

**GEORGIA BOARD OF DENTISTRY**  
**Rules Committee Meeting**  
**2 Peachtree St., N.W., 5<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**July 12, 2019**  
**8:00 a.m.**

**The following Committee members were present:**

Dr. Tom Godfrey, Chair  
Dr. Greg Goggans

**Staff present:**

Tanja Battle, Executive Director  
Max Changus, Assistant Attorney General  
Brandi Howell, Business Support Analyst I

**The following Board members were present:**

Dr. Michael Knight  
Dr. Parag Soni

**Visitors:**

Carol Lefebvre, Dental College of Georgia  
Gianna Hartwig, AAO  
Scott Maxwell, DOCS Education  
Charles Craig, GDHA  
Lauren Pollow, PDS  
Keith Kirshner, BMDC  
Scott Lofranco, GDA  
John Watson, ADSO  
Brad Rightnowar, ADSO  
Joe MacLean, Great Expressions/ADG

Dr. Godfrey established that a quorum was present and called the meeting to order at 8:00 a.m.

**Introduction of Visitors**

Dr. Godfrey welcomed the visitors.

Dr. Tom Godfrey made a motion and Dr. Greg Goggans seconded and the Committee voted to enter into **Executive Session** 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. Tom Godfrey, Dr. Greg Goggans, Dr. Michael Knight and Dr. Parag Soni.

**Executive Session**

Dr. Godfrey made amendments to the June 21, 2019 Executive Session minutes.

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

**Open Session**

**Approval of Minutes**

Dr. Godfrey made a motion to approve the Public and Executive Session minutes from the June 28, 2019 meeting with the changes noted. Dr. Soni seconded and the Committee voted unanimously in favor of the motion.

## **Correspondence from Winnie Furnari, American Academy of Dental Hygiene (AADH)**

The Committee considered this correspondence requesting the AADH be included on the Board's list of approved providers for continuing education. Dr. Godfrey made a motion to refer this matter to the CE Audit Committee for review and to make a recommendation to the full Board. Dr. Knight seconded and the Committee voted unanimously in favor of the motion.

## **Discussion Topics**

**Rules containing CPR or Cardiopulmonary Resuscitation:** At its last meeting, the Committee discussed ACLS and its relation to CPR and whether or not the Board should accept ACLS in lieu of CPR. At that time, the Committee suggesting identifying the rules that would be effected prior to the next Rule's meeting. Dr. Godfrey stated that Ms. Emm has put together a list of rules that would be effected. He stated that there was a time when the Board required both ACLS and BLS; however, the American Heart Association updated its course in 2015 and the Board has not reviewed anything since that time. Dr. Godfrey stated that the thought from the last Rules Committee meeting was that ACLS would be acceptable in lieu of BLS. After further discussion, Dr. Godfrey made a motion for the Rules Committee to request the Board accept the list of effected rules to be amended. Dr. Soni seconded the motion and the Committee voted unanimously in favor of the motion. The effected rules are as follows: Rules 150-3-.04 Applications, 150-3-.08 CPR Requirements for Dentists, 150-3-.09 Continuing Education for Dentists, 150-3-.10 Continuing Education for Volunteer Licenses, 150-5-.02 Qualifications for Dental Hygienists, 150-5-.03 Supervision of Dental Hygienists, 150-5-.04 CPR Requirements for Dental Hygienists, 150-5-.05 Requirements for Continuing Education for Dental Hygienists, 150-5-.06 Temporary Permits for Dental Hygienists, 150-7-.02 Faculty Licenses, 150-7-.03 Volunteers in Dentistry, 150-7-.04 Dental Provisional Licensure by Credentials, 150-9-.02 Expanded Duties Dental Assistants, 150-13-.01 Conscious Sedation permits, 150-13-.02 Deep Sedation/General Anesthesia Permits, and 150-13-.03 Renewal of Conscious Sedation and Deep Sedation/General Anesthesia Permits.

**Rule 150-10.01 Fraudulent, Misleading or Deceptive Advertising:** Dr. Godfrey stated that a lot of good feedback has been received from the public regarding the proposed amendments. He asked if there were any comments from the Committee. There were none. Dr. Godfrey stated that at the previous Rules Committee meeting, Mr. MacLean did a good job articulating his concerns. Mr. Watson stated that it is their fundamental belief that is the word "allude" is deceptive and believes it is consistent. Mr. Changus commented that he recalls Mr. MacLean suggested not including this certain language. Mr. MacLean responded by stating that he was suggesting that item (g) be stricken as it is extremely broad.

Discussion was held regarding the language in (3)(b). Dr. Godfrey stated that the point of that was to word it in a way to not specifically name the ADA. Mr. Lofranco responded that it was preferred by the AAO. He added that the reason that was changed was because of the lawsuit that came out of Texas. Ms. Hartwig commented that there have been other states that have adopted this language and it is just better language down the road. He stated that is the best articulation one can have. Dr. Godfrey stated that the Committee would accept the proposed language in (3)(b) as follows:

A designation of specialty dental practice, where the dentist has completed a post-doctoral program consisting of at least two full time years and which program is accredited by an accreditation agency that is recognized by the United States Department of Education, if said specialty is recognized by the Georgia Board of Dentistry pursuant to Rule 150-11-.01 and the dentist has completed the educational requirements stated in the American Dental Association's specialty practice guidelines in existence at the time the advertisement is made;

The Committee discussed removing the suggested language concerning "assert and allude". Mr. Watson commented that it certainly removes the ambiguity.

In regards to section (6)(b), Dr. Godfrey stated the Board has wished to keep people from alluding and misleading in some way. He commented that he would not like a dentist to be able to say it is not a statement. He stated that he likes having “assert or allude” because if the end result is a person in the public that believes that person is a specialist, then they have been misled. Dr. Soni agreed.

The Committee discussed amending the language in section (6)(e) to read as follows:

(e) Statements that ~~assert or imply that~~ a dentist has an ownership interest in a dental practice, facility, or clinic, when that dentist does not in fact have such an ownership interest. The listing of a dentist’s full name in any sign, card, announcement, advertisement, or method used to state or imply that dentistry may or will be done by anyone at any place in this state, in compliance with O.C.G.A. §43-1-18, shall not in and of itself be construed as implying ownership in a dental practice, facility, or clinic for the purposes of this rule;

Dr. Goggans asked why the language in (6)(e) was needed. Dr. Godfrey responded by stating that the language is there for those that are doing wrong. He stated that for those not doing wrong, they do not need to worry about it. Dr. Goggans asked if there was an example of where this is happening. Dr. Godfrey responded by stating that if there are examples of where this is being investigated, that is confidential. Dr. Goggans asked where did this language derive from. Dr. Godfrey stated the language had been developed over a few years and the Board has always taken that position. He stated there has not ever been a member not for it. Dr. Godfrey stated that at a couple of board meetings ago it was discussed that the Board would like to see movement on this rule because it has been the only item going back and forth. Dr. Goggans responded that he is just trying to understand the language and asked Mr. Changus how this would work. Mr. Changus responded by stating that this rule is part of a statement in advertising. He stated that when one “asserts”, he/she indicates that they own a practice when someone else actually owns the practice. He stated that would be a fraudulent statement. Dr. Godfrey commented that he could give examples in Executive Session. Mr. Watson asked why would the Committee need to go into Executive Session for that. Dr. Godfrey responded that it pertains to investigative matters. Mr. Watson stated that he understands, but if it is general information, that would certainly be helpful to the public. Dr. Godfrey stated that the Committee could further discuss with the full Board in Executive Session. He asked the Committee if it would be acceptable to recommend the proposed language to the Board. Mr. Changus commented that there may be examples that Dr. Godfrey is referencing that may be investigative, but suggested the Committee articulate what the concerns are to the public in Open Session. He stated that one of the things is how does this impact business. Dr. Godfrey responded that he would try to do it today in the full Board meeting with everyone there.

**Rule 150-7-.03 Volunteers in Dentistry:** Dr. Godfrey stated the Board will hold a Public Hearing later that morning on this rule. He stated that, based on the written comments received, the Committee will have work to do on the language. Dr. Godfrey stated he is not saying he will know what will happen at the hearing, but there is a lot of interest on this rule from the public and the Board has received a lot of written comments. He stated that his thought is when there is diversity and differing opinions, the rule needs to be reworked. He stated he would like to understand the different points of view and asked for comments from the members of the public.

Keith Kirshner, Ben Massell Dental Clinic, spoke to the Committee. 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 these are people the Board has credentialed and have known in the past. Mr. Kirshner requested to move this as expeditiously as possible.

Scott Lofranco, Georgia Dental Association, spoke to the Committee: Mr. Lofranco stated that there are retired dentists that want to volunteer, but have to obtain the license first. He stated it was a barrier for those volunteers to participate at GMOM, a two day clinic where free dental services are provided. Mr. Lofranco suggested modifying the language in section (1)(b)(1) of the rule. He stated that GDA's proposed language is requesting a temporary license to be valid for no more than a period of three consecutive days.

Pam Cushenan, GDHA, spoke to the Committee: Ms. Cushenan requested the Board change the wording in subsection (b) to read: "Qualifications of a Volunteer Georgia Licensed Dentist and Dental Hygienist." Dr. Lefebvre requested "Dental Faculty" be included to the carve out for those with teaching license.

Scott Maxwell, DOCS Education, spoke to the Committee: Mr. Maxwell stated that a written statement had been submitted and would like for it to stand on its own.

Mr. Lofranco commented that in being consistent with last year's GMOM event, the GDA tried to come up with a policy, but hit administrative obstacles. He stated that GDA is proposing a temporary, restricted license, which would be valid for a period three consecutive days. He added that the individual would be under the direct supervision of a licensed dentist. Mr. Maxwell commented that the comments provided by DOCS suggest a 10-day license within a six-month period. He stated that he feels longer than three days would provide more flexibility.

Dr. Carol Lefebvre, Dental College of Georgia, spoke to the Committee: Dr. Lefebvre stated that 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. She stated that 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.

Ms. Cushenan requested the Board 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.

Dr. Godfrey stated that the Board will hold a Public Hearing on this rule and the public's comments will be taken into consideration. He asked if there were any further comments. Mr. Maxwell commented that five years of active practice will severely restrict qualified dentists from being able to participate in charitable work.

There being no further business to come before the Committee, the meeting was adjourned at 9:18 a.m.

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