

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
June 21, 2019
10:00 a.m.

The following Board members were present:

Dr. Richard Bennett, President
Dr. Greg Goggans, Vice-President
Dr. Tom Godfrey
Dr. Michael Knight
Dr. Ami Patel
Dr. Parag Soni
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Max Changus, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney

Visitors:

Scott Maxwell, DOCS Education
Emily Yona, GDA
Callie Michael, GA School of Orthodontics
Dr. Kim Turner, Fulton Co. Board of Health
Alan Furness, DCG
Scott Lofranco, GDA
Allison Rowell, HelpAChildSmile
Dee Love, HelpAChildSmile
Pam Wilkes, HelpAChildSmile
John Watson, ADSO
TJ Kaplan, PDS
Katie Magstadt
Matt Adams
Paytie Howard
Tamara Evans

Open Session

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

Introduction of Visitors

Dr. Bennett welcomed the visitors. Dr. Bennett asked new members, Dr. Patel and Dr. Knight, to introduce themselves.

Approval of Minutes

Dr. Godfrey made a motion to approve the Public Session minutes for the May 3, 2019 Conference Call. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to approve the Executive Session minutes for the May 3, 2019 Conference Call. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to approve the Public Session minutes for the May 16, 2019 Emergency Conference Call. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to approve the Executive Session minutes for the May 16, 2019 Emergency Conference Call. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

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 from Dr. Eva Baciu

Dr. Godfrey made a motion to grant the rule variance as Dr. Baciu has demonstrated evidence of a substantial hardship. Additionally, based on the extenuating circumstances noted in her petition regarding the hours for each of the five years preceding application, the Board also finds that she has provided adequate justification for the variance. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Dr. Michael E. Huffer

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

Correspondence from Arden C. Miller

Dr. Godfrey made a motion to table this correspondence until the Board receives legal advice from Mr. Changus in Executive Session. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Lane Losee

The Board considered this request for clarification on the standard of care for new patients. Specifically, Mr. Losee asks if it is the standard of care, in Georgia, to complete a full mouth x-ray for every new patient seen for the first time at a practice, or is it sufficient to complete a 4 bitewing and 4 periapical unless the patient appears to require scaling and root planing, or other restorative work, and then complete additional appropriate imaging such as a full mouth x-ray for these patients. Dr. Godfrey made a motion to direct staff to respond by stating that decisions regarding such are determined by the provider based on his or her professional judgment and the needs of the patient. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

General – Dr. Richard Bennett

Election of Officers: Dr. Godfrey made a motion to nominate Dr. Goggans as President. Dr. Yeargan seconded. Dr. Bennett called for any additional nominations. There were none.

Dr. Yeargan made a motion to close nominations for President and elect Dr. Goggans. Dr. Knight seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to nominate Dr. Gay as Vice-President. Dr. Yeargan seconded. Dr. Bennett called for any additional nominations. There were none.

Dr. Patel asked what the duties of the President and Vice-President are. Dr. Bennett responded that the President oversees the meetings and works closely with staff to set monthly agendas. He stated it is a tremendous responsibility. He stated that the President may also be required to attend additional meetings and may, when appropriate, speak at events. Dr. Bennett stated that the President is also in charge of committee assignments. He stated that there is a great deal of communication between the President and staff in between meetings to ensure that the Board's business is attended to in a timely manner. Dr. Bennett stated that the Vice-President serves in this capacity when the President is not able to attend. He

stated that, often, the Vice-President is next in line for the presidency; however, the Board considers all factors to make a determination each year.

Dr. Yeargan made a motion to close nominations for Vice-President and elect Dr. Gay. Dr. Knight seconded and the Board voted unanimously in favor of the motion.

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. He stated there does not seem to be many courses out there; however, everyone must comply with the requirement. He added that certain organizations have programs and he thinks attendance may be an issue going forward. Dr. Goggans asked if GDA was offering a course at the upcoming meeting. Mr. Lofranco responded yes, and GDA will also offer an online course.

General Anesthesia Committee Report

No report.

Conscious Sedation Committee Report – Dr. Richard Bennett

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Bert Yeargan

Dr. Yeargan stated the fall exam schedule will be coming out soon and reminded the board members to sign up for the exams when available.

Dr. Yeargan reported that the Examination Review Committee met two weeks ago. He stated that any updated exams will be in the manuals.

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

Dr. Yeargan informed Dr. Patel and Dr. Knight that staff will provide their information to Ms. Renee Gideon and she will provide them with information on the examination. Dr. Yeargan stated that the Review Committee tries to assign examiners where he/she will best fit with other examiners and they request you to do three (3) a year.

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

Dr. Godfrey reported that the Rules Committee will meet on Friday, June 28, 2019. Dr. Yeargan stated he will attend.

Education Committee Report – Dr. Tom Godfrey

None

Long Range Planning Committee Report – Dr. Richard Bennett

No report.

CRDTS Steering Committee – Dr. Logan Nalley

No report.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director’s Report – Ms. Tanja Battle

Ms. Battle welcomed Dr. Patel and Dr. Knight.

Ms. Battle stated that as board members get replaced there is usually no opportunity to publicly thank past members. Ms. Battle acknowledged Dr. Treadway and Dr. Nalley for all of the work they did while on the Board.

PDMP Advisory Board Member: Ms. Battle stated that a replacement for Dr. Treadway is needed. She stated that this group usually meets once a quarter at DCH. Dr. Bennett indicated that we would need and willing and able board member to fill the role.

Attorney General’s Report – Mr. Max Changus

Mr. Changus welcomed Dr. Patel and Dr. Knight and explained his role with the Board.

Legal Services – Ms. Kimberly Emm

Ms. Emm welcomed Dr. Patel and Dr. Knight.

Appearance

Dr. Paytie Howard spoke to the Board regarding correspondence she submitted concerning an investment opportunity in a “Polished Dental Spa”. Dr. Howard thanked the Board for the opportunity to speak to its members. She stated she has been in practice for over twenty-five years. Dr. Howard stated she would like to condense her practice to focus on aligners and whitening, but also provide cleaning. She stated she wants to leave treatment plans to traditional practices. Dr. Bennett asked for specific scenarios as to how the business operates. Dr. Howard responded by stating the business is open to the public. She stated she is not necessarily interested in an aligner franchise. Dr. Bennett asked if someone needed a posterior composite how would they receive care? Dr. Howard responded that she hopes the individual would have a dentist of record, but in Gwinnett County there are a lot to whom referrals can be sent.

Dr. Goggans expressed his concern over no diagnostics and no x-rays. Dr. Howard stated that she is not there to give them an extensive treatment plan, but wants to offer what she offers. She stated she would tell a patient that it looks like they need follow up care before they can be seen by her. Discussion was held by Dr. Goggas regarding the routine and that there is the dentist that does the work and the

Orthodontist that does the aligners. He stated Dr. Howard is looking to do ortho, cleaning and whitening. Dr. Howard responded that her primary focus will be on aligners, cleanings and whitening, but she is not looking to take over ortho. Dr. Howard stated she wants to focus on middle-aged clients who are focused on beauty or patients who want to have cleanings more often or those that might not be insured. Dr. Godfrey commented “no x-rays?”. Dr. Howard responded that she can because she is licensed, but she would like to circumvent that. She stated she could take the traditional route, but wants to do something different. She stated her dream is to treat patients without insurance and focus on what she loves.

Dr. Bennett responded by stating that he believes Dr. Howard is asking the Board to approve her dream practice. He stated that the Board’s purpose is to protect the public. He stated there are many types of practices out there. He stated in Georgia with one license a dentist can do whatever he/she wants to do as long as they meet the standard of care. Dr. Bennett stated that the lack of diagnostic is a problem for him. He added that if she is focusing on aligning and tweaking teeth, he thinks that requires examinations and proper radiographic exams. He stated ultimately she can do what she wants to do the way she wants to do it, but she must meet the standard of care. He stated that if there is a problem she must be able to substantiate her practice and the lack of radiographs will become a problem. Dr. Howard responded that, as a licensed dentist, she can handle any problems. She stated in Gwinnett County there is an entire population that could benefit. She stated that she did not want to go through the extensive treatment planning. Dr. Godfrey stated that, as a board member, his concern is the potential public perception. He continued that if a layman walks in and there is a dentist onsite they think they are getting what they expect from a dentist, but to say that you do not want to take x-rays because you do not want to know about an issue is problematic. He stated that the person may leave with the perception that they do not have any problems. Dr. Goggans asked Dr. Howard about a scenario where a patient has short roots or internal resorptions. Dr. Howard responded that a history will tell her a lot and she will have a scanner for the aligners. She stated that they will have to see the history and scan the teeth and go from there. Dr. Howard stated that if the individual is not a good candidate based on age and prior orthodontic treatment, they would need to talk. She added that she is talking about minor movement here.

Dr. Bennett asked if there were any additional questions. There were none. He stated that if Dr. Howard was looking for approval for her methodology, he thinks she needs to review the statute and the rules governing the practice of dentistry. He stated that the Board wishes her the best of luck.

Dr. Tom Godfrey made a motion and Dr. Greg Goggans 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, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Michael Knight, Dr. Ami Patel, Dr. Parag Soni, and Dr. Bert Yeagan.

Executive Session

Appearances

- K.Q.M.
- T.N.E.

Licensure Overview Committee Appointments/Discussion Cases

- S.L.S.
- B.W.B.
- M.O.D.
- A.M.H.

Applications

- C.D.G.
- J.S.B.
- A.M.E.
- D.V.G.
- A.J.H.
- E.M.H.
- M.L.C.
- R.L.S.
- G.L.
- S.E.F.

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

- DENT140307
- DENT160494
- DENT170305
- DENT180043
- DENT180097
- DENT180120
- DENT180162
- DENT180254
- DENT180262
- DENT180314
- DENT180375

Executive Director’s Report – Ms. Tanja Battle

- 2018 CRDTS Dental Hygiene School Report

Attorney General’s Report – Mr. Max Changus

Mr. Changus provided an update on pending litigation.

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

Mr. Changus provided advice regarding the rule making process.

The Board received legal advice regarding Chapter 150-26 Mobile Dentistry.

Mr. Changus presented the following consent orders for acceptance:

- N.A.M.
- J.R.
- J.A.F.

Mr. Changus discussed the following individual:

- K.J.K.

Legal Services – Ms. Kimberly Emm

- P.L.P.

No votes were taken in Executive Session. Dr. Bennett 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 as follows:

Appearances

- | | | |
|----------|------------------------------|---------------|
| • K.Q.M. | Denied Rule Petition | Denial Upheld |
| • T.N.E. | Denied Credentials Applicant | Denial Upheld |

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|------------------------------------|--|
| • S.L.S. | Dental Exam Applicant | Approved application |
| • B.W.B. | Dental Credentials Applicant | Approved application |
| • M.O.D. | Dental Credentials Applicant | Approved request to withdraw application |
| • A.M.H. | Request to terminate consent order | Approved request |

Applications

- | | | |
|----------|------------------------------|--|
| • C.D.G. | Dental Credentials Applicant | Approved application |
| • J.S.B. | Dental Credentials Applicant | Approved pending receipt of additional information |
| • A.M.E. | Conscious Sedation Applicant | Table pending receipt of additional information |
| • D.V.G. | Conscious Sedation Applicant | Approved for provisional permit |
| • A.J.H. | Dental Hygiene Reinstatement | Table pending receipt of additional information |
| • E.M.H. | Dental Hygiene Reinstatement | Approved application |
| • M.L.C. | Dental Hygiene Reinstatement | Approved pending receipt of additional information |
| • R.L.S. | Dental Hygiene Reinstatement | Approved application |
| • G.L. | Dental Faculty Applicant | Approved application |
| • S.E.F. | Dental Faculty Applicant | Approved application |

Investigative Committee Report – Dr. Bert Yeargan

Report presented:

Complaint Number	Allegations	Recommendation
DENT140307	Quality of Care/Substandard Practice	Close No Action
DENT160494	Quality of Care/Substandard Practice	Refer to Department of Law
DENT170305	Quality of Care / Substandard Practice	Refer to Department of Law
DENT180043	Quality of Care / Substandard Practice	Close No Action
DENT180097	Quality of Care/Substandard Practice	Refer to Department of Law
DENT180120	Quality of Care / Substandard Practice	Close No Action
DENT180162	Quality of Care/Substandard Practice	Refer to Department of Law
DENT180254	Quality of Care / Substandard Practice	Refer to Department of Law
DENT180262	Quality of Care / Substandard Practice	Close No Action

DENT180314	Unlicensed Practice	Refer to Department of Law
DENT180375	Quality of Care/Substandard Practice	Refer with DENT180314

Executive Director’s Report – Ms. Tanja Battle

- 2018 CRDTS Dental Hygiene School Report: No action

Attorney General’s Report – Mr. Max Changus

Mr. Changus provided an update on pending litigation.

Mr. Changus discussed the list of non-compliant dentists as it relates to the PDMP requirements. Rescind order on J.B., but retain the fine. Additionally, rescind all PDMP referrals for consent orders and instead issue a letter of concern and fine.

The Board received legal advice regarding Chapter 150-26 Mobile Dentistry.

Mr. Changus presented the following consent orders for acceptance:

- N.A.M. Public Consent Order accepted
- J.R. Private Interim Consent Order accepted
- J.A.F. Public Consent Order accepted

Mr. Changus discussed the following individual:

- K.J.K. Deny counterproposal

Legal Services – Ms. Kimberly Emm

- P.L.P. Accept LEAP course submitted

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

Dr. Goggans made a motion to appoint Dr. Knight as a representative for the PDMP Advisory Board. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

Dr. Tom Godfrey made a motion and Dr. Ami Patel seconded and the Board 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. Richard Bennett, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Michael Knight, Dr. Ami Patel, Dr. Parag Soni, and Dr. Bert Yeargan.

Executive Session

- Correspondence from A.C.M.

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

Open Session

Dr. Godfrey made a motion to approve the recommendation based on deliberations made in Executive Session as follows:

Correspondence from Arden C. Miller

The Board directed staff to respond to Ms. Miller by referring her to O.C.G.A. § 43-11-47(a)(7)(A) for further information. Additionally, if Ms. Miller would like to schedule an appointment with the Board to further discuss this matter, to contact the Board office.

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

In regards to pending litigation, Dr. Godfrey made a motion to request that all named board members and former board member be emailed copies of all pleadings and orders upon receipt or filing and that the Attorney General or Special Assistant Attorney General provide written analysis of such within seven business days. Dr. Patel seconded and the Board voted unanimously in favor of the motion.

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 on Friday, July 12, 2019, at 10:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Kimberly Emm, Attorney
Minutes edited by Tanja D. Battle, Executive Director