

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree Street, NW, 5th Floor
Atlanta, GA 30303
June 10, 2016
10:00 a.m.

The following Board members were present:

Dr. Steve Holcomb, President
Dr. Bert Yeargan, Vice-President
Ms. Becky Bynum
Dr. Tom Godfrey
Dr. Greg Goggans
Ms. Wendy Johnson
Dr. Dale Mayfield
Dr. Logan Nalley
Dr. Antwan Treadway

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Assistant Attorney General
Ryan McNeil, Chief Investigator
Anil Foreman, Legal Officer
Brandi Howell, Business Operations Specialist

Visitors:

Carol Lefebvre, The Dental College of GA
Jessie Werthington, GA School of Orthodontics
Richard Gardiner, Capitol Strategy Group
James Talbot
Melynda Monteiro, Fortis College
Dawn T. Jackson, Fortis College
Kara Quinn, Fortis College
Tooba Saleem, Fortis College
Dalya Hamed, Fortis College
Sandra Hanks, Fortis College
Danna Cantu, Fortis College
Erica Logan, Fortis College
Chantelle Tucker, Fortis, College
Kimberly Ramseur, MAG

Open Session

Dr. Holcomb established that a quorum was present and called the meeting to order at 10:23 a.m.

Introduction of Visitors

Dr. Holcomb welcomed the visitors.

Appearance

Appearance by Dr. James Talbot: Dr. Talbot thanked the Board for the opportunity to speak to its members. Dr. Talbot explained that he is requesting the Board change his public consent order to a private consent order. He stated that since his consent order is public, it has created a number of issues for him. For example, he stated that it creates issues with credentialing. He stated that there are several insurance companies that will not credential an individual if the status of his/her license is probation. He explained that he would like to relocate to the North Georgia area as there would be a number of available positions for him near his family if his license were not on probation. There being no questions from the Board, Dr. Holcomb advised Dr. Talbot that the Board will take his request into consideration and will notify him in writing of its decision.

Approval of Minutes

Dr. Godfrey requested to discuss the Executive Session minutes in Executive Session. The Board recommended tabling approval of the Public and Executive Session minutes for the May 6, 2016 meeting until later in the day to allow further discussion by the Board.

Licenses to Ratify

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

Petition for Rule Variance – Courtney Talley

Discussion was held by the Board concerning the definition of “Full Time Clinical Practice” in Rule 150-7-.05 Dental Hygiene Provisional Licensure by Credentials. Dr. Holcomb stated there are a significant number of dental hygienists that practice on a part time basis and asked the Board if this is an issue that may need reconsideration. Dr. Nalley made a motion to deny the rule variance petition. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

In the same motion, the Board voted to refer Rule 150-7-.05 Dental Hygiene Provisional Licensure by Credentials back to the Rules Committee for further consideration regarding the definition of “Full Time Clinical Practice”.

Petitions for Rule Variance – Avni Maru and Shrenik M. Shah

Dr. Nalley made a motion to deny the rule variance petitions. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance – Suzzane Horani

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

Petition for Rule Variance/Waiver – Johanna Yopez

Dr. Nalley made a motion to deny the rule variance/waiver petition. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Elizabeth Shaw

The Board considered this correspondence regarding whether or not a Georgia dentist can receive a commission for signing up his patients for membership in a discount dental plan. The Board directed staff to respond by stating this would be a significant violation of fee splitting.

General – Dr. Steve Holcomb

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that the CRDTS Examination Review Committee (ERC) met in April. ERC will meet again in August at the CRDTS annual meeting.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Legislative Committee Report – Dr. Greg Goggans

No report.

Licensure Overview Committee Report – Dr. Tracy Gay

No report.

Rules Committee Report – Dr. Tom Godfrey

No report.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley report that the Steering Committee will meet tomorrow in Kansas City.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

Dr. Goggans reported that he knows those facilities that have submitted information to the Board for review/approval are anxious to hear the Board's response. He stated that he would like to ask the Board for a little more direction concerning the newly created EDDA Review Committee. He stated that the Committee will be meeting in July and asked if it was the Board's will for the Committee to approve individual submissions or should the Committee need to develop certain standards regarding what functions an EDDA needs to do. Dr. Godfrey responded by stating that he would like for the Committee to determine what criteria is commonly used to help establish standard requirements. Dr. Goggans stated that the Committee will meet and report back to the Board with suggestions.

Executive Director's Report – Ms. Tanja Battle

Ms. Battle reported that there is a new vendor for the PDMP program and the Board will need to vote to release information to them. Dr. Godfrey made a motion to release the requested information to the vendor. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Ms. Battle reported that the board office received an inquiry from WREB to conduct a 45 minute presentation regarding the examination. Dr. Holcomb added that he met with the President of WREB in Chicago. He stated that the request is relative to ADA and ADEA push for elimination of a patient based examination and to allow more states to accept more boards. He stated that the ADA and ADEA have no authority over a state's testing requirements. Dr. Holcomb requested the Board's authority for him to draft a letter to ADEA and ADA in response to their request. He stated that he will submit the letter in draft form to the Board at its next scheduled meeting for review. Dr. Godfrey made a motion to approve Dr. Holcomb's request. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Lastly, Dr. Holcomb stated in reference to WREB, he feels it would be appropriate to respond by stating that the Board appreciates its offer; however, the Board is involved with CRDTS and at this time, CRDTS is meeting the needs of Georgia with its scoring and criteria. At any such time that should change, the Board will contact WREB if interested.

Ms. Battle presented the Board with a Health Fair Dental Screening Request submitted by Suzanne Newkirk. Ms. Battle added that the event will be held on August 5-6 at the Sheraton Atlanta Hotel. Dr. Nalley made a motion to approve the request. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Attorney General's Report – Mr. Bryon Thernes

No report.

Chief Investigator's Report – Mr. Ryan McNeil

Dr. Godfrey made a motion to accept the Voluntary Surrender from Katie Marie Ferraz-Souza. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Chief Investigator McNeil presented the Board with statistics on resolutions for complaint cases. Dr. Holcomb responded by stating the level of efficiency is amazing regarding the number of resolutions from 2016 and backwards. Dr. Yeagan thanked the staff and investigators for its hard work.

Dr. Antwan Treadway made a motion and Dr. Dale Mayfield seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), §43-11-47(h) and §43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Bynum, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeagan.

Executive Session

Appearance

- S.T.L.

Licensure Overview Committee Appointments/Discussion Cases

- S.J.B.
- H.D.L.

Applications

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

- H.A.H.
- J.A.P.
- J.T.F.
- J.M.Y.
- R.B.L.
- R.D.R.
- O.F.L.
- M.G.
- N.J.G.

Investigative Committee Report

Report presented:

- DENT140222
- DENT140288
- DENT150026
- DENT150043
- DENT150199
- DENT160100
- D.C.G.
- DENT150230
- DENT160188
- DENT160385
- DENT150318
- DENT150385
- S.C.
- DENT160189
- DENT160231
- DENT150143
- DENT150418
- DENT160059
- DENT160339
- DENT120100
- DENT150173
- DENT150210
- DENT160117
- DENT160289
- DENT160312
- DENT160360
- DENT160439
- DENT140106
- DENT140195
- DENT150254
- DENT160029
- DENT160251
- DENT160255
- DENT160259

- DENT160264
- DENT160344
- DENT160345
- DENT160352
- DENT160373
- DENT160374
- DENT160378
- DENT160382
- DENT160388
- DENT160392
- DENT160413
- DENT160431
- DENT160434
- DENT160437
- DENT160445
- DENT160450
- DENT160110
- DENT160130
- DENT160145
- DENT160178
- J.D.M.
- DENT160028
- DENT160227
- DENT160143
- DENT140105
- DENT160096
- DENT160105
- DENT120112
- DENT150405
- DENT160399
- DENT140005
- DENT150229
- DENT160009
- DENT140264
- DENT160380
- DENT160157
- G.C.

Correspondences

- S.A.M.
- R.D.C.

Continuing Education Audits

- F.Q.H.

Executive Director's Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Bryon Thernes

- D.C.G.
- Colinderes vs Battle

Mr. Thernes presented the following consent order for acceptance:

- S.R.R.

Legal Services – Ms. Anil Foreman

Ms. Foreman presented the following consent orders for acceptance:

- K.J.P.
- E.M.C.

Miscellaneous

- J.E.T.

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

Open Session

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

Appearance

- S.T.L. Denied Dental Credentials Applicant Uphold denial

Licensure Overview Committee Appointments/Discussion Cases

- S.J.B. Dental Credentials Applicant Table pending additional information
- H.D.L. Request to terminate probation Request approved

Applications

- V.K.R. Dental Credentials Applicant Denied application
- S.L.F. Dental Credentials Applicant Approved application
- W.R.R. Dental Credentials Applicant Approved application
- J.A.G.O. Dental Exam Applicant Approved application
- Y.J.C. Dental Exam Applicant Approved application
- J.M. Dental Exam Applicant Approved application
- N.L. Dental Exam Applicant Approved application
- J.W. Dental Exam Applicant Approved application
- J.S.C. Dental Exam Applicant Approved application
- P.K.L. Dental Exam Applicant Approved application
- K.D.B. Dental Hygiene Reinstatement Approved application
- L.M.W. Dental Hygiene Reinstatement Approved application
- H.A.H. Dental Sedation Application Approved application
- J.A.P. Dental Sedation Application Approved application
- J.T.F. Dental Sedation Application Approved application
- J.M.Y. Dental Sedation Application Approved application
- R.B.L. Dental Sedation Application Approved application
- R.D.R. Dental Sedation Application Schedule to meet with the Sedation

- | | | |
|----------|------------------------------|----------------------|
| • O.F.L. | Dental Sedation Application | Committee |
| • M.G. | Dental Faculty Application | Approved application |
| • N.J.G. | Dental Volunteer Application | Approved application |

Investigative Committee Report

Report presented:

Complaint Number	Allegations	Recommendation
DENT140222	Quality of care/substandard practice	Refer to the Department of Law
DENT140288	Other	Close with no action
DENT150026	Quality of care/substandard practice	Close with no action with respect to W.M.
DENT150043	Quality of care/substandard practice	Close with no action
DENT150199	Unprofessional conduct	Close with a letter of concern
DENT160100	Quality of care/substandard practice Practicing beyond the scope of	Close with no action
D.C.G.	license	Refer to the full Board
DENT150230	Other	Refer to the Sedation Committee
DENT160188	Quality of care/substandard practice	Close with no action
DENT160385	Quality of care/substandard practice	Close with a letter of concern
DENT150318	Quality of care/substandard practice	Close with a letter of concern
DENT150385	Quality of care/substandard practice	Close with no action Rescind referral for consent order and close with no
S.C.	Quality of care/substandard practice	action
DENT160189	Quality of care/substandard practice	Send correspondence to the complainant that the investigation is closed because the Board determined that there was no violation of the Dental Practice Act; that the specifics of the investigation are confidential by law, but that the Investigative Committee would like to assure the complainant that the case was fully investigated
DENT160231	Quality of care/substandard practice	Send correspondence to the complainant stating that after thorough and significant review, the Board found no violation of the Dental Practice Act; that no additional information warrants reopening the case; that the case remains closed
DENT150143	Quality of care/substandard practice	Close with no action
DENT150418	Records release	Close with no action
DENT160059	Unprofessional conduct	Close with no action
DENT160339	Quality of care/substandard practice	Close with no action
DENT120100	Quality of care/substandard practice	Close with no action
DENT150173	Quality of care/substandard practice	Close with no action
DENT150210	Quality of care/substandard practice Practicing beyond the scope of	Close with no action
DENT160117	practice	Close with no action
DENT160289	Unsanitary conditions	Close with no action
DENT160312	Unlicensed practice	Close with no action
DENT160360	Quality of care/substandard practice	Close with a letter of concern
DENT160439	Unsanitary conditions	Close with no action
DENT140106	Malpractice	Close with no action
DENT140195	Quality of care/substandard practice	Close with no action

DENT150254	Quality of care/substandard practice	Close with no action
DENT160029	Records release	Close with no action
DENT160251	Unprofessional conduct	Close with no action
DENT160255	Billing	Close with no action
DENT160259	Quality of care/substandard practice	Close with no action
DENT160264	Quality of care/substandard practice	Close with no action
DENT160344	Malpractice	Close with no action
DENT160345	Quality of care/substandard practice	Close with no action
DENT160352	Quality of care/substandard practice	Close with no action
DENT160373	Quality of care/substandard practice	Close with no action
DENT160374	Quality of care/substandard practice	Close with no action
DENT160378	Quality of care/substandard practice	Close with no action
DENT160382	Quality of care/substandard practice	Close with no action
DENT160388	Quality of care/substandard practice	Close with no action
DENT160392	Quality of care/substandard practice	Close with no action
DENT160413	Unprofessional conduct	Close with no action
DENT160431	Quality of care/substandard practice	Close with no action
DENT160434	Quality of care/substandard practice	Close with no action
DENT160437	Billing	Close with no action
DENT160445	Billing	Close with no action
DENT160450	Unprofessional conduct	Close with no action
DENT160110	Records release	Close with no action
DENT160130	Abandonment	Close with no action
DENT160145	Abandonment	Close with no action
DENT160178	Abandonment	Close with no action
J.D.M.	Malpractice	Approve request to approve course for consent order
DENT160028	Quality of care/substandard practice	Close with no action
DENT160227	Unsanitary conditions	Refer to the Department of Law
DENT160143	Advertising	Close with a letter of concern
DENT140105	Quality of care/substandard practice	Refer to the Department of Law
DENT160096	Quality of care/substandard practice	Refer to the Department of Law
DENT160105	Billing	Close with no action
DENT120112	Quality of care/substandard practice	Close with no action
DENT150405	Quality of care/substandard practice	Close with no action with respect to J.D. but schedule an interview with B.F.
DENT160399	Quality of care/substandard practice	Close with no action with respect to J.D. but schedule an interview with J.T.
DENT140005	Quality of care/substandard practice	Refer to the Department of Law
DENT150229	Quality of care/substandard practice	Close with no action
DENT160009	Quality of care/substandard practice	Refer to the Department of Law
DENT140264	Quality of care/substandard practice	Close with no action
DENT160380	Quality of care/substandard practice	Close with no action
DENT160157	Quality of care/substandard practice	Refer to the Department of Law
G.C.	Compliance with consent order	Send correspondence stating that the courses taken comply with his consent order

Correspondences

- S.A.M. Request for extension of sedation permit Table pending receipt of additional information
- R.D.C. Request for refund Request approved

Continuing Education Audit

- F.Q.H. Refer to Legal Officer for public consent order

Executive Director's Report – Ms. Tanja Battle

No report.

Attorney General's Report – Mr. Bryon Thernes

- D.C.G. Directed letter to send correspondence as amended
- Colinderes vs Battle Update provided

Mr. Thernes presented the following consent order for acceptance:

- S.R.R. Public consent order accepted

Legal Services – Ms. Anil Foreman

Ms. Foreman presented the following consent orders for acceptance:

- K.J.P. Public consent order accepted
- E.M.C. Public consent order accepted

Miscellaneous

- J.E.T. Refer to the Attorney General's office

Dr. Yeargan seconded and the Board voted in favor of the motion, with the exception of Dr. Mayfield, who recused himself from the vote regarding DENT160360.

At the Board's May 6, 2016 meeting, Dr. Holcomb discussed President and Vice-President terms for the Board. He appointed Dr. Nalley as Nominating Chair and asked that he report back with nominations for the June meeting. With that said, Dr. Nalley made a motion to elect Dr. Bert Yeargan as President and Dr. Tom Godfrey as Vice-President of the full Board. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to approve the Public and Executive minutes for the June 10, 2016 meeting. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to include the letter that the Attorney General's office wrote on behalf of the Board dated May 10, 2016 to Mr. Mel Goldstein in the meeting minutes. Dr. Nalley seconded and the Board voted unanimously in favor of the motion. A copy of the letter is provided below:



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May 10, 2016

Mel Goldstein
248 Roswell Street
Marietta, Georgia 30060

Mr. Goldstein,

Your letters to the dental board members dated April 18, 2016, have been referred to me for response. I have discussed this matter with the board and the individual board members to whom you directed your correspondence. On their behalf and as the board's attorney:

The Board does not agree with your description of what transpired during the June 2015 Sedation Committee meeting.

The June 2015 minutes of the full board are accurate and will not be retracted.

When the board or its committees are in session, they are entitled to courteous behavior and decorum in their proceedings. You are cautioned that should you act with indecorum or discourtesy at future board or committee meetings, the board may elect to sanction you as for a contempt pursuant to O.C.G.A. § 43-11-14, or to suspend or terminate any interview or appearance.

Sincerely,

Bryon A. Thernes
Assistant Attorney General

BAT/mjg
cc: Georgia Board of Dentistry

Dr. Holcomb offered condolences to Ms. Bynum, on behalf of the Board, regarding the passing of her father, Dr. William Broadfoot. Dr. Holcomb recognized Dr. Broadfoot as a previous President of the Board.

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

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, July 22, 2016, at 10:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Operations Specialist
Minutes edited by Tanja D. Battle, Executive Director