

GEORGIA BOARD OF DENTISTRY
Emergency Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
March 24, 2020
3:00 p.m.

The following Board members were present:

Dr. Greg Goggans, President
Dr. Tracy Gay, Vice-President
Dr. Richard Bennett
Dr. Glenn Maron
Dr. Michael Knight
Mr. Mark Scheinfeld
Dr. Brent Stiehl
Dr. Debra Wilson

Staff present:

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

Open Session

Dr. Goggans established that a quorum was present and called the meeting to order at 3:06 p.m.

Ms. Battle reported that the board office has received inquiries regarding what teledentistry options are available. She stated that one of the inquiries is from the Dental College of Georgia (DCG). Dr. Goggans asked if the school had closed due to the pandemic. Dr. Bennett answered in the affirmative. Dr. Goggans stated that they are asking for permission to evaluate a patient through facetime or other means before the patient comes into the office. Ms. Emm shared the letter with the Board from DCG requesting to implement teledentistry to allow them to continue practicing in light of the closure. Dr. Bennett inquired as to what the school would be doing. He stated that, in his own practice, if a mom calls him regarding her son's tooth that was broken playing soccer, he would have the mom take a picture to send to him so he knows how to prepare. He asked is that considered teledentistry? Dr. Goggans stated that it is considered teledentistry. He asked Dr. Bennett if he already has a relationship with the patient. Dr. Bennett stated that in this case it is a patient of record, but sometimes it is not. Dr. Maron asked what the issue is. He stated that HIPAA and the federal government relaxed HIPAA rules. Ms. Emm responded that there have been no laws or rules enacted that would expressly permit the practice of teledentistry. She stated that "telehealth" is a billing code permitted by the insurance commissioner. She added that the Georgia Composite Medical Board has telemedicine, which is a subset of telehealth. Dr. Bennett commented that if it is not permitted by law, that would be a legislative issue. Ms. Emm stated that historically, what board has been telling people is that currently there are no law or rules that would permit teledentistry in Georgia.

Ms. Battle asked Mr. Changus for his thoughts. Mr. Changus responded by stating that teledentistry is not addressed in Georgia's law or rules; however, what is addressed is unprofessional conduct. He asked what is the standard of practice? He responded that in the scenario described by Dr. Bennett, regarding the idea of a consultation/phone call to gather information, he does not see how that falls below the standard of practice. He asked if a dentist can use the phone to evaluate what steps are needing to be taken. He also asked if the patient needs to come to the office. Mr. Changus stated that he does not see anything that would prohibit that conversation especially for a patient where there is an ongoing relationship.

Mr. Scheinfeld asked if a dentist falls under the definition of a medical provider? Mr. Changus responded by asking for what purpose as he thinks the answer depends on what context is being asked. Mr. Scheinfeld responded by stating the first paragraph of the notification states that it is basically empowering medical providers to serve their patients where they are during this public health emergency. He further stated that if a dentist qualifies as a medical provider, he thinks it relaxes the law, regardless of what is constituted as teledentistry. Mr. Scheinfeld stated that if dentists are a subcategory or within that definition of medical provider, it would allow them to engage in a conversation with someone thru means he/she would normally not utilize. Mr. Changus commented that is certainly an argument. Dr. Goggans commented that there is no description of teledentistry. Mr. Scheinfeld stated that he looks at it as it is not prohibiting teledentistry. He stated that he does not know if you have to have an enabling act to commit teledentistry if you have the federal government empowering you. He further stated that if the dentist falls under the definition of a medical provider, the dentist would have the government empowering him/her to serve patients wherever they are through means he/she is not able to serve.

Dr. Wilson asked if it is the Board's responsibility to define what teledentistry would be. She stated that a patient may expect a prescription and that is not considered best practice to just look at a person and write a prescription without having a medical history. She further stated that the Board would need to define what the parameters are if the Board is going to allow it. Dr. Maron responded by stating that he thinks if the Board listens to what Mr. Scheinfeld and Mr. Changus stated and say that during this crisis the Board will allow for teledentistry for purposes of getting through this crisis. He added that it is not definitive treatment, but to be used as a triage method for contingency, for emergency planning, or treatment planning once this crisis is over. Discussion was held by Mr. Scheinfeld who asked for Mr. Changus's thoughts on the Board using the term telehealth instead. Dr. Maron agreed. Mr. Changus stated that it was permissible for the purposes of laws and rules. Dr. Bennett commented that in this proposal, this is to be used for emergency care, to triage emergent patients and to keep individuals from going to the emergency room. He stated that he does not think it should be used for traditional treatment modalities; only to triage emergent patients, to plan for future treatment or to have that patient come into the office that day. Dr. Maron asked why could this not be used. He stated as dentists, we cannot do anything unless we are touching the patient. Dr. Maron stated that the dentist can establish something moving forward for when the crisis is over, and once the crisis is over, evaluate the patient with appropriate x-rays, etc. He continued by stating to use it as a way if people want to triage future care and determine if it is an emergency procedure and if it is not an emergency situation, that would allow them to determine what future treatment options would be. Dr. Maron added that it puts people one step further for when they get back to work and not having to start over. He stated that he knows a lot of orthodontists that do videoconferencing. Dr. Goggans stated that during this time of crisis, the Board of Dentistry will allow the use of telehealth as a tool to triage and potentially treatment plan for urgent or emergent cases as well as for future care provided that future care is followed through as the standard of care in Georgia. He added that the dentist can do x-rays once the patient is physically seen once this crisis has ended. Ms. Battle asked if everyone was good with that language fundamentally? Dr. Bennett responded that there are many nuances to this. He stated that the Board needs to include language stating, "by a licensed Georgia dentist in good standing with the Board". Dr. Bennett stated that he thinks the use of telehealth to help remote areas is good assuming the one providing the guidance or opinion is a licensed Georgia dentist. He stated that a definitive expiration date also needs to be included in the statement. Dr. Maron agreed.

Dr. Bennett asked about billing and how that would that be addressed. Dr. Maron responded that there is an accepted code that can be used that has been waived by HIPAA. He stated that he is unsure as to how one submits the coding, but that is definitely something the dentist can bill for. Dr. Bennett replied that he is not familiar with the codes, so he does not know what documentation is required. He stated that he thinks the Board needs to limit this to emergency triage as that would limit the potential for abuse. Dr. Bennett stated there is nothing in the law to allow this and the Board is saying it is okay to do it. Dr.

Maron commented that he thinks it is the national precedent and if the federal government is saying it is okay, it is for now. Dr. Maron stated that he understands what Dr. Bennett is trying to say and agrees that this would have the potential for abuse. Discussion was held regarding additional language to add. Ms. Battle suggested two members assist with crafting language just so the Board does not vote on something without giving it proper consideration. She stated it would require the Board reconvening on another call to vote on the language. Dr. Maron asked Mr. Scheinfeld and Dr. Bennett to assist him in putting together language for the statement and suggested the Board reconvening at 5:00 p.m.

The meeting adjourned at 3:41 p.m.

The Board reconvened at 5:01 p.m.

Dr. Maron made a motion for the Board to adopt the following statement:

The Georgia Board of Dentistry recognizes the unprecedented and extraordinary circumstances dentists and their patients face during this National Emergency. Our desires are to mitigate transmission of the Covid-19 virus while also supporting emergency care for patients so as to help prevent overwhelming hospital emergency departments through April 15th, or the lifting of the Governor's State of Emergency, if this crisis ends sooner. Under these circumstances, while urgent, emergency services will continue to be performed in dental offices, the Board recognizes that patients may be best served when telecommunication technology can be leveraged to support dental care.

A licensed Georgia Dentist who wishes to use audio or video communication technology to provide telehealth to patients during the COVID-19 nationwide public health emergency is permitted to use any non-public facing remote communication product that is available to communicate with patients.

The parameters of telehealth as stated by HHS would apply to all cases:

<https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html>

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

Pursuant to O.C.G.A. § 50-14-1(3), the Board declares that special circumstances exist warranting the holding of this meeting on less than 24 hours' notice, those circumstances being the COVID-19 pandemic.

With no further business, the Board meeting adjourned at 5:04 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, April 3, 2020, 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 Tanja D. Battle, Executive Director