

GEORGIA BOARD OF DENTISTRY
Rules Committee Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
March 1, 2019
10:00 a.m.

The following Committee members were present:

Dr. Tom Godfrey, Chair
Dr. Greg Goggans

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Max Changus, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

The following Board members were present:

Dr. Richard Bennett
Ms. Becky Bynum
Dr. Logan Nalley
Dr. Parag Soni
Dr. Brent Stiehl
Dr. Antwan Treadway

Visitors:

Brandon Moye, J.L. Morgan
John Watson, ADSO
Charles Craig, GDHA
Wendy Blond, GDHA
Candice K. Fleet
Misty Mattingly, GDHA
Emily Yona, GDA
Scott Lofranco, GDA
James L. Barron, GDS
Kevin Frazier, DCG
Kathryn Starr
Pam Wilkes, Help A Child Smile
Kim Turner, Fulton County Department of
Health & Wellness
Dr. Isaac Hadley
Keith Kirshner, Ben Massell Dental Clinic
Carol Smith
Dixianne Parker
Debbie Graham, CHP

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

Introduction of Visitors

Dr. Godfrey welcomed the visitors.

Dr. Logan Nalley made a motion and Dr. Brent Stiehl seconded and the Committee 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, Ms. Becky Bynum, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Logan Nalley, Dr. Parag Soni, Dr. Brent Stiehl, and Dr. Antwan Treadway.

Executive Session

The Committee requested and received legal advice regarding the Board's policy concerning Coronal Polishing ("Rubber Cup Prophecy").

The Committee requested and received legal advice regarding Rule 150-7-.03 Volunteers in Dentistry.

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

Open Session

Discussion Topics

Rubber Cup Prophecy/Coronal Polishing: Dr. Godfrey stated he will start with Dr. Bennett, who received a letter from Representative Sharon Cooper. Dr. Godfrey stated that Representative Cooper requested the Board emphasize to dentists the policy guidelines it adopted defining "rubber cup prophecy" as a coronal polishing procedure requiring an 8-hour training program for dental assistants before performing this procedure.

Dr. Bennett stated that there are members from the associations present and it is important to understand what the consensus is among the licensees. He stated that it is important to understand that there is a difference between legislative intent and legislative accuracy. Dr. Bennett asked Ms. Mattingly, GDHA, to give her take on what this legislation did as far as coronal polishing/rubber cup prophecy. Ms. Mattingly stated that GDHA sent a letter to Dr. Bennett regarding rubber cup prophecy, which the Board defined as coronal polishing. Ms. Mattingly stated the intent of the bill was to only allow such on a primary dentition. Dr. Bennett responded that he understands the intent for primary dentition, but asked what the law specifies. Mr. Craig stated the law says a rubber cup can be performed on primary dentition. He added that the intent was, given there was no definition of rubber cup itself, that rubber cup was considered polishing and the Board approved guidelines defining it as such and prescribed an 8-hour training. Dr. Bennett stated the policy allows for those terms to be interchangeable. Ms. Mattingly stated that the code says CDT prophylaxis includes scale and polishing.

Dr. Bennett asked about a scenario in which a dentist came in and saw a patient as a hygiene patient, and did the scaling, whether or not it would be permitted under the law for a dental assistant that has had the training to provide the coronal polishing if a primary dentition was present. Ms. Mattingly responded that, yes, they agree with everything the Board has already defined. Dr. Bennett stated that would include mixed dentition up to 12 years of age. He stated the law allows for dental assistants to participate in the prophylaxis process, but not be the sole provider in the process. Mr. Lofranco stated that was GDA's understanding as well. He stated the scaling can be handled by a dentist or dental hygienist, then if so desired, the dental assistant with requisite training could complete the procedure.

Dr. Bennett asked if was anyone present who disagreed with that synopsis of the law. Dr. Hadley asked the Board why coronal polishing cannot be done on adults. Dr. Godfrey responded by stating because it is not in the law. Ms. Mattingly requested the Board eliminate "Prophecy". Ms. Emm stated that language is in the statute. Dr. Bennett added that in order to eliminate "Prophecy", Ms. Mattingly would need to get with her legislative representative regarding such.

Ms. Blond discussed "On the Job" training and billing. Ms. Blond stated that the way it has been described, everyone is on the same page regarding the need for scaling in order to bill D1110. She stated that we need to be consistent by requiring that the on the job training follows the same requirements that the associations need to meet when they make a submission. Ms. Blond stated that it sounds like on the job training is being precluded right now. She asked if it could be made clear that the appropriate training

is being provided to these dental assistants to ensure there is not improper use of this code. Dr. Godfrey responded by stating the Board already provides for that in the policy. He stated it requires the dentist make sure those standards are followed. Ms. Blond asked if they are required to have their materials reviewed. Dr. Godfrey emphasized that the standards were there for them to follow. Ms. Blond stated they do not have to show their syllabus, their didactic material, and how they are training, thereby not holding them accountable to the same standards that GDHA has to meet. Dr. Bennett responded by stating there are laws and rules that regulate the profession. He stated it is the Board's responsibility to protect the citizens of this state. He stated the Board cannot dictate to every provider to ensure they are following the laws and rules. Dr. Bennett stated he understands Ms. Blond's point that everyone should be trained to the same standard. He stated ultimately the providers are required to ensure that the standards are being met and if they are not, then they are subject to disciplinary action.

Ms. Blond stated that the hygienists take the jurisprudence exam. She asked the Board if there could be a test for dental assistants once they complete this training so they are not improperly using this code. Dr. Bennett asked if the dental assistant is in charge of billing. Dr. Godfrey stated the Board ensures the treatment they provide is to the standard needed to take care of patient. Dr. Godfrey stated the Board will respond to Representative Cooper that it has emphasized the training requirement. Dr. Bennett stated he will reach out to Representative Cooper.

Rule 150-7-.04 Dental Provisional Licensure by Credentials: Dr. Godfrey discussed the National Board exam and that it is currently a two-part exam. He explained that the exam will become an integrated exam and the Board's rules will need to be updated to reflect that. Dr. Godfrey stated that the NBDE Part I will be discontinued as of July 2020. He stated that he has requested the rule be amended to allow for whatever format would be in the future. Dr. Godfrey read the proposed changes to this rule:

Section (3)(6) has been amended to read: "National Board results scores showing passage of all sections of the examination with a score of 75 or higher or an overall passing score;"

Additionally, Dr. Godfrey discussed the issue of applicants that may not meet the requirement of section (5)(a) due to a specific portion of his/her exam not being patient based, for example. He stated an applicant who has practiced for a number of years in another state and does not meet the requirements of credentials because the individual has to take a specific component of the exam. Dr. Godfrey stated that the Rules Committee has drafted language that would allow for a little more leeway. Dr. Godfrey read the proposed changes to this rule:

Section (5)(c) has been amended to read: "(c) The Board, in its discretion, may waive a specific human subject clinical abilities testing requirement if an examination did not include such testing only when all of the following conditions are met:

1. An applicant represents himself or herself as a specialist in the discipline area in which he or she is seeking a waiver and qualifies for such title under Rule 150-11-.01, and
2. The applicant has practiced in that specialty for at least 10 years with the 2 years immediately preceding the application in full-time clinical practice or full-time clinical faculty practice as defined in section (1)(c) or (1)(e).

Dr. Godfrey asked for thoughts on the proposed language to section (5)(c). Dr. Nalley asked if an orthodontist with 15-years' experience, but did not take a patient-based periodontal exam, be granted a waiver. Dr. Godfrey stated no. The Board provides an unlimited license, so if it allows it for one, it would allow it for all. Dr. Nalley responded by stating he is not just talking about a specialist. He added he is also talking about a general dentist that may have been practicing for 10 years. He asked what would be the importance of the general dentist taking a patient-based periodontal portion of an entry level exam. Dr. Godfrey responded by stating it is an unlimited license based on the individual's credentials.

He added that this discussion comes up almost monthly. Dr. Nalley responded that he understands, but the Board should be able to waive that part of the rule if an applicant has already taken that portion or does not need it. Dr. Treadway stated he agrees with Dr. Nalley. He stated by the same logic, if the person had been a periodontist for years, and he/she had taken an exam that did not require a patient, the individual could just decide to switch to oral surgery. Dr. Treadway stated the Board needs to be practical and consider each one. Dr. Nalley stated it would be a case by case scenario. Dr. Godfrey stated that the Committee will continue to work on language and bring back to the Board.

Approval of Minutes

Dr. Nalley made a motion to approve the Public Session minutes for the January 11, 2019 meeting. Dr. Treadway seconded and the Committee voted unanimously in favor of the motion.

There being no further business to come before the Committee, the meeting was adjourned at 10:46 a.m.

The next scheduled meeting of the Rules Committee of the Georgia Board of Dentistry will be held on Friday, April 12, 2019, at 10:30 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 Tanja D. Battle Executive Director