

GEORGIA BOARD OF DENTISTRY
Emergency Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
March 25, 2020
3:00 p.m.

The following Board members were present:

Dr. Greg Goggans, President
Dr. Tracy Gay, Vice-President
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Glenn Maron
Dr. Michael Knight
Dr. Ami Patel
Mr. Mark Scheinfeld
Dr. Brent Stiehl

Staff present:

Tanja Battle, 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 3:00 p.m.

Dr. Goggans discussed a correspondence received from the Dental College of Georgia (DCG) requesting clarification regarding the following statement adopted by the Board at its Emergency Conference Call on March 24, 2020:

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. Goggans stated that DCG is asking if a "licensed Georgia dentist" includes those with a faculty license. He asked Mr. Changus for his input on the matter. Dr. Bennett requested Mr. Changus share what Rule 150-7-.02 states. Mr. Changus stated that Rule 150-7-.02(2) reads as follows:

The board may issue, in its discretion, without examination, a dental faculty license to a dentist who has graduated from a school or college approved by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, for the sole purpose of teaching or instructing, in an

accredited dental college or training clinic in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license.

Additionally, he stated that section (2)(a)(5) reads:

A dental faculty licensee may engage in the practice of dentistry only on the premises of the school where employed within the scope of their employment as a faculty member for the sole purpose of teaching and instructing.

And lastly, Mr. Changus stated that section (3) of this rule reads:

A faculty licensee may not establish practice outside of the physical primary campus of the dental school without first obtaining an unrestricted dental license to practice in Georgia.

Mr. Changus stated that Bennett's point about the faculty license being limited in terms of what he/she is allowed to do, is a valid one. He stated that the rule says "for purposes of teaching and instruction" and it is not a general practice sort of license. Mr. Changus continued by stating that, regarding the statement that was issued yesterday, if the individual is not operating under the license for which it was granted, it does not have much import. Dr. Bennett commented that the faculty license is a very restricted license and it was created to serve a specific purpose. Dr. Bennett stated that the rule states a faculty license is for teaching and instructing. He stated that the issue is there are currently a number of faculty members that do not possess an unrestricted license. He continued by stating that the licensee must be on the premises of the school and can only practice for sole purpose of teaching and instructing. He continued by stating that he does not see where triaging patients for teledentistry qualifies unless it is for teaching purposes with a student on a phone call or utilizing Zoom. He further stated that he does not see that what the school proposes is allowed by board rule. Dr. Goggans asked if there were any further comments. Mr. Scheinfeld stated that he thinks that Dr. Bennett is properly interpreting what the rule says.

Dr. Gay commented that since the faculty license is limited for the sole purpose of educating, then he would say DCG could not do this. Dr. Maron commented that the rule clearly states a faculty license is for instructing or teaching. He stated that for this emergency proposal, he believes those individuals who have a limited faculty license should not be allowed to do telehealth unless it is strictly for teaching purposes. Dr. Bennett suggested drafting a letter and citing the rule, along with a statement that says that unless the purposes of telehealth is for teaching and instructing, a faculty license would not qualify under. Mr. Scheinfeld asked what the hotline is being used for. Dr. Maron responded by stating the hotline was set up to help channel emergencies. He stated that they would like to have conference calls with patients using teledentistry to determine if the patient needs to be seen or if it is something that can wait. Dr. Goggans commented that what they are doing is not a teaching mechanism. Dr. Goggans asked Mr. Changus if he had any further input. Mr. Changus stated that he thought Dr. Bennett stated it correctly in the fact that telehealth does not apply in this situation because a faculty license is a restricted license and unless it can be utilized in teaching or instruction, does not provide them any additional abilities. Ms. Battle commented that O.C.G.A. § 43-11-42 states that a faculty license is for the sole purpose of teaching or instructing and suggested responding to DCG by citing the code section. Dr. Bennett made a motion to direct staff to respond to DCG by stating that O.C.G.A. § 43-11-42(a.1)(1) reads in part:

The board may issue, in its discretion, without examination, a teacher's or instructor's license to a dentist who has graduated from a school, college, or advanced dental education program approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any, for the sole purpose of teaching or instructing, in an accredited dental college, advanced dental education program, or training clinic in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license.

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 3:17 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