish independent dental hygiene practice.

(3) A dental hygienist shall perform duties only under the direct supervision of a duly licensed dentist who is licensed to practice in the State of Georgia, except where otherwise provided in O.C.G.A. § 43-11-74 and this rule.

(4) The requirement of direct supervision shall not apply to:

- (a) The educational training of dental hygiene students at an institution approved by the Board and the Commission on Dental Accreditation of the American Dental Association, or its successor agency.
- (b) The performance of dental hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections, or the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health at approved off-site locations.
- (c) The performance of dental hygienists providing dental screenings in settings which include: schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4. Other health fair settings must be pre-approved by the board.

1. School settings.

(i) School settings shall include only schools that are Title I schools under the federal Elementary and Secondary Education Act, schools in which at least 65% of the student population is eligible for free or reduced price lunch under federal guidelines, Head Start programs, and Georgia's Pre-K Program.

(ii) Dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision, with written permission of the student's parent or guardian. A

dental hygienist may also, without prior written permission of the student's parent or guardian, provide oral hygiene instruction and counseling.

(iii) A dental hygienist and the authorizing dentist shall maintain the confidentiality of any records related to services provided to a student under subparagraph (4)(c) in compliance with laws including without limitation the federal Family Education Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

2. Hospitals; nursing homes; long-term care facilities; rural health clinics; federally qualified health centers, health facilities operated by federal, state, county or local governments; hospices; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4.

(i) Dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision.

3. A dental hygienist performing duties under subparagraphs (4)(c)(1.) or (4)(c)(2.) shall:

(i) Not perform any dental hygiene services on a patient that has dental pain or clearly visible evidence of widespread dental disease. The dental hygienist shall immediately refer such patient to the authorizing dentist for clinical examination and treatment. The dental hygienist shall notate such patient's file, and the patient shall not be eligible to receive dental hygiene services under subparagraphs (4)(c)(1.) or (4)(c)(2.) until a dentist provides written authorization that such services may be performed on the patient.

(ii) Prior to providing any dental hygiene services, obtain, study, and comprehend the school's or facility's protocols and procedures regarding medical emergencies and implement and comply with such protocols and procedures if a medical emergency arises during the provision of dental hygiene services; and

(iii) Provide to each patient receiving such services written notice containing:

(I) The name and license number of the dental hygienist and the authorizing dentist;

(II) Any dental hygiene issues that the dental hygienist identified during the performance of dental hygiene duties. If dental hygiene services are not performed on a patient under subparagraph (4)(c)(3.) (i), the written notice shall include a statement that the patient is not eligible to receive dental hygiene services until a clinical examination is performed by a dentist, and a dentist provides written authorization that services may be performed;

(III) A statement advising each patient who receives dental hygiene services to seek a more thorough clinical examination by a dentist within 90 days, unless the authorizing dentist performed a clinical examination of the patient.

(iv) Make all reasonable efforts to provide such written notice as required in subparagraph (4)(c)(3.) (iii) to parents or legal guardians of minors or incapacitated adults who receive dental hygiene services and to the long-term care facility or nursing home for residents of such facilities who receive dental hygiene services, as applicable.

(v) Not charge a fee for a dental screening provided under subparagraph (4)(c), except where provided by an employee of the Department of Public Health or county boards of health. However, these fees must be paid directly to the Department of Public Health or that county board of health and not to the dental hygienist who performed the screening.

(vi) Not require a school or facility receiving dental hygiene services under subparagraphs (4)(c)(1.) and (4)(c)(2.) to purchase any equipment.

(5) General Supervision in a Private Office Setting.

(a) A dental hygienist may perform only the following functions under general supervision:

1. Application of sealants and oral prophylaxis and assessment;

2. Fluoride treatment;

3. Oral hygiene instruction and education; and

4. Exposure and processing of radiographs if provided for by specific, individualized standing orders of the authorizing dentist, including any protocols regarding urgent dental issues that arise.

(b) A dentist in a private dental office setting may authorize general supervision of a dental hygienist only upon meeting the following criteria:

1. A new patient of record must be clinically examined by the authorizing dentist during the initial visit;

2. A patient must be examined by the authorizing dentist at a minimum of twelve-month intervals; and

3. A patient must be notified in advance of the appointment that the patient will be treated by the dental hygienist under general supervision without the authorizing dentist being present or being examined by the authorizing dentist.

(6) A dental hygienist performing dental hygiene services under general supervision shall have at least two (2) years of experience in the practice of dental hygiene, shall be in compliance with the continuing education requirements under O.C.G.A. § 43-11-73.1 and the cardiopulmonary resuscitation certification requirements under O.C.G.A. § 43-11-73, shall be licensed in good standing, and shall maintain coverage under a professional liability occurrence or claims insurance policy with a policy limit minimum of \$1,000,000.

(a) "Experience" means a minimum of 500 hours for each twelve (12) month period, immediately preceding the request to work under general supervision, in the hands-on treatment of patients.

(7) In schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4, it shall be in the sole discretion of the authorizing dentist as to whether to require an initial examination of the patient prior to the performance by a dental hygienist of dental hygiene services under general supervision.

(8) A dentist may only authorize up to four dental hygienists total to provide dental hygiene services in any setting or number of settings at any one time. A dentist authorizing one or more dental hygienists to provide dental hygiene services under (4)(c)(1.) and (4)(c)(2.) shall practice dentistry and treat patients in a physical and operational dental office located in this State within 50 miles of the setting in which the dental hygiene services are to be provided under general supervision.

(9) Dental hygiene services provided by dental hygienists in mobile dental vans shall always be provided under direct supervision.

(10) In addition to routine duties and the procedures of any of the operations or procedures authorized in O.C.G.A. § 43-11-74, the following activities may be performed by a dental hygienist working under the direct supervision of a dentist:

(a) All the duties that are usually performed by a dental assistant pursuant to Title 43, Chapter 11, Article 4 of the Official Code of Georgia Annotated and Chapter 150-9 of the Rules of the Georgia Board of Dentistry, under the limitations and stipulations set forth in Title 43, Chapter 11, Article 3 of the Official Code of Georgia Annotated and Chapter 150-5 of the Rules of the Georgia Board of Dentistry.

(b) Take and mount oral x-rays;

(c) Apply medications and/or solutions approved by the Board and prescribed by the dentist that can be applied by methods approved by the Board, be that by irrigation, tray, or insertion of bioresorbable materials;

(d) Remove calcareous deposits, secretions, and stains from the surfaces of teeth. Ultrasonic technologies are authorized for use by dental hygienists;

(e) Utilize techniques and materials necessary for the application of sealant(s) to pits of and fissures of teeth;

(f) Perform root planning and curettage with hand instruments; and

(g) Perform periodontal probing.

(11) Nothing in these rules shall be construed as authorizing dental hygienists to utilize other techniques in the course of the performance of their duties, otherwise authorized by these rules. Only dentists licensed by the Georgia Board of Dentistry shall be authorized to perform procedures involving laser technology which alters tissue, creates thermal effect, or is intended to cut, coagulate, photocoagulate, vaporize, or ablate essentially any soft or hard tissues of the body. Additionally, only dentists licensed by the Board shall be authorized to perform procedures utilizing air abrasive technology, which is normally intended for cavity preparation or enamel removal. This is to be distinguished from "micro etching" and "air polishing" technologies which are intended for stain removal and roughening the surfaces of enamel to enhance bonding, similar to acid etching, (i.e., Micro etching and air polishing are technologies authorized for use by dental hygienists).

Dr. Godfrey made a motion to post Rule 150-7-.04 Dental Provisional Licensure by Credentials. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

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

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

(b) "Provisional Licensure by Credentials" means a license to practice dentistry in the State of Georgia granted to individuals licensed to practice dentistry in another state who have not met all of the requirements for a dental license by examination but who have met equivalent requirements for the practice of dentistry as set forth in O.C.G.A. § 43-11-41 and by board rule.

(c) "Full-Time Clinical Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the hands-on treatment of patients. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. Neither clinical practice through training programs nor during periods of residency qualifies as full-time clinical practice. Whether apart of or separate from the training or residency program, no clinical practice while participating in or enrolled in any training or residency program shall be considered for the purposes of this rule.

(d) "Active Dental License" means a license to practice dentistry held by an individual.

(e) "Full-Time Clinical Faculty Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. For any time periods during which the applicant is participating in or enrolled in any training or residency program, the teaching of clinical skills shall not be considered for the purposes of this rule.

(2) Only those applicants licensed and currently engaged in full-time clinical practice, as defined in subsection (1)(c) of this rule, in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials. Applicants from states not issuing licenses by credentials are ineligible.

(3) As set forth in O.C.G.A. § 43-11-41, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active dental license in good standing from another state.

(b) Must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency.

(c) Applicants must have been in full-time clinical practice, as defined in subsection (1)(c) of this rule; full-time faculty as defined in subsection (1)(e) of this rule; or a combination of both for each of the five years immediately preceding the date of the application.

(d) Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs including, but not limited to controlled substances, are not eligible.

(e) Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, must provide the following in order to complete their application:

1. Certified copy of the applicant's testing results showing passage of all sections with a score of 75 or higher or its equivalent score on a clinical examination administered by the board or a testing agency designated and approved by the board.

(i) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

2. Show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be administered in the English language.

3. Proof of current CPR certification;
4. Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;
5. Official transcripts under seal from a school or university from which the applicant received a doctorate in dentistry;
6. National Board scores showing passage of all sections of the examination with a score of 75 or higher;
7. Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry;
8. Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.
9. In accordance with O.C.G.A. § 50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with an application.
 - (4) Those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, in addition to the information required in subsection (3)(a), (c), and (d) of this rule must also provide the following in order to complete their application:
 - (a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and
 - (b) Certification by the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.
 - (5) A certification letter from a dental board or regional testing agency of a passing score of 75 or higher on each section of a clinical licensure examination substantially equivalent to the clinical licensure examination required in Georgia and which was administrated by the dental board or its designated testing agency. A certification letter from the applicant's dental school is not acceptable. Sections of clinical licensure examinations that include slot preparations of restorative dentistry shall not be deemed substantially equivalent to the sections of clinical licensure examinations required in Georgia. Such scores shall neither be accepted nor recognized by the Board.
 - (a) Such certification shall state that the examination included procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:
 1. periodontics, human subject clinical abilities testing;
 2. endodontics, clinical abilities testing;
 3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;
 4. anterior class III composite preparation and restoration, human subject clinical abilities testing;
 5. crown preparation, clinical abilities testing;
 6. prosthetics, written or clinical abilities testing;
 7. oral diagnosis, written or clinical abilities testing; and
 8. oral surgery, written or clinical abilities testing.
 - (b) Evaluations of restorative dentistry from slot preparations shall not meet the requirements of (5)(a).
 - (c) The Board, in its discretion, may waive a specific human subject clinical abilities testing requirement if:
 1. An applicant represents himself or herself as a specialist and qualifies for such title under Rule 150-11-.01,

2. The applicant's clinical examination did not include human subject clinical abilities testing in the area of his or her specialty, and

3. The applicant has practiced in that specialty for at least 10 years.

(ed) In addition to the foregoing requirements to be eligible for licensure consideration by credentials, a license examination after January 1, 1998 shall include:

1. anonymity between candidates and examination raters;
2. standardization and calibration of raters; and
3. a mechanism for post exam analysis.

(de) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

(ef) All applicants must show passage of a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

(6) Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

(7) Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in state and meets all other requirements as set forth in this rule.

(8) An active duty military dentist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicant's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

(9) For the first five biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full-time clinical practice in the State of Georgia as defined in subsection (1)(c) of this rule.

(10) The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dentist licensed by the Board, or to discipline a dentist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §§ 43-1-19, 43-11-47.

(11) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked.

"Active practice" shall mean a minimum of 500 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Dr. Godfrey stated there are two different versions of Rule 150-8-.02 Fee Splitting for the Board to consider. He explained the Rules Committee discussed requesting advice on a portion of the rule earlier that morning. Dr. Godfrey made a motion to table Rule 150-8-.02 Fee Splitting for legal advice in Executive Session. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey discussed Rule 150-5-.03 Supervision of Dental Hygienists. He stated that at its June 28th meeting, the Rules Committee discussed the nuances and terms of supervision and what each of those items are as they relate to dental hygiene. He asked about when authorization ends and what happens when the dentist dies. He stated that after much discussion, it seems the authorization would end at death. Dr. Godfrey made a motion for the Board to direct the Rules Committee to write a policy stating if a patient is being treated under general supervision, he or she should have the name and contact info of the dentist providing coverage and that person needs to be available. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

A motion was made by Dr. Yeargan, seconded by Ms. Bynum, and the Board voted that the formulation and adoption of these rule amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the rule amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, Board also 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 rule amendments 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. Tom Godfrey made a motion and Dr. Ami Patel seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §50-14-2 to receive the Special Assistant Attorney General's report and for the purpose of receiving legal advice as authorized under O.C.G.A. §§ 50-14-1(e)(2)(c), 50-14-2(1). Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Michael Knight, Dr. Ami Patel, Dr. Parag Soni, Dr. Brent Stiehl, and Dr. Bert Yeargan.

Executive Session

Special Assistant Attorney General

- Pending litigation

Assistant Attorney General's Report – Mr. Bryon Thernes

The Board requested and received legal advice regarding Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising and Rule 150-8-.02 Fee Splitting.

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

Open Session

Rules Committee Report – Dr. Tom Godfrey

Dr. Soni made a motion to post Rule 150-8-.02 Fee Splitting. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Rule 150-8-.02 Fee Splitting.

(1) A dentist shall not give rebates to a referral source or split fees ~~with a referral source~~.

(2) "Fee splitting" includes but is not limited to the following:

(a) Any coupons, rebates, paid referrals or other consideration provided in exchange for a referral for service on a per-patient basis provided from or to licensed dentists, excepting the purchase of a practice by one dentist actively licensed in Georgia to another dentist actively licensed in Georgia.

(b) Any coupons, rebates, paid referrals or other consideration provided in exchange for a referral on a per-patient basis provided to a licensed dentist from an unlicensed party based on an agreement, written or otherwise.

(c) The sharing of fees for professional services between licensed dentists or between licensed dentists and unlicensed third-parties, where the treating practitioner or the treating practitioner's office shares the fees associated with treatment of a specific patient with a third-party that did not provide the treatment that generated the fee to the patient in exchange for a referral, recommendation, or coupon provided to that patient.

(d) The sharing of fees for professional services between a licensed dentist and any unlicensed party as the result of a referral.

(3) “Fee splitting” does not include:

(a) The payment of a commission from a dentist actively licensed in Georgia who owns a practice to any employee, associate, independent contractor or agent who is also a dentist or dental hygienist actively licensed in Georgia and working for the practice.

(b) The sharing of professional fees between dentists practicing in a partnership or within the same practice group, where the remuneration is not based on the number of referrals within the practice or referrals required by the partnership agreement;

(d) The giving of a gift from a dentist to a patient in exchange for a referral, where the dentist provides gifts of equivalent value to all other patients for the same number of referrals or value of referrals, and such gift does not exceed one hundred (\$100) dollars in value.

(e) The payment of a fee to a former partner, associate, or employee based on a retirement plan or separation agreement;

(f) The payment of fees owed to an unlicensed party because of the unlicensed party’s possession of the ownership interest of a deceased or disabled dentist in a partnership, where the interest is transferred to another licensed dentist within six months after the date of death or disability of the unlicensed party’s predecessor-in-interest.

(4) Any substantiated violations of this rule for conduct committed subsequent to June 1, 2018 may subject the dentist to disciplinary action.

CRDTS Steering Committee – Dr. Richard Bennett

Dr. Bennett reported that the Steering Committee will be meeting in September.

Executive Director’s Report – Ms. Tanja Battle

Credentials Licensure: Ms. Battle reported that the Board previously discussed licensees having to establish active practice within two (2) years. She stated that the Board directed staff to draft a letter to send to those licensees that would ask if the individual has established active practice. She stated a copy of the draft letter was available on Sharepoint for the Board’s review and if they had any suggestions, she would be happy to take those. Dr. Yeargan made a motion to approve the letter. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Pending GDHA Coronal Polishing Course: Ms. Battle reported that the Board has reviewed the course submitted and asked if the Board was prepared to make a decision. Dr. Bennett responded by asking if there was a live patient component to the course as he did not see one. He stated that is an important component to the course. Dr. Bennett stated he did not see a listing of the statute and the board rules in the course. He commented that those are two key components and it is important for those to be included so the participants understand what is allowed and what is not. Lastly, Dr. Bennett stated it gives the definition of what coronal polishing is, a procedure used to remove stain or plaque from the enamel surfaces of the teeth, but one of the slides says that polishing for stain removal has no therapeutic value and is done for esthetics reasons only. He stated that he was unsure if that was an accurate statement. Dr. Bennett further stated if there is no therapeutic value, he does not think that would be included as part of a prophylaxis. He stated he does agree that it removes stain, but does not think that is the only reason it is done. Mr. Craig responded by stating he would pass that information along.

Attorney General’s Report – Mr. Max Changus

No report.

Legal Services – Ms. Kimberly Emm

No report.

Dr. Bert Yeargan made a motion and Dr. Brent Stiehl 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, Ms. Becky Bynum, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Michael Knight, Dr. Ami Patel, Dr. Parag Soni, Dr. Brent Stiehl, and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- H.A.N.
- A.M.
- C.L.S.
- C.M.

Applications

- K.S.M.
- C.B.S.
- F.N.Y.
- J.B.E.
- M.G.L.
- N.M.
- S.A.S.
- K.A.N.
- D.W.D.
- A.A.
- J.T.H.

Correspondences

- D.D.C.
- L.M.D.
- J.L.G./N.J.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT120055
- DENT120116
- DENT150252
- DENT150253
- DENT150336
- DENT150370
- DENT160419
- DENT170297
- DENT150192
- DENT150278
- DENT160469
- DENT170159
- DENT170173

- DENT170279
- DENT180031
- DENT180067
- DENT180113
- DENT180149
- DENT180197
- DENT180378
- DENT180389
- DENT190034
- DENT190061
- DENT190062
- DENT190064
- DENT190067
- DENT190068
- DENT190072
- DENT190074
- DENT190082
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- DENT190144
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- DENT190168
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- DENT190216
- DENT190217
- DENT190288
- DENT190289
- DENT190298
- DENT190299
- DENT190302
- DENT190303
- DENT190305
- DENT190308
- DENT190312
- DENT190316
- DENT190317
- DENT190318
- DENT190321
- DENT190329
- DENT190334

- DENT190341
- DENT190343
- DENT190351
- DENT190357
- DENT190379
- DENT190384
- DENT190426
- DENT190453

Executive Director’s Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- K.J.K.
- P.P.D.
- J.A.D.

Mr. Changus discussed the list of non-compliant dentists as it relates to the PDMP requirements.

Legal Services – Ms. Kimberly Emm

- J.M.F.
- E.K.
- B.D.M.

No votes were taken in Executive Session. Dr. Goggans 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:

Special Assistant Attorney General

- Pending litigation Update provided

Assistant Attorney General’s Report – Mr. Bryon Thernes

The Board requested and received legal advice regarding Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising and Rule 150-8-.02 Fee Splitting.

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|------------------------------------|--|
| • H.A.N. | Correspondence | Approved CE courses submitted |
| • A.M. | Request to terminate consent order | Approved request |
| • C.L.S. | Reinstatement | Approved pending receipt of additional information |
| • C.M. | Request to terminate probation | Approved pending receipt of additional information |

Applications

- | | | |
|----------|------------------------------|-----------------------------|
| • K.S.M. | Dental Credentials Applicant | Approved pending receipt of |
|----------|------------------------------|-----------------------------|

- C.B.S. Conscious Sedation Applicant additional information
- F.N.Y. Enteral Conscious Sedation Applicant Approved for provisional permit
Schedule to meet with the Sedation Committee
- J.B.E. Conscious Sedation Applicant Approved for provisional permit
- M.G.L. Conscious Sedation Applicant Approved for provisional permit
- N.M. Enteral Conscious Sedation Applicant Schedule to meet with the Sedation Committee
- S.A.S. Conscious Sedation Applicant Approved for provisional permit
- K.A.N. Conscious Sedation Applicant Approved evaluation
- D.W.D. General Anesthesia Applicant Approved for provisional permit
- A.A. General Anesthesia Applicant Approved evaluation
- J.T.H. General Anesthesia Applicant Approved evaluation

Correspondences

- D.D.C. Correspondence
The Board directed staff to respond by stating the individual should file a corrective claim, refund the insurance, and then file a claim based on what procedure was performed.
- L.M.D. Refund request
Denied request
- J.L.G./N.J. Correspondence
Refer to Legal Services

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegations	Recommendation
DENT120055	Quality of Care/Substandard Practice	Close with No Action
DENT120116	Billing	Close with No Action
DENT150252	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT150253	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT150336	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT150370	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT160419	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT170297	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT150192	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT150278	Quality of Care/Substandard Practice	Rescind referral
DENT160469	Quality of Care/Substandard Practice	Update referral to the Department of Law
DENT170159	Quality of Care/Substandard Practice	Refer to Legal Services
DENT170173	Unlicensed Practice	Refer to Local DA
DENT170279	Quality of Care/Substandard Practice	Close with No Action
DENT180031	Quality of Care / Substandard Practice	Close with No Action
DENT180067	Quality of Care / Substandard Practice	Close with No Action
DENT180113	Quality of Care / Substandard Practice	Close with No Action
DENT180149	Quality of Care/Substandard Practice	Close with No Action
DENT180197	Quality of Care/Substandard Practice	Close with No Action; Decline to Accept CE provided
DENT180378	Morbidity and Mortality	Close with No Action
DENT180389	Morbidity and Mortality	Close w/Letter of Concern

DENT190034	Morbidity and Mortality	Close w/Letter of Concern
DENT190061	Quality of Care / Substandard Practice	Close with No Action
DENT190062	Quality of Care / Substandard Practice	Close with No Action
DENT190064	Billing	Close with No Action
DENT190067	Quality of Care / Substandard Practice	Close w/Letter of Concern
DENT190068	Unprofessional Conduct	Close with No Action
DENT190072	Quality of Care / Substandard Practice	Close with No Action
DENT190074	Quality of Care / Substandard Practice	Close with No Action
DENT190082	Quality of Care / Substandard Practice	Close w/Letter of Concern
DENT190083	Quality of Care / Substandard Practice	Close with No Action
DENT190090	Arrest, conviction & pleas	Close with No Action
DENT190091	Billing	Close with No Action
DENT190095	Quality of Care / Substandard Practice	Close with No Action
DENT190107	Quality of Care / Substandard Practice	Close with No Action
DENT190108	Quality of Care / Substandard Practice	Close with No Action
DENT190110	Quality of Care / Substandard Practice	Close with No Action
DENT190128	Quality of Care / Substandard Practice	Close with No Action
DENT190130	Quality of Care / Substandard Practice	Close with No Action
DENT190138	Quality of Care / Substandard Practice	Close w/Letter of Concern
DENT190144	Quality of Care / Substandard Practice	Close with No Action
DENT190165	Morbidity or Mortality / Hospitalization	Close with No Action
DENT190168	Quality of Care / Substandard Practice	Close with No Action
DENT190215	Quality of Care / Substandard Practice	Close with No Action
DENT190216	Quality of Care / Substandard Practice	Close with No Action
DENT190217	Quality of Care / Substandard Practice	Close w/Letter of Concern
DENT190288	Quality of Care / Substandard Practice	Close with No Action
DENT190289	Quality of Care / Substandard Practice	Close with No Action
DENT190298	Quality of Care / Substandard Practice	Close with No Action
DENT190299	Quality of Care / Substandard Practice	Close with No Action
DENT190302	Quality of Care / Substandard Practice	Close with No Action
DENT190303	Quality of Care / Substandard Practice	Close with No Action
DENT190305	Malpractice	Close with No Action
DENT190308	Malpractice	Close with No Action
DENT190312	Quality of Care / Substandard Practice	Close with No Action
DENT190316	Quality of Care / Substandard Practice	Close with No Action
DENT190317	Quality of Care / Substandard Practice	Close with No Action
DENT190318	Quality of Care / Substandard Practice	Close w/Letter of Concern
DENT190321	Quality of Care / Substandard Practice	Close with No Action
DENT190329	Quality of Care / Substandard Practice	Close with No Action
DENT190334	Billing	Close with No Action
DENT190341	Quality of Care / Substandard Practice	Close w/Letter of Concern
DENT190343	Billing	Close with No Action
DENT190351	Quality of Care / Substandard Practice	Close with No Action
DENT190357	Unprofessional Conduct	Close with No Action
DENT190379	Quality of Care/Substandard Practice	DN1 - Rescind Acceptance of Voluntary Surrender and Close with No Action; DN 2 - Add as Respondent & request records
DENT190384	Other	Close with No Action

DENT190426	Other	Close with No Action
DENT190453	Arrest, conviction & pleas	Close with No Action

Executive Director’s Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following for acceptance:

- K.J.K. Private Consent Order accepted
- P.P.D. Voluntary Surrender accepted
- J.A.D. Public Consent Order accepted

Mr. Changus discussed the list of non-compliant dentists as it relates to the PDMP requirements. No action taken.

Legal Services – Ms. Kimberly Emm

- | | | |
|----------|---|---|
| • J.M.F. | Request for preapproval of CE courses | Approved request |
| • E.K. | Request for a letter of compliance with Consent Order | Approved request |
| • B.D.M. | Correspondence | Table pending receipt of additional information |

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

Miscellaneous

Dr. Goggans stated that the Investigative Committee will meet all day on August 9th, with the full Board meeting via conference call at noon. He requested Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising be placed on the conference call agenda for the Board to discuss.

With no further business, the Board meeting adjourned at 1:04 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, August 9, 2019, at 12:00 p.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I
 Minutes edited by Tanja D. Battle, Executive Director