

**GEORGIA BOARD OF DENTISTRY**  
**Board Meeting**  
**2 Peachtree St., N.W., 36<sup>th</sup> Floor**  
**Atlanta, GA 30303**  
**March 3, 2017**  
**10:00 a.m.**

**The following Board members were present:**

Dr. Bert Yeargan, President  
Dr. Tom Godfrey, Vice-President  
Dr. Richard Bennett  
Ms. Becky Bynum  
Dr. Greg Goggans  
Ms. Wendy Johnson  
Dr. Dale Mayfield  
Dr. Logan Nalley  
Dr. Antwan Treadway

**Staff present:**

Tanja Battle, Executive Director  
Bryon Thernes, Assistant Attorney General  
Ryan McNeil, Chief Investigator  
Anil Foreman, Attorney  
Brandi Howell, Business Support Analyst I

**Visitors:**

John Watson, ADSO  
Ryan Loke, PDS  
Scott Lofranco, GDA  
Pam Wilkes, Help A Child Smile  
James E. Barron, GDS  
Carol A. Lefebvre, DCG  
Kendra McKune, GDHA  
Allison Cason, HCS  
Joe Rhodes, Help A Child Smile  
Shahin Madi

**Open Session**

Dr. Yeargan established that a quorum was present and called the meeting to order at 10:02 a.m.

**Introduction of Visitors**

Dr. Yeargan welcomed the visitors.

**Approval of Minutes**

Dr. Godfrey made a motion to approve the Public and Executive Session minutes for the February 10, 2017 meeting. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

**Licenses to Ratify**

Dr. Nalley made a motion to ratify the list of licenses issued. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

**Petition for Rule Waiver from Peter Smidt**

Dr. Bennett made a motion to deny the rule waiver petition. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

**Petition for Rule Variance from Jeremy Lowy**

Dr. Bennett made a motion to deny the rule variance petition. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Dr. Brian P. Martin**

At its February 2017 meeting, the Board discussed this correspondence regarding denture identification. The Board voted to table the correspondence to allow additional time for Ms. Foreman to research and report back to the Board. Ms. Battle advised that Ms. Foreman’s research determined that this matter is not addressed in the board rules. Dr. Godfrey made a motion to refer this matter to the Rules Committee to draft a rule for presentation at the Board’s next scheduled meeting. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Laura Austin-Moss**

The Board considered this correspondence asking if a non-dentist may share space with a dentist and pay for the cost of the space without violating any board rules as long as the dentist’s obligation for patient confidentiality and separateness of practice is maintained. Dr. Nalley made a motion to direct staff to respond to Ms. Austin-Moss by stating that sufficient information was not given for the Board to respond to the request. Additionally, staff was directed to let Ms. Austin-Moss know that the Board is precluded from offering legal advice and she may wish to seek legal counsel for opinions and interpretations of the law and rules. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Carol C. Smith, GA Department of Public Health**

The Board considered this correspondence from Ms. Smith requesting a waiver of the roster fee since it is for a state agency. Dr. Godfrey made a motion to grant the request for a fee waiver. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

**Correspondence from Dr. Jay Harris, GA Association of Orthodontists**

The Board viewed this correspondence for informational purposes only.

**General – Dr. Bert Yeargan**

No report.

**CE Audit Committee Report – Dr. Richard Bennett**

No report.

**Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway**

No report.

**Credentials Committee Report – Dr. Greg Goggans**

No report.

**Dental Hygiene Committee Report – Ms. Rebecca Bynum**

No report.

**Examination Committee Report – Dr. Steve Holcomb**

No report.

**Investigative Committee Report – Dr. Bert Yeargan**

No report.

**Legislative Committee Report – Dr. Greg Goggans**

No report.

**Licensure Overview Committee Report – Dr. Tracy Gay**

No report.

## **Rules Committee Report – Dr. Tom Godfrey**

Dr. Godfrey made a motion to post Rule 150-2-.02 Complaints. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

### **150-2-.02 Complaints.**

All complaints must be made in writing to the Georgia Board of Dentistry. Unless otherwise ordered by a court of competent jurisdiction or pursuant to a vote of the Board consistent with applicable state and federal law, neither the Board nor any of its members or administrative staff shall divulge the source from which information is received that relates to an actual or alleged infraction of the dental or dental hygiene laws.

Dr. Nalley made a motion to post Rule 150-3-.01 Examination for Dental Licensure. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

### **150-3-.01 Examination for Dental Licensure**

(1) Each candidate submitting an application for a dental license must have passed all sections of the National Board Theory Examinations - Part I and Part II with a score of 75 or higher. The President of the Georgia Board of Dentistry may appoint one or more members of the Board to proctor the National Dental Board Examinations held in Georgia.

(2) Each candidate for a license to practice dentistry must pass with a score of 75 or higher a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be in the English language. The score will be valid for one year.

(3) Each candidate for a license to practice dentistry must pass all sections with a score of 75 or higher on any clinical examination administered by the Georgia Board of Dentistry, or a testing agency designated and approved by the Board. Such examination shall be in the English language.

(4) Any candidate who fails one or two sections of any clinical examination or any combination of one, two, or three sections of the clinical examination, three times must take a remedial course of study designated and pre-approved by the board.

(a) Once the candidate shows written proof of successful completion of the approved course of study, the Board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the board.

(b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(5) Any candidate who fails three or more sections of any clinical examination three times must successfully complete a one-year American Dental Association-accredited course of study pre-approved by the board.

(a) Once the candidate provides written proof of successful completion of this one-year course of study, the board will grant the candidate one additional attempt at successful passage of a clinical licensing examination approved by the Georgia Board.

(b) After a fourth failure of one or more sections of any clinical examination, no further attempts will be authorized or scores recognized by the board for licensure in Georgia.

(6) For purposes of this rule, failure of the completed curriculum integrated format type examination shall only be counted as one (1) examination failure. The final section/sections failed with the curriculum integrated format type examination will be applicable to sections (4) and (5) of this rule.

(7) In determining whether an applicant has met the requirements for licensure, the board will only consider:

(a) The examination given by the Georgia Board of Dentistry prior to February 22, 1993.

(b) Results from the Southern Regional Testing Agency (SRTA) that were attained between February 22, 1993 and December 31, 2005; to include SRTA retake examination results until December 31, 2006.

(c) Results from the American Board of Dental Examiners (ADEX) examination as uniformly administered by the Central Regional Dental Testing Service (CRDTS) and the Northeast Regional Board of Dental Examiners (NERB) that were attained between January 1, 2006 and June 30, 2009.

(d) Results from the Central Regional Dental Testing Service (CRDTS) examination or any other testing agency designated and approved by the Board attained subsequent to June 30, 2009. Results from the retake examinations administered by the Northeast Regional Board of Dental Examiners (NERB) or the Central Regional Dental Testing Service (CRDTS) are accepted through June 30, 2010. Such retakes must be from initial examinations taken prior to June 30, 2009 and must include at least one successful score from Parts II, III, IV or V. Examination scores from slot preparations of restorative dentistry shall neither be accepted nor recognized by the Board.

(8) Each candidate for Georgia licensure must furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

(9) The Board may hold other examinations as may be required and necessary.

Dr. Godfrey made a motion to post Rule 150-7-.04 Dental Provisional Licensure by Credentials. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

#### **150-7-.04 Dental Provisional Licensure by Credentials.**

(1) For purposes of this rule:

(a) "State" includes Washington D.C. and all U.S. territories.

(b) "Provisional Licensure by Credentials" means a license to practice dentistry in the State of Georgia granted to individuals licensed to practice dentistry in another state who have not met all of the requirements for a ~~regular~~ dental license by examination but who have met equivalent requirements for the practice of dentistry as set forth in O.C.G.A. § 43-11-41 and by board rule.

(c) "Full-Time Clinical Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the hands-on treatment of patients. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. Neither clinical practice through training programs nor during periods of residency do not qualify as full-time clinical practice. Whether a part of or separate from the training or residency program, no clinical practice while participating in or enrolled in any training or residency program shall be considered for the purposes of this rule.

(d) "Active Dental License" is defined as an ~~un-numbered~~ license to practice dentistry held by an individual ~~without restrictions~~.

(e) "Full-Time Clinical Faculty Practice" means a minimum of 1,000 hours for each full twelve (12) month period of licensure immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. For the purposes of this rule, each such period shall not be less than a full twelve (12) months. For any time periods during which the applicant is participating in or enrolled in any training or residency program, the teaching of clinical skills shall not be considered for the purposes of this rule.

(2) Only those applicants licensed and currently engaged in full-time clinical practice as defined in subsection (1)(c) of this rule in a state that has a credentialing law similar to the licensure by credentials law in Georgia will be considered by the board for a provisional license by credentials. Applicants from states not issuing licenses by credentials are ineligible.

~~(3) The board may, in its discretion, grant a provisional license by credentials to dentists licensed in another state who do not hold a Georgia license to practice dentistry.~~

~~(4)~~(3) As set forth in O.C.G.A. § 43-11-41, an applicant for a provisional license by credentials must also meet the following requirements:

(a) Must have an active dental license in good standing from another state.

(b) Must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school approved by the board and accredited by the Commission on Dental Accreditation of the American Dental Association (A.D.A.) or its successor agency.

(c) Applicants must have been in full-time clinical practice, as defined in subsection (1)(c) of this rule; full-time faculty as defined in subsection (1)(e) of this rule; or a combination of both for each of the five years immediately preceding the date of the application.

~~(d) Candidates with any felony convictions are not eligible.~~ Candidates convicted of a misdemeanor involving moral turpitude or dealing with the administering, dispensing or taking of drugs including, but not limited to controlled substances, are not eligible.

~~(e)~~(d) Those applicants who have received a doctoral degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, must provide the following in order to complete their application:

1. Certified copy of the applicant's testing results showing passage of all sections with a score of 75 or higher or its equivalent score on a clinical examination administered by the board or a testing agency designated and approved by the board.

(i) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

2. Show passage with a score of 75 or higher on a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examination shall be administered in the English language.

3. Proof of current CPR certification;

4. Copies of any and all National Practitioner's Data Bank reports pertaining to the applicant;

5. Official transcripts under seal from a school or university from which the applicant received ~~his/her~~ a doctorate in dentistry;

6. National Board scores showing passage of all sections of the examination with a score of 75 or higher;

7. Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry;

8. Furnish a background check. The applicant shall be responsible for all fees associated with the performance of a background check.

9. In accordance with O.C.G.A. §50-36-1, all applicants applying for licensure must submit an Affidavit Regarding Citizenship and submit a copy of secure and verifiable documentation supporting the Affidavit with ~~his or her~~ an application.

~~(5)~~(4) Those applicants who have received a doctoral degree in dentistry from a dental school not accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, in addition to the information required in subsection ~~(8)~~(3)(a), (c), and (d) ~~and (e)~~ of this rule must also provide the following in order to complete their application:

(a) Proof of successful completion at an ADA-accredited dental school approved by the board of the last two years of a pre-doctoral program as a full-time student under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law, and receipt of the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(b) Certification by the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the school and that the student has completed the last two years of a pre-doctoral program under the conditions required of other full-time students, except as excused or limited in the manner that any other student's participation would be excused or limited by state and federal law.

~~(6)~~(5) A certification letter from a dental board or regional testing agency of a passing score of 75 or higher on each section of a clinical licensure examination substantially equivalent to the clinical licensure examination required in Georgia and which was administered by the dental board or its designated testing agency. A certification letter from the applicant's dental school is not acceptable. Sections of clinical licensure examinations that include slot preparations of restorative dentistry shall not be deemed substantially equivalent to the sections of clinical licensure examinations required in Georgia. Such scores shall neither be accepted nor recognized by the Board.

(a) Such certification shall state that the examination included procedures performed on human subjects as part of the assessment of clinical competencies and shall have included evaluations in the following areas:

1. periodontics, human subject clinical abilities testing;
2. endodontics, clinical abilities testing;
3. posterior class II amalgam or posterior class II composite preparation and restoration, human subject clinical abilities testing;
4. anterior class III composite preparation and restoration, human subject clinical abilities testing;
5. crown preparation, clinical abilities testing;
6. prosthetics, written or clinical abilities testing;
7. oral diagnosis, written or clinical abilities testing; and
8. oral surgery, written or clinical abilities testing.

~~(b)~~ Evaluations of restorative dentistry from slot preparations shall not meet the requirements of (5)(a).

~~(c)~~ (c) In addition to the foregoing requirements to be eligible for licensure consideration by credentials, a license examination after January 1, 1998 shall include:

1. anonymity between candidates and examination raters;
2. standardization and calibration of raters; and
3. a mechanism for post exam analysis.

~~(d)~~ (d) After a fourth failure of one or more sections of any clinical examination, no further attempts will be recognized by the board for licensure by credentials in Georgia.

~~(e)~~ (e) All applicants must show passage of a jurisprudence examination on the laws and rules governing the practice of dentistry in the State of Georgia. Such examinations shall be administered in the English language.

~~(7)~~ Within the first two (2) years of being granted a provisional license by credentials, the applicant must establish full-time clinical practice that is defined as 1,000 hours in the hands-on treatment of patients per twelve (12) month period, or the license will be automatically revoked.

~~(8)~~ (6) Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(9)~~ (7) Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (2) of this rule as long the applicant has an active license in an acceptable state and meets all other requirements as set forth in this rule.

~~(10)~~ (8) An active duty military dentist or contract employee on a Georgia federal installation who applies for licensure by credentials must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicant's general service record, any complaint or disciplinary action as well as continuing education that the credentialing candidate may have obtained.

~~(11)~~ (9) For the first five biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full-time clinical practice in the State of Georgia as defined in subsection (1)(c) of this rule.

~~(12)~~ (10) The Board shall have the authority to refuse to grant a provisional license by credentials to an applicant, or to revoke the provisional license by credentials to a dentist licensed by the Board, or to discipline a dentist holding a provisional license by credentials in accordance with the provisions of O.C.G.A. §§ 43-1-19, 43-11-47.

(11) Upon receipt of license, the applicant by credentials must establish active practice in this State within two years of receiving such license or the license shall be automatically revoked. "Active practice" shall mean a minimum of 1,000 hours for each full twelve (12) month period of licensure in the hands-on treatment of patients.

Dr. Godfrey made a motion to post Rule 150-8-.01 Unprofessional Conduct Defined. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

### **150-8-.01 Unprofessional Conduct Defined.**

The Board has the authority to refuse to grant a license to an applicant; or to discipline a dentist or dental hygienist licensed in Georgia if that individual has engaged in unprofessional conduct. For the purpose of the implementation and enforcement of this rule, unprofessional conduct is defined to include, but not be limited to, the following:

- (a) Failing to conform to current recommendations of the Centers for Disease Control and Prevention (C.D.C.) for preventing transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and all other communicable diseases to patients. It is the responsibility of all currently licensed dentists and dental hygienists to maintain familiarity with these recommendations, which are considered by the Board to be minimum standards of acceptable and prevailing dental practice. ~~(Copies of the guidelines may be obtained from the Centers for Disease Control, the Department of Human Resources, or from the Board.)~~
- (b) Violating any lawful order of the Board;
- (c) Violating any Consent Agreement entered into with the Georgia Board of Dentistry or any other licensing board;
- (d) Violating statutes and rules relating to or regulating the practice of dentistry, including, but not limited to, the following:
  - 1. The Georgia Dental Practice Act (O.C.G.A. T. 43, Ch. 11);
  - 2. The Georgia Controlled Substances Act (O.C.G.A. T. 16, Ch. 13, Art. 2);
  - 3. The Georgia Dangerous Drug Act (O.C.G.A. T. 16, Ch. 23, Art. 3);
  - 4. The Federal Controlled Substances Act (21 U.S.C.A., Ch. 13);
  - 5. Rules and Regulations of the Georgia Board of Dentistry;
  - 6. Rules of the Georgia State Board of Pharmacy, Ch. 480, Rules and Regulations of the State of Georgia, in particular those relating to the prescribing and dispensing of drugs, Ch. 480-28;
  - 7. Code of Federal Regulations Relating to Controlled Substances (21 C.F.R. Par. 1306);
  - 8. O.C.G.A. T. 31-33 Health Records. A dentist must send a patient a copy of his/her request upon request where the request complies with O.C.G.A. Title 31-33, et. seq., even if the patient has an outstanding balance with the dentist.
- (e) Failing to maintain appropriate records whenever controlled drugs are prescribed. Appropriate records, at a minimum, shall contain the following:
  - 1. The patient's name and address;
  - 2. The date, drug name, drug quantity, and diagnosis for all controlled drugs;
  - 3. Records concerning the patient's history.
- (f) Prescribing controlled substances for a habitual drug user in the absence of substantial dental justification;
- (g) Prescribing drugs for other than legitimate dental purposes;
- (h) Any departure from, or failure to conform to, the minimum standards of acceptable and prevailing dental practice. Guidelines to be used by the Board in defining such standards may include, but are not restricted to:
  - 1. Diagnosis. Evaluation of a dental problem using means such as history, oral examination, laboratory, and radiographic studies, when applicable.
  - 2. Treatment. Use of medications and other modalities based on generally accepted and approved indications, with proper precautions to avoid adverse physical reactions, habituation or addiction.
  - 3. Emergency Service. Dentists shall be obliged to make reasonable arrangements for the emergency care of their patients of record. For purposes of this rule, a "patient of record" is defined as a patient who has received dental treatment on at least one occasion within the preceding year.
  - 4. Records. Maintenance of records to furnish documentary evidence of the course of the patient's medical/dental evaluation, treatment and response. A dentist shall be required to maintain a patient's complete dental record, which may include, but is not limited to, the following: treatment notes, evaluations, diagnoses, prognoses, x-rays, photographs, diagnostic models, laboratory reports, laboratory prescriptions (slips), drug prescriptions, insurance claim forms, billing records, and other technical information used in assessing a patient's condition. Notwithstanding any other provision of law, a dentist

shall be required to maintain a patient's complete treatment record for no less than a period of ten (10) years from the date of the patient's last office visit.

(i) Practicing fraud, forgery, deception or conspiracy in connection with an examination for licensure or an application;

(j) Knowingly submitting any misleading, deceptive, untrue, or fraudulent misrepresentation on a claim form, bill or statement to a third party;

(k) Knowingly submitting a claim form, bill or statement asserting a fee for any given dental appliance, procedure or service rendered to a patient covered by a dental insurance plan, which fee is greater than the fee the dentist usually accepts as payment in full for any given dental appliance, procedure or service;

(l) Abrogating or waiving the co-payment provisions of a third party contract by accepting the payment received from a third party as payment in full, unless the abrogation or waiver of such co-payment of the intent to abrogate or waive such copayment is fully disclosed, in writing, to the third party at the time the claim is submitted for payment. For the purpose of this rule, a "third party" is any party to a dental prepayment contract that may collect premiums, assume financial risks, pay claims, and/or provide administrative service;

(m) Falsifying, altering or destroying treatment records in contemplation of an investigation by the Board or a lawsuit being filed by a patient;

(n) Committing any act of sexual intimacy, abuse, misconduct or exploitation related to the licensee's practice of dentistry or dental hygiene;

(o) Delegating to unlicensed or otherwise unqualified personnel duties that may only be lawfully performed by a dentist or dental hygienist;

(p) Using improper, unfair or unethical measures to draw dental patronage from the practice of another licensee;

~~(q) Termination of~~ Terminating a dentist/patient relationship by a dentist, unless notice of the termination is provided to the patient. A "dentist/patient relationship" exists where a dentist has provided dental treatment to a patient on at least one occasion within the preceding year.

~~(4)~~1. "Termination of a dentist/patient relationship by the dentist" means that the dentist is unavailable to provide dental treatment to a patient, under the following circumstances:

(i) The office where the patient has received dental care has been closed permanently or for a period in excess of (30) days; ~~or~~

(ii) The dentist discontinues treatment of a particular patient for any reason, ~~including non-payment of fees for dental services, although the dentist continues to provide treatment to other patients at the office location;~~

~~(2)~~2. The dentist who is the owner or custodian of the patient's dental records shall mail notice of the termination of the dentist's relationship to patient, which notice shall provide the following:

(i) The date that the termination becomes effective, and the date on which the dentist/patient relationship may resume, if applicable;

~~(ii) A location at which the patient may receive emergency dental care for at least (30) days following the termination of the dentist/patient relationship;~~

~~(iii) A statement of further dental treatment required, if any; and~~

~~(iv)~~(ii) A means for the patient to obtain a copy of his ~~or~~ or her dental records. The notice shall be mailed at least fourteen (14) days prior to the date of termination of the dentist/patient relationship, unless the termination results from an unforeseen emergency (such as sudden injury or illness), in which case the notice shall be mailed as soon as practicable under the circumstances.

(r) Failing to timely respond to an investigative subpoena issued by the Board;

(s) Certifying falsely to the accuracy or completeness of dental records provided to the Board.

(t) Failing to notify the Board of a change in physical or electronic address within sixty (60) business days.

Dr. Godfrey reported that Rules 150-4-.01 Investigations and 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising were tabled by the Committee.



Dr. Nalley commented that the procedures listed under section (6) of Rule 150-7-.04 Dental Provisional Licensure by Credentials need to be mirrored in Rule 150-3-.01 Examination for Dental Licensure. The Board recommended referring this rule back to the Rules Committee to add such language.

**Education Committee Report – Dr. Tom Godfrey**

No report.

**Long Range Planning Committee Report – Dr. Steve Holcomb**

No report.

**CRDTS Steering Committee – Dr. Logan Nalley**

Dr. Nalley reported that the Steering Committee met last month. He stated that Texas is in the process of joining CRDTS.

**IP Committee Report – Dr. Richard Bennett**

No report.

**EDDA Review Committee – Dr. Greg Goggans**

No report.

**Executive Director’s Report – Ms. Tanja Battle**

Ms. Battle reported that the 2017 National Dental Examiners’ Advisory Forum conducted by the Joint Commission on National Dental Examinations will be held on April 24, 2017. Dr. Bennett made a motion to recommend Dr. Holcomb as a representative to attend the forum. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Ms. Battle discussed a request from Dr. Hossein Mohammadizadeh, DN012327. Dr. Mohammadizadeh is currently under a public consent order and will be out of the country. He is requesting to meet with the Board to further discuss the stipulations of the order to make sure he is not out of compliance. Dr. Godfrey made a motion to schedule Dr. Mohammadizadeh to meet with the Licensure Overview Committee. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

Ms. Battle stated that the Board has received presentations from two vendors, CE Zoom and CE Broker. At the last meeting, the Board voted to have staff send the links to each vendor’s website so that the Board can further review. Ms. Battle stated that this has been done and asked the Board if it had any thoughts on either of the vendors helping with the audit process. Dr. Nalley stated that he felt the Board should just continue with its current process and not use a vendor. Dr. Bennett responded by stating, as a current member of the CE Audit Committee, he realizes that utilizing either vendor would be an increase in efficiency as opposed to having an individual submit his/her CE information via email, fax, etc. He further stated that, as technology improves, just because something has always worked a certain way, does not mean the Board should not consider an alternative. Dr. Godfrey made a motion to table this matter until next month. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

**Attorney General’s Report – Mr. Bryon Thernes**

No report.

**Miscellaneous**

Dental Screening Request from Kathryn A. Starr: Dr. Nalley made a motion to approve the request. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Dr. Richard Bennett made a motion and Dr. Tom Godfrey 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) and §43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tom Godfrey, Dr. Greg Goggans, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Logan Nalley, Dr. Antwan Treadway, and Dr. Bert Yeargan.

## **Executive Session**

### **Appearances**

- O.S.B.
- S.M.

### **Applications**

- A.M.S.
- D.F.
- P.D.M.
- R.P.P.
- J.S.W.
- K.T.B.
- N.E.E.
- A.J.D.
- G.B.G.
- J.R.
- L.A.G.
- L.M.M.
- T.A.M.
- R.G.D.
- K.G.D.
- S.C.A.
- G.L.
- B.J.P.
- C.C.C.

### **Correspondences**

- K.D.W.
- C.L.B.
- G.H.S.
- M.A.J.

### **Investigative Committee Report**

Report presented:

- **Complaint Number**
- DENT140124
- DENT150239
- DENT160441
- DENT170100
- DENT140058

- DENT160526
- DENT170134
- DENT170162
- DENT170173
- DENT170194
- DENT140077
- DENT140144
- DENT150294
- DENT150341
- DENT150372
- DENT160036
- DENT160047
- DENT160075
- DENT160085
- DENT160112
- DENT160114
- DENT160217
- DENT160223
- DENT160236
- DENT160281
- DENT160432
- DENT160466
- DENT150119
- DENT160016
- DENT160017
- DENT160199
- DENT170053
- DENT170113
- DENT170114
- DENT170116
- DENT170119
- DENT170144
- DENT170146
- DENT170149
- DENT170164
- DENT170177
- DENT150340
- DENT160040
- DENT160147
- DENT160148
- DENT160149
- DENT160150
- DENT160151
- DENT160379
- DENT160063

### **Executive Director's Report – Ms. Tanja Battle**

- Requested legal advice regarding memorandum of understanding.

### **Attorney General's Report – Mr. Bryon Thernes**

- The Board received legal advice regarding Rule 150-7-.06 Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members.

### **Legal Services – Ms. Anil Foreman**

- DENT150112
- G.T.A.
- C.M.

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

## **Open Session**

In regards to the rules voted on by the Board in Open Session, a motion was made by Dr. Bennett, seconded by Dr. Nalley, and the Board voted that the formulation and adoption of these amendments do not impose excessive regulatory cost on any licensee and any cost to comply with the proposed amendments cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7, 43-11-9. The formulation and adoption of these amendments will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

### **Miscellaneous**

Dr. Godfrey stated there are a number legislative matters currently being considered that could be impactful to the Board. He stated that the Board has typically not taken positions on pending legislation but wondered if it should consider doing so at this juncture. Dr. Godfrey inquired as to whether or not a member of the Board should be designated to convey the Board's position on any bills.

Ms. Battle was asked about the implications regarding Senate Bill 2. Ms. Battle commented that this bill, as written, would affect how fees would be collected. She stated the bill mandates that 50% of any fee would be required on the front end. Upon review and before approval, the remaining 50% would need to be collected. She further explained that the current computer system, was not designed to accommodate this process and, because it would apply to the processing of renewal fees, would delay processing significantly. Ms. Battle stated there are a total of 61,000 licensees/registrants between the Georgia Board of Dentistry and the Georgia Board of Pharmacy that would need to be renewed manually should the bill pass as it currently reads. Additionally, there are other mandates in the bill related to communication with licensees and the rule promulgation process.

Ms. Foreman added that the bill requires each state agency to establish expedited licensing and permitting process. For example, a dentist could pay \$520 to request an expedited application review. Ms. Foreman commented that, given the unknown number of individuals who would choose the expedited process, there was no way to know whether or not the Board could accommodate the expedited applications.

Dr. Godfrey also discussed the requirement for a transfer of a license from another state. The Board currently has a licensing process by credentials for applicants from other states.

In regard to other legislation, Dr. Goggans commented that Senate Bill 12 requires the Board to monitor the number of dentists practicing under general supervision in safety net settings.

Dr. Nalley commented on Senate Bill 81, which imposes penalties for prescribers who knowingly and intentionally fail to register with and review the PDMP.

Discussion ensued regarding whether or not the Board should take an official position on legislation. Ms. Battle stated that should the Board not take an official position, the discussion regarding the bills would be available and reflected in the minutes.

Dr. Godfrey made a motion to state that the Board has taken a position on the items previously discussed and it is on record what the Board's opinion is. The motion was not seconded. Dr. Goggans suggested that, given the Board has not taken official positions previously, that it consider not doing so at this time.

Dr. Godfrey made a motion that the concerns regarding legislative items discussed are the Board's opinion. Dr. Nalley seconded the motion and the Board voted in favor of the motion. Dr. Bennett opposed.

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

### **Appearances**

- |          |                           |  |
|----------|---------------------------|--|
| • O.S.B. | Denied Dental Credentials | Overturn denial and approved application |
| • S.M.   | Denied Dental Credentials | Uphold denial                            |

### **Applications**

- |          |                                |  |
|----------|--------------------------------|--|
| • A.M.S. | Dental Hygiene Exam            | Approved application                                   |
| • D.F.   | Dental Hygiene Exam            | Approved application                                   |
| • P.D.M. | Dentist Exam Applicant         | Schedule to meet with the Licensure Overview Committee |
| • R.P.P. | Dentist Exam Applicant         | Approved application                                   |
| • J.S.W. | Dentist Exam Applicant         | Schedule to meet with the Licensure Overview Committee |
| • K.T.B. | Dentist Exam Applicant         | Approved application                                   |
| • N.E.E. | Dentist Exam Applicant         | Approved application                                   |
| • A.J.D. | Dental Hygiene Credentials     | Approved application                                   |
| • G.B.G. | Dental Hygiene Credentials     | Approved application                                   |
| • J.R.   | Dental Hygiene Credentials     | Approved application                                   |
| • L.A.G. | Dental Hygiene Credentials     | Approved application                                   |
| • L.M.M. | Dental Hygiene Credentials     | Approved application                                   |
| • T.A.M. | Dental Credentials Applicant   | Approved application                                   |
| • R.G.D. | Dental Credentials Applicant   | Approved application                                   |
| • K.G.D. | Dental Hygiene Reinstatement   | Refer to Legal Services                                |
| • S.C.A. | Dental Reinstatement Applicant | Approved application                                   |
| • G.L.   | Dental Faculty Applicant       | Schedule to meet with the Licensure Overview Committee |
| • B.J.P. | Conscious Sedation Applicant   | Approved evaluation                                    |
| • C.C.C. | Inactive Status Applicant      | Approved application                                   |

### **Correspondences**

- |          |                                |  |
|----------|--------------------------------|--|
| • K.D.W. | Request to terminate probation | Approved request                               |
| • C.L.B. | Request to terminate probation | Approved request                               |
| • G.H.S. | Request regarding credentials  | Board directed staff to respond by stating the |

licensure

individual would not qualify for credentials  
licensure per Georgia law.

- M.A.J. Request for letter stating individual has complied with consent order Approved request

**Investigative Committee Report**

Report presented:

<b>Complaint Number</b>	<b>Allegations</b>	<b>Recommendation</b>
DENT140124	Quality of care/substandard practice	Refer to the Department of Law with the original recommendations
DENT150239	Quality of care/substandard practice	Close with no action
DENT160441	Quality of care/substandard practice	Close with no action
DENT170100	Quality of care/substandard practice	Close with no action
DENT140058	Unsanitary conditions	Accept voluntary surrender
DENT160526	Fraud	Accept voluntary surrender
DENT170134	Arrest, conviction & please	Accept voluntary surrender
DENT170162	Unlicensed practice	Accept voluntary C&D
DENT170173	Unlicensed practice	Accept voluntary C&D
DENT170194	Unlicensed practice	Close with a letter of concern about sanitation protocol and possible cross-contamination and direct supervision of dental auxiliaries; close with no action with respect to license issue
DENT140077	Other	Close with no action
DENT140144	Quality of care/substandard practice	Close with no action
DENT150294	Quality of care/substandard practice	Close with no action
DENT150341	Unlicensed practice	Close with no action
DENT150372	Unprofessional conduct	Close with no action
DENT160036	Fraud/misrepresentation	Close with no action
DENT160047	Quality of care/substandard practice	Close with no action
DENT160075	Quality of care/substandard practice	Close with no action
DENT160085	Unlicensed practice	Close with no action
DENT160112	Quality of care/substandard practice	Close with no action
DENT160114	Fraud/misrepresentation	Close with no action
DENT160217	Quality of care/substandard practice	Close with no action
DENT160223	Unprofessional conduct	Close with no action
DENT160236	Unprofessional conduct	Close with no action
DENT160281	Fraud	Close with no action
DENT160432	Records release	Close with no action
DENT160466	Unlicensed practice	Close with no action
DENT150119	Quality of care/substandard practice	Close with no action
DENT160016	Unlicensed practice	Close with no action
DENT160017	Unlicensed practice	Close with no action
DENT160199	Unlicensed practice	Close with no action
DENT170053	Unlicensed practice	Accept voluntary cease and desist order
DENT170113	Billing	Close with no action

DENT170114	Quality of care/substandard practice	Close with no action
DENT170116	Quality of care/substandard practice	Close with no action
DENT170119	Quality of care/substandard practice	Close with a letter of concern
DENT170144	Quality of care/substandard practice	Close with no action
DENT170146	Quality of care/substandard practice	Close with no action
DENT170149	Quality of care/substandard practice	Close with no action
DENT170164	Fraud	Close with no action
DENT170177	Quality of care/substandard practice	Close with no action
DENT150340	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160040	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160147	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160148	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160149	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160150	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160151	Advertising	Close with a letter of concern regarding 150-10-.01
DENT160379	Quality of care/substandard practice	Refer to the Department of Law
DENT160063	Quality of care/substandard practice	Refer to the Department of Law

**Executive Director’s Report – Ms. Tanja Battle**

- Requested legal advice regarding memorandum of understanding.

**Attorney General’s Report – Mr. Bryon Thernes**

- The Board received legal advice regarding Rule 150-7-.06 Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members.

**Legal Services – Ms. Anil Foreman**

- DENT150112           Approved request to release records
- G.T.A.                Update provided
- C.M.                 Private Consent Order accepted

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

Dr. Bennett made a motion to post Rule 150-7-.06 Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members with the suggested amendments. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

**150-7-.06 Expedited Licenses for Military Spouses, Service Members, and Transitioning Service Members.**

(1) As used in this Rule:

(a) “Expedited application review” means the review of a completed application within fourteen (14) business days of submission to the Board of Dentistry;

(b) “License” means a document issued by the Board of Dentistry to an applicant granting the applicant the ability to lawfully practice dentistry or dental hygiene under Title 43, Chapter 11;

- (c) "Military" means the United States armed forces, including the National Guard;  
(d) "Military spouse" means a spouse of a service member or a transitioning service member;  
(e) "Service member" means an active or reserve member of the armed forces, including the National Guard;  
(f) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.  
(2) A service member, military spouse, or transitioning service member qualifies for expedited application review once the applicant has submitted a completed application.  
(3) No application submitted under this Rule shall be denied without review by a quorum of the Board.  
(4) Within the time permitted for expedited application review, all applications shall either be granted or referred to the full Board for review.  
(5) If an application is referred to the full Board for review, it shall be reviewed and considered by the Board not later than its next regularly scheduled Board meeting.

A motion was made by Dr. Bennett, seconded by Dr. Godfrey, and the Board voted that the formulation and adoption of the proposed rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7, 43-11-9. The formulation and adoption of the proposed rule will impact every licensee in the same manner, and each licensee is independently licensed, owned and operated and dominant in the field of dentistry.

With no further business, the Board meeting adjourned at 1:08 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, April 7, 2017, at 10:00 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I  
Minutes edited by Tanja D. Battle, Executive Director