

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
June 4, 2021
10:00 a.m.

The following Board members were present:

Dr. Tracy Gay, President
Dr. Brent Stiehl, Vice-President
Dr. Greg Goggans
Dr. Michael Knight
Dr. Glenn Maron
Ms. Misty Mattingly
Mr. Mark Scheinfeld
Dr. Debra Wilson
Dr. Bert Yeargan

Staff present:

Eric Lacefield, Executive Director
Kirsten Daughdril, Senior Assistant Attorney General
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Dr. Carol Lefebvre
Dr. Randy Kluender

Open Session

Dr. Gay 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. Yeargan made a motion to approve the Public and Executive Session minutes from the May 7, 2021 Conference Call. Dr. Stiehl 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.

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Akshaykumar Bhala: Discussion was held regarding the Governor’s Executive Order 05.07.21.01, which allows dental applicants to submit results from CRDTS or ADEX manikin-based typodont examinations taken on or after January 1, 2021. Dr. Maron responded by asking if the Public Health State of Emergency had been extended through the end of June, would this individual be allowed to take the manikin-based exam. Mr. Lacefield responded by stating that this individual passed the manikin-based exam in December prior to January 1, 2021. Dr. Yeargan commented by stating that if the Board made an exception, it would have to make an exception for everyone else. Dr. Gay stated that he does not necessarily agree with that. Dr. Yeargan made a motion to deny the petition. There was no second. Dr. Wilson made a motion to grant the petition based on Dr. Bhalala passing the manikin exam in December. The motion was not seconded. Discussion was held by the Board. Dr. Stiehl commented that he would be in favor of granting the request; however, feels it would create a complicated situation and lead to more problems. Mr. Changus explained that one of the rules Dr. Bhalala cited in the petition has been suspended and the Board cannot grant a waiver from a suspended rule. Dr. Goggans requested

clarification from Mr. Changus. Mr. Changus stated that the Governor's Executive Order temporarily suspends Emergency Rule 150-3-0.2-.11 and as such, the Board could not grant a variance or waiver of a rule that is not in effect. Dr. Yeargan made a motion to deny the petition. Dr. Goggans seconded the motion and the Board voted in favor of the motion, with the exception of Dr. Wilson, who opposed.

Rule Variance Petition from Dr. Albert Young Hoon Lee: Dr. Gay stated that in the time that Dr. Lee has submitted his petition, Dr. Lee's circumstances have changed, and his permanent license has been issued. As such, Dr. Goggans made a motion to deny the rule variance petition. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Alexandra L. Coleman, DN016079: Dr. Goggans explained that Dr. Coleman requested a variance of 150-14-.04(d). He further explained that the course Dr. Coleman has taken, MedAesthetics, is not a board-approved course. Dr. Goggans requested Dr. Maron and Dr. Bennett review the course to see if it is an acceptable course. Dr. Goggans made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Allison Maxwell: Dr. Wilson made a motion to grant the rule variance petition based on the special circumstances related to the COVID-19 pandemic. Ms. Mattingly seconded the motion and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Dustin T. Osborne: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, refer Dr. Osborne to Executive Order 05.07.21.01 posted on the Board's website. Dr. Maron seconded. Discussion was held by Dr. Maron, who stated that any specialist who does not perform clinical dentistry on a regular basis is at a disadvantage because of the requirements in Rule 150-7-.04(5)(a). He further stated that the Board is requiring the specialists to do procedures he/she would not normally do. Dr. Maron commented that he has volunteered to draft language for the Rules Committee that would address this issue. With no further discussion, the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Janelle Cooper: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, refer Dr. Cooper to O.C.G.A. § 43-11-41 and Rule 150-7-.04 Dental Provisional Licensure by Credentials to see if she meets the requirements for such. Mr. Scheinfeld seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Kishen Patel: Dr. Wilson made a motion to grant the rule variance petition based on the special circumstances related to Dr. Patel's sister's medical conditions. The Board also finds that Dr. Patel has provided adequate justification for the variance since he successfully passed the 2019 ADEX clinical examination, which involved a live patient. Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Rachel Bayles: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, refer Dr. Bayles to Executive Order 05.07.21.01 posted on the Board's website. Mr. Scheinfeld seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Sheldon Rozman: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Mr. Scheinfeld seconded, and the Board voted in favor of the motion, with the exception of Dr. Goggans, who opposed.

Rule Variance Petition from Dr. Sruthi Satishchandran: Dr. Gay discussed this petition and stated that Dr. Satishchandran passed ADEX 2017/2018 and is petitioning the Board on behalf of individuals that have taken ADEX after January 1, 2016. Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Wilson seconded. Discussion was held. Dr. Maron inquired as to whether Dr. Satishchandran requested the variance for himself. Dr. Gay responded that Dr. Satishchandran did submit the petition for himself but believes Dr. Satishchandran is also requesting the Board amend its rule to accept scores from ADEX taken on or after January 1, 2016. Dr. Maron responded by stating that it is his recommendation that Dr. Satishchandran resubmit the petition for himself only. With no further discussion, the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Vicky Patel: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated; however, refer Dr. Patel to Executive Order 05.07.21.01 posted on the Board's website. Mr. Scheinfeld seconded, and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Brian Bins: Dr. Yeargan made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Mr. Scheinfeld seconded, and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Jennifer Caroline: Dr. Maron made a motion to grant a rule variance based on the Board's finding that Dr. Caroline has demonstrated evidence of a substantial hardship. The Board also finds that Dr. Caroline provided adequate justification for a variance since she successfully passed the NERB examination, completed a fellowship in Orthognathic Surgery, is practicing as an oral and maxillofacial surgeon in Texas, as well as having active licenses in Pennsylvania and Florida. The variance is granted with the condition that Dr. Caroline agrees to take and successfully negotiate CRDTS, or another Board recognized exam. Dr. Wilson seconded and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Lisa Perlow: Dr. Goggans made a motion to grant the rule waiver petition based on the Board's finding that Dr. Perlow has demonstrated evidence of a substantial hardship. The Board also finds that Dr. Perlow provided adequate justification for a waiver since she successfully completed a General Practice Residency and passed the 2021 ADEX examination. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Mr. Lacefield requested the Board circle back to the petition from Dr. Coleman. He stated that Dr. Goggans requested the MedAesthetics course be reviewed Dr. Maron and Dr. Bennett. Mr. Lacefield stated that there is a procedure for reviewing courses. He added that there is an "Injectable Pharmacologics Continuing Education Program Application" on the Board's website and if MedAesthetics wished to apply, the company can submit an application for the Board's consideration. Dr. Goggans withdrew his comment requesting Dr. Maron and Dr. Bennett to review the course.

Correspondence from Laretha Lockhart

The Board discussed this correspondence from Dr. Lockhart regarding whether a dentist is required to keep lab models used by a dental lab to fabricate fixed or removeable prosthesis. Mr. Scott Lofranco, GDA, commented that he spoke with Dr. Lockhart regarding this issue. He stated that it is a common question received by GDA. Mr. Lofranco stated the language in the rule is broad and requested the Board consider revising the rule to be more specific. The Board directed staff to respond to Dr. Lockhart by stating the models described in Dr. Lockhart's letter would not be required to be kept. Additionally, the Board requested the matter be referred to the Rules Committee to address section (h)(4) of Rule 150-8-.01.

Correspondence from Joon Koh

The Board considered this correspondence regarding sleep testing. Specifically, Dr. Koh's correspondence is regarding a device called STATDDS Sleep and Bruxism Device. Dr. Koh inquired as to whether a dentist is allowed to perform the test since bruxism falls into a dentist's scope of practice. Dr. Maron stated that the policy clearly states a sleep apnea appliance must be prescribed and interpreted by a physician. Mr. Scheinfeld commented that the policy needs to be amended to allow a dentist to diagnose sleep apnea. Dr. Gay responded by stating that he does not believe dentists should be diagnosing sleep apnea as there is a lot of opposition concerning that matter. Dr. Maron stated that he agrees the policy should be updated. He commented that if a dentist can order an MRI for TMJ, he/she should be able to order a sleep study. He added that it would need to be interpreted by a physician. Dr. Stiehl commented that dentists are the first line of defense and if the issue concerns access to care, the dentist has better access. Dr. Maron made a motion to refer the matter to the Rules Committee to consider amending the policy. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Anna D'Emilio, NYU Langone Dental Medicine

The Board considered this correspondence regarding residents of the Advanced Education in General Dentistry Program of NYU Langone Hospitals-Georgia Region. Mr. Scheinfeld commented that it is his understanding that in New York, if an individual completes a residency program, he/she does not have to take a clinical exam to be licensed as a dentist. He inquired as to whether New York can send an individual to Georgia and that individual obtain a Georgia dental license. Dr. Wilson stated that she contacted Dr. D'Emilio, who stated the facility was just providing the Board information on its students that were in Georgia. She added that the residency does not require the individual to hold a dental license. After further discussion, the Board stated the letter was for informational purposes only.

General – Dr. Tracy Gay

No report.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

No report.

Legal Services – Ms. Kimberly Emm

No report.

Miscellaneous

Election of Officers: Dr. Yeargan made a motion to elect Dr. Maron as President and Dr. Patel as Vice-President. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

GDA Annual Meeting: Dr. Gay informed Dr. Maron that he received an invitation for the President of the Board to speak at GDA's annual meeting on July 15th. Dr. Gay stated that he notified GDA that he was not able to attend; however, the Board would be electing a new President that may be available. Dr. Maron responded that he would notify Mr. Lacefield within the next 24 hours if he is able to attend. Mr. Lofranco commented that GDA would be happy to have Dr. Maron attend the meeting. Dr. Goggans commented that he would be at the meeting if Dr. Maron is unable to attend.

Dr. Bert Yeargan made a motion and Dr. Glenn Maron 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), § 43-1-2(k), and § 50-14-3(b)(2) to deliberate and receive information on applications, investigative reports, the Assistant Attorney General's report, and discuss personnel matters. Voting in favor of the motion were those present who

included Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Brent Stiehl, Dr. Debra Wilson, and Dr. Bert Yeargan.

Executive Session

Appearance

- R.S.H.

Licensure Overview Committee Appointments/Discussion Cases

- A.L.E.
- D.J.B.

Applications

- D.M.S.
- J.M.
- M.O.A.
- N.P.
- L.R.T.
- P.J.C.
- M.C.P.
- M.C.A.
- C.T.Q.
- A.M.
- A.E.
- A.N.I.
- T.R.S.

Investigative Committee Report – Dr. Brent Stiehl

Report presented:

- DENT200031
- DENT210060
- DENT210146
- DENT210341
- DENT210454
- DENT200406

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- P.B.K.
- K.C.
- M.F.

Mr. Changus discussed the following case:

- DENT190300

The Board received legal advice regarding Proposed Amended Rules 150-13-.01 and 150-5-.03.

Executive Director’s Report – Mr. Eric Lacefield

The Board discussed staffing matters.

Legal Services – Ms. Kimberly Emm

- M.H.
- K.C.
- R.L.D.

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

Open Session

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

Appearance

- R.S.H. Denied Credentials Applicant Overturn denial and approve

Licensure Overview Committee Appointments/Discussion Cases

- A.L.E. Request to terminate probation Denied request
- D.J.B. Request to change monitoring physician Approved request

Applications

- D.M.S. Dental Hygiene Credentials Approved application
- J.M. Dental Hygiene Credentials Approved application
- M.O.A. Dental Hygiene Credentials Tabled pending receipt of additional information

- N.P. Dental Credentials Applicant Denied application
- L.R.T. Dental Credentials Applicant Denied application
- P.J.C. Dental Credentials Applicant Denied application
- M.C.P. Moderate Parenteral Conscious Sedation Approved evaluation
- M.C.A. Moderate Parenteral Conscious Sedation Approved evaluation
- C.T.Q. General Anesthesia Approved evaluation
- A.M. Moderate Parenteral Conscious Sedation Approved for provisional permit
- A.E. Moderate Parenteral Conscious Sedation Approved for provisional permit
- A.N.I. Moderate Parenteral Conscious Sedation Approved for provisional permit
- T.R.S. Dental Faculty Applicant Approved application

Investigative Committee Report – Dr. Brent Stiehl

Report presented:

Complaint Number	Allegations	Recommendation
DENT200031	Quality of Care/Substandard Practice	Close with No Action
DENT210060	Quality of Care/Substandard Practice	Close with No Action
DENT210146	Billing	Close with No Action
DENT210341	Quality of Care/Substandard Practice	Close with No Action
DENT210454	Unprofessional Conduct	Close with No Action
DENT200406	Action by Another Board/Agency	Close with No Action

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- P.B.K. Public Consent Order accepted

- K.C. Public Consent Agreement for Licensure accepted
- M.F. Public Consent Order accepted

Mr. Changus discussed the following case:

- DENT190300 Accept counterproposal

The Board received legal advice regarding Proposed Amended Rules 150-13-.01 and 150-5-.03.

Executive Director’s Report – Mr. Eric Lacefield

The Board discussed staffing matters.

Legal Services – Ms. Kimberly Emm

- M.H. Request for completion review Approved request
- K.C. Consent Agreement for Licensure by Rule Waiver Send notification of intent to revoke
- R.L.D. Ratified the acceptance of Public Consent Order

The Board granted administrative authority for staff to docket and issue a letter of compliance to individuals that have met the requirements of his/her consent order.

The Board directed staff to contact ADEX personnel for clarification regarding exam failures.

Ms. Mattingly seconded, and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 12:34 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, July 9, 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