

**GEORGIA BOARD OF DENTISTRY**  
**Conference Call**  
**2 Peachtree St., N.W., 6<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**June 3, 2022**  
**10:00 a.m.**

**The following Board members were present:**

Dr. Greg Goggans  
Dr. Michael Knight  
Ms. Misty Mattingly  
Dr. Larry Miles  
Mr. Mark Scheinfeld  
Dr. Don Spillers  
Dr. Brent Stiehl  
Dr. Debra Wilson

**Staff present:**

Eric Lacefield, Executive Director  
Max Changus, Assistant Attorney General  
Jennifer Milton, Assistant Attorney General  
Clint Joiner, Attorney  
Brandi Howell, Business Support Analyst I

**Visitors:**

Pam Cushenan, GDHA  
Dr. Randy Kluender, GA School of Orthodontics  
Dr. Rodney C. Hill, CRDTS  
Richael Cobler, CRDTS  
Thomas Beusse, GDA  
Lauren Pollow, PDS  
Cindy Hughes, Augusta University  
Dr. Daniel S. Miler  
Dr. Alan Furness, Dental College of Georgia  
John Watson, ADSO  
Dr. Riham Diasti

**Open Session**

Dr. Goggans established that a quorum was present and called the meeting to order at 10:03 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**

Dr. Knight made a motion to approve the Public and Executive Session minutes from the May 6, 2022, meeting. Mr. Scheinfeld seconded, and the Board voted unanimously in favor of the motion.

**Report of Licenses Issued**

Dr. Wilson made a motion to ratify the list of licenses issued. Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

Dr. Knight made a motion and Dr. Wilson 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. Greg Goggans, Dr. Michael Knight, Ms. Misty Mattingly, Dr. Larry Miles, Mr. Mark Scheinfeld, Dr. Don Spillers, Dr. Brent Stiehl, and Dr. Debra Wilson.

## Executive Session

The Board requested legal advice.

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

## Open Session

### **Petitions for Rule Waiver or Variance**

**Rule Variance Petition from Dr. Riham Diasti:** Mr. Scheinfeld made a motion to table the rule petition until the Board's July 1<sup>st</sup> meeting to allow additional time for consideration. Dr. Knight seconded, and the Board voted unanimously in favor of the motion.

**Rule Variance Petition from Dr. Daniel S. Miler IV:** The Board considered this request for a variance of Rule 150-7-.04(1)(c). Dr. Miler was on the call and spoke to the Board regarding his request. Dr. Miler explained that he was a United States Navy Veteran trying to support his family. He continued by stating that he passed the ADEX exam in 2017. Dr. Stiehl inquired if Dr. Miler could apply for licensure by examination. Dr. Goggans responded affirmatively. Mr. Lacefield added that the Board had previously stated it would consider ADEX results taken in 2015 or later. Dr. Stiehl made a motion to deny the petition since the Board determined at its meeting on October 1, 2021, that there have been no changes to the content of the ADEX examination since 2015, and as such, it would consider live patient ADEX examinations taken in 2015 or later without a rule variance petition. Dr. Wilson seconded, and the Board voted unanimously in favor of the motion.

**Rule Waiver Petition from Dr. Duke O. Okeke:** The Board considered this request for a waiver of Rule 150-3-.01(7)(f)(3). Dr. Okeke was on the call and spoke to the Board regarding his request. Dr. Okeke explained that he was hired by a company and brought to Georgia on a contract. He stated that the rule requires him to have passed a live patient examination, but he took the Class II restorative portion on a manikin due to COVID restrictions. Dr. Okeke stated that the company paid for short-term housing expenses and he is now having difficulty finding a place to live. Dr. Goggans inquired if there were any comments. Dr. Stiehl stated Dr. Okeke qualifies for licensure by examination. Mr. Lacefield commented that Dr. Okeke passed the manikin portion of the exam during a time the Board was not accepting a manikin-based examination. He further commented that Dr. Okeke was requesting a waiver of the manikin portion of the exam. Dr. Okeke affirmed that was correct and stated that the Class II restorative portion was the only portion taken on a manikin. He further stated that he could not afford to take the exam on a live patient. There being no further discussion, Dr. Stiehl made a motion to grant the petition based on the special circumstances related to the COVID-19 pandemic, as noted in Dr. Okeke's petition. Additionally, the Board also finds that Dr. Okeke provided adequate justification for the waiver since he passed the ADEX live patient exam in 2020, and Class II restorative portion on a manikin. Dr. Wilson seconded, and the Board voted unanimously in favor of the motion.

### **Correspondence**

**Correspondence from Thomas Beusse, GDA:** Mr. Beusse was on the call and spoke to the Board regarding his correspondence. Mr. Beusse explained that the Georgia Dental Association had received concerns regarding the language in Rule 150-13-.01 Conscious Sedation Permits adopted by the Board at its May 2022 meeting. He requested clarification regarding the meaning of the phrase:

“The facility shall have continual monitoring of end tidal CO<sub>2</sub> (expired carbon dioxide) *unless invalidated by the nature of the patient, procedure, or equipment.* ‘Continual’ shall mean “repeated regularly and frequently in steady rapid succession.” (Emphasis added)

Dr. Knight responded by stating that end tidal CO2 equipment has to be available as a standard of care, but like any procedure, it is at the discretion of the dentist in charge as to whether or not it is used. He stated that it has to be available just like any other equipment required. Dr. Knight inquired if that answered the question. Mr. Beusse responded by stating that it partially answered his question. Mr. Beusse stated that GDA understands there are certain things that may present in a patient where the dentist would not be able to use end tidal equipment as well as certain procedures where the dentist may not be able to monitor end tidal CO2. Mr. Scheinfeld inquired if this was the same language adopted by the American Society of Anesthesiology that has been in place for years. Dr. Knight responded by stating that he was unsure about the timeframe, but the language was adopted based on it being the standard of care. He explained that the equipment has to be available like any other equipment for surgery, but it is up to discretion of the dentist as to whether or not it is used on the patient. Dr. Goggans inquired if the dentist could upgrade his/her system presently, or could he/she can buy standalone CO2 monitors. Dr. Knight responded by stating that with the new monitors it is part of the monitoring system, but for the older systems, there are adaptors one can put in place. Dr. Knight stated that it does not have to be used unless the dentist feels it is needed. Dr. Goggans asked if the rule gives leeway for the dentist not to monitor end tidal CO2. Dr. Knight affirmed that was correct.

### **Sleep Apnea Committee Report – Dr. Michael Knight**

Dr. Knight reported that the Committee met virtually on May 27, 2022. He stated that the Committee recommended amending the current policy to reflect the following:

*The Georgia Board of Dentistry met on April 1<sup>st</sup>, 2022, and addressed the ability of dentists to order a sleep study.*

*The Board's opinion has changed since 2016 and recommends the adoption of the following to be updated in the Georgia Board of Dentistry Policy Manual:*

- *Georgia dentists are not prohibited from ordering sleep apnea tests. Diagnosis of sleep apnea is solely in the purview of the patient's physician and the practice of medicine.*
- *Dentists are allowed to dispense portable monitors for patients at risk for sleep apnea.*
- *Dentists are allowed to order portable monitors for patients identified by the dentist as being at risk for sleep apnea.*
- *Dentists are allowed to use a portable monitor to help determine the optimal effective position of a patient's oral appliance.*
- *Dentists are allowed to order a portable monitor to verify the effectiveness of an oral appliance.*

Dr. Knight inquired if Ms. Mattingly or Dr. Stiehl had any comments. Dr. Stiehl responded by stating that he strongly feels a dentist should be allowed to order a home sleep test as dentists screen many patients that have sleep related or apneic issues. He added that it would be a good tool to screen patients for better health in general.

Dr. Spillers commented that allowing dentists to order a sleep apnea test gives the dentist the ability to serve the public better.

Mr. Beusse commented that GDA did not have an official position on this matter. He thanked Ms. Howell and Mr. Lacefield for sending him the suggested language to review. He inquired if this language would replace the existing policy. Mr. Changus responded by stating that it is a shift from the Board's previous policy statement which is pretty limited. Dr. Goggans added that it was his understanding that this would replace the current policy. Mr. Beusse responded by stating that if the suggested language does replace the current policy, under the current policy dentists are also prohibited from fabricating sleep apnea appliances unless it has been ordered by a physician. He asked if the Board would be keeping that in place. Ms.

Mattingly commented that there was language in the proposed statement presented stating that the sleep apnea diagnosis has to be determined by a physician. After discussion, Mr. Beusse suggested adding the sentence from the existing policy that reads in part, “only under the orders of a physician should a dentist fabricate a sleep apnea appliance for the designated patient.” Ms. Mattingly and Dr. Stiehl agreed it was reasonable to add the language.

In regard to the sentence, “*Georgia dentists are not prohibited from ordering sleep apnea tests*”, Mr. Beusse inquired if this was referencing a “home” sleep apnea test, or a more comprehensive test. Ms. Mattingly responded by stating that the Committee only discussed a take home sleep test because it would be dispensed from a dentist and a more extensive test would come from a physician. Mr. Beusse stated the way the sentence reads could mean a range of sleep apnea tests. Dr. Stiehl commented that the word “home” could be added to the first bullet item. He continued by stating that the intent is for a dentist to screen. He stated that if the readings indicate the patient has apnea, then the dentist would refer the patient to a physician. Dr. Stiehl further stated that the physician may choose to do an in person sleep study, and at that point the physician is the one diagnosing. He reiterated that the Board’s intent is to allow the dentist to screen the patient. Mr. Beusse stated that he understood and just wanted to request clarification.

Discussion was held regarding the second and third bullet points in the statement. Mr. Beusse suggested adding, “*identified by the dentist as being at risk for sleep apnea*” to the second bullet point to make the language in both the second and third bullet points consistent.

Mr. Changus requested Mr. Beusse put his suggestions in writing and submit them to the Board. Dr. Knight asked Mr. Beusse to submit the suggested changes to Ms. Howell and once those are received, the Committee could meet to review the language and present to the full Board.

#### **Attorney General’s Report – Mr. Max Changus**

No report.

#### **Executive Director’s Report – Mr. Eric Lacefield**

Mr. Lacefield reported that Mr. Clint Joiner has been hired as the new attorney. Mr. Lacefield stated that Mr. Joiner was on the virtual call and would be observing the meeting.

Mr. Lacefield stated that the July meeting was rescheduled to July 1<sup>st</sup> and would be held in person only. He continued by stating that members of the public wishing to attend Open Session would need to physically attend as there will not be an option to call in to the meeting.

#### **Rules Discussion**

**Rule 150-8-.01 Unprofessional Conduct:** Mr. Changus stated that in response to the discussion regarding the administration of local anesthesia, the Attorney General’s office suggested that it would be appropriate for the Board to make the dentist responsible if he/she failed to ensure that his/her dental hygienists have complied with the requirements. He further stated that Ms. Mattingly provided proposed language regarding this matter for consideration by the Board.

Ms. Mattingly commented that the proposed language states that both the dentist and dental hygienist are responsible for ensuring the dental hygienist has met the requirements for providing local anesthesia, and if the dental hygienist does not meet the requirements, both the dentist and the dental hygienist could be sanctioned by the Board.

Dr. Goggans asked if the Board should add language describing the requirements. Mr. Changus responded affirmatively. He stated that he would like to revise the language to clarify the rule the Board voted to post. He further stated that the Board is saying that the failure to ensure the dental hygienist providing local

anesthesia has met the requirements is considered unprofessional conduct. Mr. Changus added that he will work with Ms. Mattingly and board staff to clarify the language.

**Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising:** Dr. Goggans stated that, per advice from the Attorney General’s office, the Board needs to have a policy discussion regarding the underlying need for this rule, if the proposed rule prevents harm, etc. He inquired if this was a solution looking for a problem, and asked is it needed. Mr. Changus responded by stating that was in line with how the Attorney General’s office looked at it as well. He added that there needs to be a particular basis for enforcing this rule. Dr. Goggans responded by stating that he was not sure where the proposed language came from. Mr. Changus commented that he thought Dr. Maron researched and gathered the information from the North Carolina Board. Dr. Goggans commented that he could not think of how this solves anything. Mr. Lacefield responded by stating that if there was no further desire from the Board to make amendments to the rule, then it did not need to do anything further. There were no further comments from the Board.

**Examination for Licensure:** Dr. Goggans noted that the Board received correspondence from Richael Cobler, CRDTS. Ms. Cobler was on the call and spoke to the Board regarding the correspondence. Ms. Cobler stated that Dr. Rodney Hill, CRDTS, was also on the call. Ms. Cobler explained that the documentation provided was information comparing the CRDTS patient-based exam to the simulated patient periodontal and restorative examinations. She stated that Dr. Edwards, Director of Dental Examinations, felt the information would be helpful to the Board for its discussion on this topic. Dr. Goggans stated that he would like additional time on the July agenda to provide a brief history on what exams have been accepted to bring everyone up to speed and to also give suggestions on where the Board is heading in the future. Mr. Lacefield responded that staff will add this topic to the July agenda. Ms. Cobler inquired if the meeting would be in person only going forward and if members of the public could attend. Dr. Goggans affirmed that was correct.

Dr. Knight made a motion and Dr. Stiehl seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h), § 43-11-47(h), and § 43-1-2(h), 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, Ms. Misty Mattingly, Dr. Larry Miles, Mr. Mark Scheinfeld, Dr. Don Spillers, Dr. Brent Stiehl, and Dr. Debra Wilson.

**Executive Session**

**Appearance**

- R.D.

**Licensure Overview Committee Appointments/Discussion Cases**

- T.B.T.
- A.G.D.
- DENT220171
- D.C.W.
- E.T.L.

**Applications**

- D.O.O.
- A.C.
- B.C.S.
- J.S.C.
- S.B.M.

- T.B.M.

**Correspondences**

- J.D.B.
- M.L.

**Investigative Committee Report – Dr. Brent Stiehl**

Dr. Stiehl reported the Committee would meet an additional Friday once or twice per month to discuss cases.

**Attorney General’s Report – Mr. Max Changus**

Mr. Changus presented the following consent orders for acceptance:

- N.P.
- S.R.B.
- C.H.

Mr. Changus discussed the following case:

- DENT210274

The Board received legal advice regarding Rule 150-5-.07 Administration of Local Anesthetic by Dental Hygienist Designation.

**Executive Director’s Report – Mr. Eric Lacefield**

No report.

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

**Open Session**

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

**Appearance**

- |  |                                     |                      |
|--|-------------------------------------|----------------------|
| <ul style="list-style-type: none"> <li>• R.D.</li> </ul> | <p>Denied Credentials Applicant</p> | <p>Uphold denial</p> |
|--|-------------------------------------|----------------------|

**Licensure Overview Committee Appointments/Discussion Cases**

- |  |                                       |  |
|--|---------------------------------------|--|
| <ul style="list-style-type: none"> <li>• T.B.T.</li> </ul>     | <p>Request to Terminate Probation</p> | <p>Approved request</p>                                |
| <ul style="list-style-type: none"> <li>• A.G.D.</li> </ul>     | <p>Pending Credentials Applicant</p>  | <p>Reschedule to July</p>                              |
| <ul style="list-style-type: none"> <li>• DENT220171</li> </ul> | <p>Dental Hygiene Licensee</p>        | <p>Refer to the Department of Law</p>                  |
| <ul style="list-style-type: none"> <li>• D.C.W.</li> </ul>     | <p>Dental Hygiene Licensee</p>        | <p>Table pending receipt of additional information</p> |
| <ul style="list-style-type: none"> <li>• E.T.L.</li> </ul>     | <p>Request to Terminate Probation</p> | <p>Approved request</p>                                |

**Applications**

- |  |                                       |   |
|--|---------------------------------------|---|
| <ul style="list-style-type: none"> <li>• D.O.O.</li> </ul> | <p>Dental Examination Applicant</p>   | <p>Approved application</p>   |
| <ul style="list-style-type: none"> <li>• A.C.</li> </ul>   | <p>Initial Moderate Parenteral CS</p> | <p>Approved evaluation</p>  |
| <ul style="list-style-type: none"> <li>• B.C.S.</li> </ul> | <p>Initial Moderate Parenteral CS</p> | <p>Approved evaluation</p>  |
| <ul style="list-style-type: none"> <li>• J.S.C.</li> </ul> | <p>Initial General Anesthesia</p>     | <p>Approved evaluation</p>  |
| <ul style="list-style-type: none"> <li>• S.B.M.</li> </ul> | <p>Denied Dental Reinstatement</p>    | <p>Tabled until July meeting to allow additional time to review</p> |

- T.B.M. Dental Faculty Applicant Approved application

**Correspondences**

- J.D.B. Request for waiver of late renewal fee Denied request
- M.L. Request regarding remediation course Denied request for approval of online courses/Approval granted for individual to complete remediation course offered by Promethean Dental Systems.

**Investigative Committee Report – Dr. Brent Stiehl**

Dr. Stiehl reported the Committee would meet an additional Friday once or twice per month to discuss cases.

**Attorney General’s Report – Mr. Max Changus**

Mr. Changus presented the following consent orders for acceptance:

- N.P. Public Consent Order accepted
- S.R.B. Public Consent Order accepted
- C.H. Public Consent Order accepted

Mr. Changus discussed the following case:

- DENT210274 Update provided

The Board received legal advice regarding Rule 150-5-.07 Administration of Local Anesthetic by Dental Hygienist Designation.

**Executive Director’s Report – Mr. Eric Lacefield**

No report.

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

With no further business, the Board meeting adjourned at 12:26 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, July 1, 2022, 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 Brandi Howell, Business Support Analyst I

Minutes edited by Eric R. Lacefield, Executive Director