

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
July 9, 2021
10:00 a.m.

The following Board members were present:

Dr. Glenn Maron, President
Dr. Ami Patel, Vice-President
Dr. Greg Goggans
Dr. Michael Knight
Ms. Misty Mattingly
Mr. Mark Scheinfeld
Dr. Brent Stiehl
Dr. Debra Wilson

Staff present:

Eric Lacefield, Executive Director
Kirsten Daughdril, Senior Assistant Attorney General
Max Changus, Assistant Attorney General
Tate Crymes, Intern, Attorney General's Office
David Harding, Intern, Attorney General's Office
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Dr. Carol Lefebvre
Dr. Randy Kluender
Pam Cushenan

Open Session

Dr. Maron established that a quorum was present and called the meeting to order at 10:02 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

Ms. Mattingly made a motion to approve the Public and Executive Session minutes from the June 4, 2021, Conference Call. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Report of Licenses Issued

Ms. Mattingly 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

Rule Variance Petition from Dr. Sruthi Satishchandran: Dr. Knight made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, refer Dr. Satishchandran to Executive Order 06.30.21.02. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Trevor Miller: Dr. Maron stated this individual's circumstances are somewhat different from the first petition as Dr. Miller is in a residency. Dr. Wilson made a motion to grant the variance. Discussion was held. Dr. Stiehl commented that he feels the Board is not being consistent. Dr. Goggans stated that the Board has been granting variances to those who passed the exam in 2019 and 2020. Ms. Emm responded by stating the Board had granted variances for cases where the applicant had taken a live patient exam. Mr. Changus commented that this year the situation has changed.

He stated that with the pandemic, it was a hardship for everyone. He further stated that live-patient exams are becoming available, and the Governor's Executive Order allows for acceptance of an all-manikin exam. Mr. Changus explained that the Board needs to consider whether or not the applicant has demonstrated a unique, substantial hardship. There being no further discussion, Dr. Maron asked if there was a second to Dr. Wilson's motion. There was no second.

Dr. Miller, who was on the call, spoke to the Board regarding his rule petition request. Dr. Miller stated that the Governor's Executive Order made it easier for everyone but the 2020 class that graduated. He explained that he had no other option than to take the manikin exam in 2020. Dr. Miller stated that he inquired about taking the exam again, but he cannot afford to pay the fee and he would have to borrow money from his siblings. He further stated that he has signed a contract for a job in Georgia and does not have a license, nor any income. Dr. Miller stated there were two other residents that petitioned the Board in previous months and their petitions were granted. Dr. Maron thanked Dr. Miller for his input. Dr. Maron stated that the Board needs to be consistent and fair. He suggested the Board table the petition to allow for additional time for consideration. Mr. Lacefield commented that while the Board has previously granted variances for those individuals in a residency, he does not specifically remember the case or hardship. Dr. Stiehl commented that if the Board has done it in the past, he has no issue with it as he just wants there to be consistency. There being no further discussion, Dr. Stiehl made a motion to grant the petition as Dr. Miller has provided adequate justification for the variance since he successfully passed the ADEX clinical examination, along with completing an AEGD residency. Dr. Knight seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Janelle L. Cooper: Dr. Stiehl made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Mr. Scheinfeld seconded. Discussion was held. Dr. Cooper, who was on the call, spoke to the Board regarding her rule petition request. Dr. Cooper stated that she passed ADEX on a live patient in 2015 and completed a GPR in 2016. She mentioned previous petitions that were granted by the Board where the individual passed ADEX in 2016 as well as someone that passed ADEX in 2014. She explained that she moved to Georgia because her significant other became ill with COVID. There being no further discussion, the Board voted unanimously in favor of the motion.

Dr. Stiehl asked if staff could look into the circumstances of what petitions had been granted in the past as he feels the Board should be consistent. Ms. Emm stated that she understands Dr. Stiehl's point; however, the Board must consider each petition based on the individual's substantial hardship. She stated that the Board wants to be consistent; however, in looking at past petitions, it is unknown at this time what the circumstances were or what the substantial hardship was for each.

Ms. Howell mentioned that with Dr. Cooper's petition, she requested an appearance with the Board. Dr. Stiehl made a motion to approve the request. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Mayur K. Dudhat: Mr. Scheinfeld made a motion to grant the rule variance petition based on the special circumstances related to the COVID-19 pandemic. The Board also finds that Dr. Dudhat has provided adequate justification for the variance since he successfully passed the ADEX clinical examination. Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Tyesha Martin: Dr. Maron discussed this petition request. He stated that Dr. Martin has been working at Ft. Benning. He asked if Dr. Martin was on the call. Dr. Keyanni Shaw responded by stating that Dr. Martin was not on the call, but Dr. Shaw was aware of Dr. Martin's circumstances and reasons for requesting a rule variance. Dr. Shaw explained that Dr. Martin is practicing

on a military base and the issue that Dr. Martin is having is concerning insurance not wanting to pay out because Dr. Martin does not have a Georgia license. Mr. Scheinfeld inquired as to whether or not Dr. Martin was a member of the military. Dr. Shaw responded by stating that Dr. Martin is a civilian practicing on the base. There being no further discussion, Dr. Knight made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, refer Dr. Martin to Executive Order 06.30.21.02. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Metoqua Anderson: Ms. Mattingly made a motion to grant the rule waiver petition based on the special circumstances related to the COVID-19 pandemic. The Board also finds that Ms. Anderson provided adequate justification for a variance since she practiced full-time as a dental hygienist for thirteen (13) years in the state of Louisiana until March 2020. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Martin Liberman and Dr. Anna D’Emilio

The Board discussed this correspondence dated June 9, 2021, from Dr. Martin Liberman and Dr. Anna D’Emilio regarding the Advanced Education in General Dentistry (AEGD) Program of NYU Langone Hospitals. This letter is a follow up to Dr. D’Emilio’s correspondence dated March 30, 2021, regarding residents of the AEGD program of NUY Langone Hospitals-Georgia Region, discussed by the Board at its June meeting. Dr. Maron stated that there was discussion at the June meeting as to why this information was being supplied to the Board. He stated that Mr. Scheinfeld had asked how a resident from New York could be in a residency in Georgia without having a Georgia dental license. Dr. Maron commented that he inquired about the program, and it is not unusual at all to have residents from other states. He added that the residents are not licensed, but are under the auspices of the residency program and will receive his/her degree from the out of state program. Dr. Maron stated that he appreciates Dr. D’Emilio notifying the Board. Dr. Maron continued by stating that he believes it is logical for the Board to require a residency type of license. Mr. Changus commented that the Board needs to review O.C.G.A. § 43-11-20 further. He stated that the statute talks about programs in this state. He added that there may need to be a legislative change. Mr. Changus stated that this program is not in conjunction with Emory and the program is a New York based program. Dr. Maron suggested forming a sub-committee to research and review what steps should be taken. Dr. Wilson commented that this program is in twenty-seven (27) states and suggested those states be researched. Dr. Maron appointed Dr. Wilson to serve as Chair of the Committee, with Mr. Scheinfeld and Ms. Mattingly serving as members.

Mr. Changus explained the matter needs to be researched to see what the program is and what activities the residents are engaged in. He suggested referring the matter to the Attorney General’s office first for an assessment to determine whether or not an out of state program can operate in Georgia without licensed residents. Mr. Scheinfeld made a motion to refer the matter to the Attorney General’s office for advice. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Correspondence from American Association of Orthodontists

The Board viewed this correspondence for informational purposes only.

Correspondence from Dr. Alan Furness, Dental College of Georgia

The Board considered this correspondence requesting clarification of Rule 150-3-.01(6). Specifically, how this rule impacts a student who has taken Part 1 of the curriculum integrated format licensure examination multiple times but has not attempted Part 2 yet and therefore has not completed an examination. Dr. Maron commented that the Board would require the student to complete remediation. Dr. Furness, who was on the call, spoke to the Board. Dr. Furness stated that this is not related to a particular candidate, but rather with failures with the way the rule is written. He further stated that section (6) of the rule states, *“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.” Dr. Furness stated that the Dental College of Georgia is requesting clarification on what the rule is referring to exactly and how it pertains to the students. Dr. Knight made a motion to refer the matter to the Rules Committee for review and clarification. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

General – Dr. Glenn Maron

Dr. Maron commended Dr. Gay for a job well done as President of the Board during the past year.

Sedation Committee Report – Dr. Glenn Maron

Dr. Maron reported that the Sedation Committee met on July 2, 2021. He stated the Committee recommended amending Rule 150-13-.01 to add language requiring monitoring of end tidal CO2. He further stated this would be required for initial applications and current permit holders during renewal. Dr. Maron stated this matter was referred to the Rules Committee to review.

Dr. Maron reported that the Sedation Committee discussed evaluations of those seeking an initial permit for any level of sedation. He stated that the Board needs to do a better job of monitoring those applying for an initial permit.

Attorney General’s Report – Mr. Max Changus

No report.

Executive Director’s Report – Mr. Eric Lacefield

Executive Order 06.30.21.02: Mr. Lacefield discussed the Governor’s Executive Order 06.30.21.02. He stated that the order authorizes temporary licenses for 2020 graduates, extends a dentist’s ability to administer covid vaccinations, and also extends acceptance of the manikin-based exam administered by CRDTS or ADEX. Mr. Lacefield stated that the extension is for the duration of the Executive Order.

Dr. Maron stated that he would like to reiterate to individuals on the call to go ahead and take the examination as it would be a faster process than seeking a rule petition.

Dr. Goggans requested clarification as to the duration of the Executive Order. Mr. Changus clarified that there were two orders issued by the Governor’s Office. He stated one is regarding the State of Emergency going forth for recovery. In regard to the second order that has all of the provisions, it does not expressly indicate July 31st, but it is in concert with July 31st.

Ms. Mattingly clarified that the Executive Order extending acceptance of a manikin-based exam administered by CRDTS or ADEX is for dentists only. The Board agreed.

Legal Services – Ms. Kimberly Emm

Correspondence from Natalie Wermuth: Ms. Emm discussed this correspondence seeking clarification as to whether a dental hygienist could do a perio chart measuring probing depths on a prophylaxis visit if the doctor is out of the office. Ms. Mattingly responded affirmatively and stated that it would be part of the normal assessment. The Board agreed.

Miscellaneous

IC Peer Reviewer: Dr. Knight made a motion to approve Dr. Harris Siegel as a consultant for the Investigative Committee. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Appearance

Appearance by Donald Oliva, CE Broker: Mr. Oliva shared information with the Board regarding CE Broker, a tracking platform for continuing education.

Dr. Brent Stiehl 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. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Brent Stiehl, and Dr. Debra Wilson.

Executive Session

Appearances

- N.P.
- R.L.D.
- K.C.

Licensure Overview Committee Appointments/Discussion Cases

- S.R.B.

Applications

- B.O.G.
- H.S.
- C.J.W.
- V.D.P.
- N.A.H.
- D.B.N.
- F.F.A.
- M.O.A.
- A.L.P.
- A.W.B.
- J.J.G.
- J.A.R.
- R.J.P.

Investigative Committee Report – Dr. Brent Stiehl

No report.

Attorney General's Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- A.S.B.
- M.T.F.
- K.D.M.
- J.T.

Mr. Changus discussed the following case:

- DENT190010

Executive Director’s Report – Mr. Eric Lacefield

No report.

Legal Services – Ms. Kimberly Emm

No report.

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

Open Session

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

Appearances

- N.P. Denied Credentials Applicant Table pending receipt of additional information
- R.L.D. Denied General Anesthesia Applicant Table pending receipt of additional information
- K.C. Correspondence regarding licensure Rescind letter of intent to revoke

Licensure Overview Committee Appointments/Discussion Cases

- S.R.B. Dental Hygiene Exam Applicant Approve pending receipt of additional information

Applications

- B.O.G. Dentist Examination Applicant Table pending receipt of additional information
- H.S. Dentist Examination Applicant Approved application
- C.J.W. Dentist Examination Applicant Approved application
- V.D.P. Dental Examination Applicant Approved application
- N.A.H. Dental Examination Applicant Table pending receipt of additional information
- D.B.N. Dental Credentials Applicant Approved application
- F.F.A. Dental Credentials Applicant Denied application
- M.O.A. Dental Hygiene Credentials Approved application
- A.L.P. Dental Faculty Applicant Approved application
- A.W.B. Dental Reinstatement Applicant Approved application
- J.J.G. Dental Reinstatement Applicant Ratified approval
- J.A.R. Moderate Parenteral Conscious Sedation Approved evaluation
- R.J.P. Moderate Parenteral Conscious Sedation Approved evaluation

Investigative Committee Report – Dr. Brent Stiehl

No report.

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- A.S.B. Ratify the acceptance of Public Consent Order
- M.T.F. Public Consent Order to be accepted and signed with express permission upon receipt of the original.

- K.D.M. Private Consent Order accepted
- J.T. Public Consent Order to be accepted and signed with express permission upon receipt of the original.

Mr. Changus discussed the following case:

- DENT190010

Executive Director's Report – Mr. Eric Lacefield

No report.

Legal Services – Ms. Kimberly Emm

No report.

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

Miscellaneous

Mr. Lacefield advised the board members to plan for the August meeting to be held virtually. Dr. Maron requested Mr. Lacefield speak with Caylee Noggle, the new Commissioner of the Department of Community Health. Dr. Maron stated that allowing in-person meetings would be more beneficial to the members of the public.

With no further business, the Board meeting adjourned at 12:42 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, August 13, 2021, 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