

**GEORGIA BOARD OF DENTISTRY**  
**Rules Committee Meeting**  
**March 14, 2014**  
**2 Peachtree St., N.W. 36<sup>th</sup> 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 members were present:**

Dr. Randy Daniel  
Dr. Antwan Treadway

**Visitors:**

Wendy Blond, GDHA  
TJ Kaplan, Pacific Dental  
Greg Leathers  
Melana McClatchey, GDA

**Open Session**

Dr. Godfrey established that a quorum was present and called the meeting to order 7:37 a.m.

**Discussion Topics**

**Chloral Hydrates**

The Committee discussed whether there should be a rule prohibiting the use of chloral hydrates. Dr. Godfrey suggested continuing the discussion at a later time after contacting the Chief of Pedodontics to determine if students are still being taught to use chloral hydrates.

**Rule 150-13-.01: Conscious Sedation Permits**

The Committee discussed amendments to Rule 150-13-.01 to add a requirement for equipment with the ability to monitor of End Tidal CO<sub>2</sub> during intravenous sedation, a requirement for the maintenance of appropriate emergency drugs per ACLS or PALS protocol including reversal agents for narcotics and/or benzodiazepines, and the requirement for immediate support personnel to be certified in cardiopulmonary resuscitation. The Committee also discussed whether an EKG should be required for general and conscious sedation, and it was decided that a decision on whether an EKG would be required would wait until the Committee received additional information from academic and insurance experts regarding the requirement. The Committee also discussed whether a permit applicant would be required to provide the manufacturer, model number, and serial number for all monitoring equipment, but the Committee decided not to amend the Rule to add such a requirement.

**Rule 150-13-.02: Deep Sedation-General Anesthesia Permit**

The Committee discussed amendments to Rule 150-13-.02 to add a requirement for equipment with the ability to monitor of End Tidal CO<sub>2</sub>, a requirement for appropriate emergency drugs per ACLS or PALS protocol including reversal agents for narcotics and/or benzodiazepines, and the requirement for immediate support personnel to be certified in cardiopulmonary resuscitation. The Committee agreed that the Rule would not be amended to require a permit applicant to provide the manufacturer, model number, and serial number for all monitoring equipment.

#### Rule 150-8-.01: Unprofessional Conduct

The Committee discussed proposed amendments to Rule 150-8-.01. The Committee discussed whether having an ownership interest in a clinic or practice where a dentist does not treat patients constitutes “unprofessional conduct.”

#### Rule 150-8-.02: Fee-Splitting

The Committee discussed proposed amendments to Rule 150-8-.02 and providing an exception for small gifts provided to patients for referrals. Dr. Godfrey stated that the Committee will discuss a draft of the proposed exception at the next Rules Committee meeting in April.

#### Rule 150-8-.04: Animals

The Committee discussed the creation of a Rule prohibiting animals in the office with the exception of service animals. The Committee agreed that the proposed Rule would be discussed at a later date after receiving information from other state dental boards regarding similar rules.

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

The Committee discussed the proposed amendments to the Rule and decided to refer the matter to the Investigative Committee for the Board for additional comment. The Committee agreed to discuss any comments from the Investigative Committee at the next Rules Committee meeting in April.

#### Rule 150-12-.02: Bad Checks

The Committee briefly reviewed the proposed Rule. Dr. Yeargan made a motion that the Committee provide the proposed rule for the Board’s consideration to vote to post at the Board meeting today. Dr. Godfrey seconded and the Committee voted unanimously to provide the following rule for the Board’s consideration:

#### **150-12-.02 Bad Checks**

(1) It is the policy of the Board of Dentistry to pursue its legal remedies under O.C.G.A. 16-9-20 when a bad check is issued in payment of examination, license or renewal fees, application fees, or similar fees, and to take such other action as is outlined in 150-12 and regulations. Any person issuing a bad check will be subject to the service charge as provided in O.C.G.A. 16-9-20 (a) (2).

(2) If an applicant for licensure by reciprocity, endorsement, comity, or by experience and/or education issues a bad check to cover required licensure fees, such applicant shall not be issued a license until the applicant has paid the appropriate fees and the service charge. If a license is issued prior to determining that the applicant issued a bad check, such license will be deemed to have been issued in error and deemed not current unless the applicant pays the licensure fees and service charge within ten (10) days after the applicant has received a notice mailed by certified or registered mail. The applicant must pay the licensure fees and the service charge by cashier's check or money order.

(3) If a licensee attempts to renew a license by the issuance of a bad check, the license will not be renewed until the licensee pays all fees due including any applicable late renewal fees plus the service charge. If the license is renewed and reissued to the licensee prior to determination that the licensee issued a bad check, the licensee will be notified by certified or registered mail that the renewed license will be deemed not current unless the licensee remits all fees due for renewal plus the service charge within ten (10) days after receipt of notice. The licensee must pay the fees and service charge by cashier's check or money order.

#### Chapter 150-15: Mobile Dentistry

The Committee discussed the proposed chapter regulating mobile dentistry. Dr. Godfrey inquired as to whether other jurisdictions have mobile dentistry rules and regulations that would be germane to the discussion of the proposed chapter. Dr. Godfrey stated that any inspection should be

performed by a member of the Board, an inspector, or a licensed dentist authorized by the Board. Ms. McClatchey inquired about the definition of patient of record and its inconsistency with the definition provided under Rule 150-8-.01. Mr. Thernes stated that the definition of “patient of record” should be consistent with Rule 150-8-.01. Ms. McClatchey inquired as to what type of insurance coverage would be required for mobile facilities. Mr. Thernes suggested that the proposed provision be changed to specify motor vehicle insurance.

#### Chapter 150-16 through 150-25: Procedural Rules

The Committee briefly reviewed the proposed Rules, which reflected the changes discussed at the previous Rules Committee meeting in January. Ms. Foreman stated that the Rules needed to be renumbered as 150-15 through 150-24, if the Committee was to send the Rules to the full Board for consideration for a vote to post notice of intent to adopt the Rules.

#### Approval of Minutes

Dr. Godfrey requested changes to the proposed minutes, which were agreed upon by the Committee. Dr. Yeargan made a motion to approve the minutes of the January 17, 2014 meeting of the Rules Committee. Dr. Godfrey seconded and the Committee unanimously voted to approve the minutes.

#### Miscellaneous

##### Hygiene Rule

The Committee discussed amendments to the Rule to ensure that the number of times that a hygienist can take a credentialing exam is the same as the Rule for dentists.

##### Inactive Status Rule

The Committee discussed reviewing the inactive status rule in light of different models of practice ownership.

The next scheduled meeting of the Rules Committee will be held on Friday, April 11, 2014, at 7:30 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 36<sup>th</sup> Floor, Atlanta, GA 30303.

There being no further business to come before the Committee, the meeting was adjourned at 9:17 a.m.

Minutes recorded by Anil Foreman, Legal Officer

Minutes edited by Tanja D. Battle, Executive Director