

GEORGIA BOARD OF DENTISTRY
Rules Committee Meeting
June 13, 2014
2 Peachtree St., N.W. 36th Floor
Atlanta, GA 30303
7:30 a.m.

The following committee members were present:

Dr. Tom Godfrey
Dr. Bert Yeargan

Staff Present:

Bryon Thernes, Board Attorney
Anil Foreman, Legal Officer

The following Board member was present:

Dr. Richard Bennett

Visitors:

Wendy Blond, GDHA
Melana McClatchey, GDA
Jessica DuBois, GDA
Dr. Carol Wooden, AGD

Open Session

Dr. Godfrey established that a quorum was present and called the meeting to order 7:42 a.m.

Discussion Topics

Rule 150-2-.03: A.D.A. Directory

The Committee briefly discussed amending Rule 150-2-.03. The Committee discussed the purpose of the rule and whether it was essential to the operations of the Board. The Committee decided to recommend repeal of the rule. Dr. Godfrey made a motion to recommend to the full Board that it repeal Rule 150-2-.03 A.D.A. Directory. Dr. Yeargan seconded and the Committee voted unanimously in favor of the motion.

Rule 150-2-.04: Procedural Rules

Dr. Yeargan made a motion to recommend to the full Board that it repeal Rule 150-2-.04 Procedural Rules. Dr. Godfrey seconded and the Committee voted unanimously in favor of the motion.

Rule 150-3-.04: Applications. Amended.

The Committee reviewed the proposed amendments to the rule. Dr. Godfrey requested changing the term “other” to “all” to reflect appropriately the discussions of the Board at its last teleconference. Mr. Thernes suggested removing the term “etcetera” and the addition of the word “and” before “clinical skills.” After reviewing the discussed changes to the proposed amendments, the Committee decided to recommend the amendments to the full Board. Dr. Godfrey requested that the proposed amendments be printed for review by the full Board.

Rule 150-3-.06: Duplicate Licenses. Amended.

The Committee discussed the proposed amendments and decided to recommend the amendments to the full Board.

Rule 150-3-.07: Inactive Licensure Status. Amended.

The Committee discussed the proposed amendments and decided to recommend the amendments to the full Board.

Rule 150-3-.08: CPR Requirements for Dentists

The Committee discussed the proposed amendments and decided to recommend the amendments to the full Board.

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

The Committee discussed the proposed amendments. Dr. Godfrey stated that the proposed amendments should reflect “ten hours per year” instead of “ten hours per biennium.” Dr. Carol Wooden, AGD, noted that the language of the proposed amendment for Board service as continuing education was different from the language of all other provisions of the Rule, in that it referred to a “year” instead of a “biennium.” Dr. Godfrey suggested changing the proposed credits to “twenty hours per biennium.” The Committee decided to recommend the proposed amendments to the full Board.

Rule 150-4-.01: Investigations. Amended

The Committee reviewed the proposed amendments and decided to recommend the amendments to the full Board.

Rule 150-5-.02: Qualifications for Dental Hygienists

The Committee discussed the proposed amendments, which were intended to match the remediation and retake requirements for applicants for dental licensure. Ms. Blond provided additional information regarding the structure of the dental hygiene exam. She pointed out that the proposed amendments regarding failure of sections of the exam would not make sense because the exam is graded as a whole, rather than in parts. Dr. Godfrey suggested that the rule be reviewed by the full Board.

Rule 150-5-.04: CPR Requirements for Dental Hygienists

The Committee reviewed the proposed amendments and decided to recommend the amendments to the full Board.

Rule 150-5-.05: Requirements for Continuing Education for Dental Hygienists

The Committee discussed the proposed amendments. Dr. Godfrey stated that the proposed amendments should state “twenty hours per biennium” to match the dental continuing education Rule. Ms. Blond inquired as to whether the hygienist would be able to receive a full twenty hours per biennium. The Committee then discussed whether “twenty hours per biennium” is appropriate since dental hygienists are only required to obtain twenty-two hours of continuing education and fifteen of them must be scientific hours. Mr. Thernes suggested adding a dependent clause to the proposed amendments: “provided however that all other continuing education requirements regarding in-person, scientific, or other requirements of these rules be satisfied” or “provided that all other requirements are met.” Dr. Godfrey suggested that the rule be reviewed by the full Board.

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

The Committee discussed the proposed amendments and decided to recommend the amendments to the full Board after the language was changed to be the same as the proposed amendments to 150-3-.04.

Rule 150-8-.01: Unprofessional Conduct

The Committee discussed the proposed amendments. Ms. McClatchy, GDA, inquired about whether proposed amendment (s)(5) would inadvertently prevent otherwise innocuous situations, such as where a family member lent a dentist a loan in excess of the collateral. Ms. McClatchy also inquired about whether proposed amendment (t) would prevent dentists from forming a corporation together where they only practice at their individual locations but otherwise do not visit the other locations. Mr. Thernes talked to the Committee about drafting amendments to the rule to

empower dentists to control the clinical aspects of their practice without creating unintended consequences. Dr. Godfrey requested that the proposed amendments be sent to the entire Board in advance of the next meeting for consideration and discussion at the next meeting.

Rule 150-8-.02: Fee Splitting

The Committee discussed the proposed amendments. Ms. McClatchey asked about the meaning of “de minimus” in the context of the Rule. Dr. Godfrey requested that this rule also be included for discussion at the next full Board meeting.

Rule 150-12-.02: Bad Checks

The Committee reviewed the proposed amendments and decided to recommend the amendments to the full Board.

Rule 150-10-.01: Fraudulent, Misleading, or Deceptive Advertising

The Committee reviewed the proposed amendments. Dr. Wooden asked if the proposed prohibition of advertising services of a person not actively licensed to practice dentistry in Georgia would prevent a dentist from advertising his/her practice of teeth whitening in a spa with cosmetologists and massage therapists. Ms. McClatchey asked about whether the proposed prohibition on advertising services with the name of an unlicensed person would occur sufficiently often to warrant amendment of the Rule. Mr. Thernes inquired as to whether the proposed amendments would be effective since the rule prohibits advertising of the services but does not prohibit the services themselves. Dr. Wooden suggested removing the word “or” in front of “broadcast advertising.” The Committee decided not to present the rule before the full Board at this time.

Rule 150-13-.01: Conscious Sedation Permits

The Committee discussed the proposed amendments to the Rule. Dr. Godfrey presented some research that he completed regarding the need for an EKG for non-general anesthesia and concluded that requiring an EKG for non-general anesthesia would be over-burdensome. Mr. Thernes inquired as to whether dentists would need specific additional training to read an EKG. Dr. Godfrey stated that requiring the EKG might discourage dentists from performing procedures that require conscious sedation and thus decrease the availability of care in the state. Ms. McClatchey asked if a dentist would always have to use the equipment if the facility was required to have it. Dr. Bennett asked if there would be a situation where a dentist would have it but not use it. Dr. Yeargan stated that the machine would be used under moderate sedation. The Committee decided that the requirement of the EKG should not be added to the proposed amendments and that the term “intravenous” should be changed to “moderate” to make the language more clear. The Committee decided to present the rule to the full Board for consideration.

Rule 150-13-.02: Deep Sedation – General Anesthesia Permits

The Committee reviewed the proposed amendments and decided to recommend the amendments to the full Board.

Approval of Minutes

Dr. Yeargan made a motion to approve the minutes of the March 14, 2014 Rules Committee Meeting. Dr. Godfrey seconded and the Committee voted unanimously in favor of the motion.

The next scheduled meeting of the Rules Committee will be held on Friday, July 18, 2014, at 7:30 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

There being no further business to come before the Committee, the meeting was adjourned at 8:53 a.m.

Minutes recorded by Anil Foreman, Legal Officer
Minutes edited by Tanja D. Battle, Executive Director