

GEORGIA BOARD OF DENTISTRY
Board Meeting
October 17, 2014
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
9:30 a.m.

The following Board members were present:

Dr. Logan Nalley
Dr. Stephen Holcomb
Ms. Becky Bynum
Ms. Connie Engel (*departed @ 1:40 p.m.*)
Dr. Tracy Gay
Dr. Tom Godfrey
Dr. Greg Goggans
Dr. Antwan Treadway
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Asst Attorney General
Anil Foreman, Legal Officer
Brandi Howell, Bus Operations Specialist

Visitors:

Carol Smith, Department of Public Health
Gerald Huang, Mossey Bowers
Dr. Donald Brown, GDA
Sarah Sikkelee, ConnectSouth/Kool Smiles
Melana McClatchey, GDA
Wendy Blond, GDHA
Fatimot Ladipo, GDA

Open Session

Dr. Nalley established that a quorum was present and called the meeting to order at 9:49 a.m.

Introduction of Visitors

Dr. Nalley welcomed the visitors.

Approval of Minutes

Dr. Treadway made a motion to approve the Public and Executive Session minutes for the September 19, 2014 meeting. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Petition for Rule Waiver – John W. Stockstill

Dr. Godfrey made a motion to deny the rule waiver petition. Dr. Gay seconded and the Board voted in favor of the motion, with the exceptions of Dr. Treadway and Dr. Holcomb, who opposed.

Correspondence from Dr. Stephen P. Leafe

The Board considered this correspondence regarding oral appliances for patients that have sleep apnea. The Board discussed a memorandum from the Department of Law dated March 7, 2005 regarding prescribing sleep apnea appliances. Dr. Gay made a motion to release the document to Dr. Leafe. Dr. Yeargan seconded and the Board voted in favor of the motion.

General – Dr. Logan Nalley

Dr. Nalley discussed an email that was received from Suzanne Newkirk, GDHA Chair, Governmental Affairs, concerning the selling of whitening products outside of a dental setting. GDHA is planning a

fundraiser for its association and is interested in selling whitening products to its friends and family members. The Board recommended tabling this matter for discussion in Executive Session.

CE Audit Committee Report – Dr. Richard Bennett

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Randy Daniel

No report.

Credentialing Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Logan Nalley

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 150-3-.04 Applications.Amended. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

150-3-.04 Applications. Amended

- (1) An applicant for dental licensure must provide the board with the following items: 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, if any, must provide the following in order to complete their application.
 - (a) Certified copy of the applicant’s testing results showing passage of all sections with a score of 75 or higher on a clinical examination administered by the board or a testing agency designated and approved by the board.
 - (b) Proof of current CPR certification;
 - (c) Copies of any and all National Practitioner’s Data Bank reports pertaining to the applicant;
 - (d) An official transcript under seal issued by the appropriate authority (along with a verified translation into English, if necessary), from the school or university from which the applicant received his or her doctoral degree in dentistry;
 - (e) National Board Scores verifying passage of all parts with a minimal acceptable grade of 75.
 - (f) Verification of licensure from all states where the applicant has ever held or currently holds a license to practice dentistry. Such license shall be unencumbered by past, present or pending disciplinary action.
 - (g) Furnish a criminal background check. The applicant shall be responsible for all fees associated with the performance of a background check.
- (2) In addition to the requirements in Section (1), 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, if any, must 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) A certification from the dean of the accredited dental school where the applicant took the required supplementary program specified in O.C.G.A. Sec. 43-11-40(a)(1)(A), 43-11-40(a)(1)(A) and (B) setting forth that the applicant has achieved the same level of didactic and clinical competency as expected of a graduate of the dental 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.

(c) An official transcript under seal from the accredited dental school showing all courses taken during the supplementary program required pursuant to O.C.G.A. Sec. 43-11-40(a)(1)(A).

(3) All applicants must show passage of all sections with a score of 75 or higher on a clinical examination administered by the board or testing agency designated and approved by the board and 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.

(4) 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 application.

Dr. Godfrey made a motion to post Rule 150-3-.09 Continuing Education for Dentists. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

150-3-.09 Continuing Education for Dentists

(1) Dentists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of forty (40) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dentist for at least three (3) years following the end of the biennium during which the course was taken.

(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of active licenses dentists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall not apply to dentists whose licenses are on inactive status.

(d) The continuing education requirements shall apply within the first biennium that a dentist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dentist may submit as their continuing education hours proof of dental coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency. Following the first biennium that a dentist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-3-.09(2) and (3).

(2) Coursework, including home study courses, sponsored or approved by the following recognized organizations will be accepted:

- (a) American Dental Association/American Dental Hygienists association, and their affiliate associations and societies;
- (b) Academy of General Dentistry;
- (c) National Dental Association and its affiliate societies;
- (d) Colleges, and universities and institutions with programs in dentistry and dental hygiene that are accredited by the Commission on Dental Accreditation of the American Dental Association when the professional continuing education course is held under the auspices of the school of dentistry or school of dental hygiene;
- (e) CPR courses offered by the American Red Cross, the American Heart Association, the American Safety and Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board.
- (f) National and State Associations and/or societies of all specialties in dentistry recognized under Georgia law;
- (g) Veterans Administration Dental Department;
- (h) Armed Forces Dental Department;
- (i) Georgia Department of ~~Human Resources~~; of Public Health;
- (j) American Medical Association, the National Medical Association and its affiliate associations and societies;
- (k) Hospitals accredited by the Joint Commission on Accreditation of Hospital Organizations (JCAHO).

(3) Course content:

- (a) All courses must reflect the professional needs of the dentist in providing quality dental health care to the public;
- (b) At least thirty (30) hours of the minimum requirement shall be clinical courses in the actual delivery of dental services to the patient or to the community;
- (c) Four (4) credit hours for successful completion of the CPR course required by Georgia law may be used to satisfy continuing education requirements per renewal period;
- (d) Up to fifteen (15) hours of continuing education per year may be obtained by assisting the Board with administering the clinical licensing examination. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency listed in 150-3-.09(2);
- (e) Eight (8) hours per biennium may be obtained by assisting the board with investigations of licensees. This may include consultant review on behalf of the Georgia Board of Dentistry and peer reviews completed by committees of the Georgia Dental Association but shall be limited to two (2) hours for each case reviewed. These hours shall be approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency listed in 150-3-.09(2);
- (f) Up to ten (10) hours of continuing education per year may be obtained by teaching clinical dentistry or dental hygiene at any ADA-approved educational facility. These hours shall be awarded in writing by the course director at the facility and approved by the Continuing Education Committee of the Georgia Board of Dentistry;
- (g) Up to ten (10) hours of continuing education per biennium may be obtained by providing, uncompensated dental care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dentistry services to indigent patients;
- (h) Up to twenty (20) hours of continuing education per biennium may be obtained by members of the Georgia Board of Dentistry for member service, where one continuing education hour is credited for each five hours of Board service provided.

(4) Criteria for receiving credit for attending an approved continuing education course:

- (a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied;
- (b) One credit hour for each hour of course attendance will be allowed;

- (c) Only twelve hours of credit will be accepted per calendar day;
- (d) Effective January 1, 2008, at least twenty (20) of the required forty (40) hours of credit must be acquired in person at an on-site course or seminar; you are not allowed to acquire all CE hours through on-line courses, electronic means, journal studies, etc.
- (5) Criteria for receiving credit for teaching an approved continuing education course:
- (a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;
- (b) A dentist who teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of course work that he or she presents at a particular course. Credit will be given for teaching a particular course on one occasion. A maximum of ten (10) credit hours per biennium may be obtained by a dentist by whom an approved continuing education course is taught;
- (c) Only continuing education courses sponsored by organizations designated in Rule 150-3-.09(2) will be considered for credit pursuant to this subsection of the rule.
- (d) In the event that an audit is conducted of the continuing education hours of a dentist who has taught a course approved by a recognized organization, the following information shall be required to document the dentist's role in presenting a continuing education course:
- (i) Documentation from an approved provider verifying that the dentist presented an approved continuing education course;
- (ii) Documentation from an approved provider reflecting the content of the course;
- (iii) Documentation from an approved provider specifying the list of materials used as a part of the course; and
- (iv) Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.
- (e) In the event that an approved continuing education course is taught by more than one dentist, continuing education credit will be given for those portions of course work for which the dentist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dentist whose participation in preparing and presenting an approved course is not readily identifiable.
- (6) Criteria for receiving credit for providing uncompensated indigent dental care.
- (a) Up to ten (10) hours of continuing education per biennium may be obtained by providing, uncompensated dental care at a public agency or institution, not for profit agency, not for profit institution, nonprofit corporation or not for profit association which provides dentistry services to indigent patients.
- (b) Dentists may receive one hour of continuing education for every four hours of indigent dental care the dentist provides, up to ten (10) hours. Such continuing education credits will be applied toward the dentist's clinical courses.
- (c) All credit hours must be received during the two (2) year renewal period;
- (d) All appropriate medical/dental records must be kept;
- (e) Dentists shall at all times be required to meet the minimal standards of acceptable and prevailing dental practice in Georgia;
- (f) The Board shall have the right to request the following:
1. Documentation from the organization indicating that the dentist provided the dental services;
 2. Documentation from the organization that it provided medical and/or dental services to the indigent and/or those making up the underserved populations;
 3. Notarized verifications from the organization documenting the dentist's agreement not to receive compensation for the services provided;
 4. Documentation from the organization detailing the actual number of hours spent providing said services; and
 5. Documentation from the dentist and/or organization verifying the services provided.
- (7) Effective January 1, 2012, dentists may receive continuing education credit for dental coursework taken during a residency program from a university or other institution accredited by the Commission on

Dental Accreditation of the American Dental Association. Such coursework must have been taken during the current license renewal period.

- (1) Submission of a copy of the certificate of completion of program showing dates of completion is sufficient proof of coursework.
- (2) One (1) credit hour equals one (1) continuing education credit.

Dr. Godfrey made a motion to post Rule 150-6-.01 Laboratory Records. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

150-6-.01 Laboratory Prescriptions Records. Amended.

- (1) All dentists licensed to practice in Georgia must furnish a written prescription for all laboratory work to be performed by dental laboratory technicians or other unlicensed persons.
- (2) No specific form of prescription must be utilized but the Board does require certain necessary information for each separate and individual piece of work to be done by a dental laboratory technician or unlicensed person, and this must include:
 - (a) name and address of laboratory technician or unlicensed person;
 - (b) patient's name or case number;
 - (c) date on which prescription is written;
 - (d) a description of the work to be done, with diagram if necessary;
 - (e) a specification of the type and quality of materials to be used;
 - (f) signature and address of the licensed dentist.
- (3) The prescription must be written in duplicate. The original is to be delivered to the laboratory technician or unlicensed person and the duplicate shall be retained by the dentist. All originals and duplicates must be kept in the files for a period of ~~two (2)~~ ten (10) years from the date of delivery of the prescription and may be subject to periodic examinations by duly authorized agents of the State Board.
- (4) All originals or duplicates of photographs sent to the laboratory must be kept in the files for a period of ten (10) years from the date of delivery.
- ~~(4)~~(5) Laboratory technicians: No dentist shall allow a dental technician to visit his or her dental office to see a patient regardless of whether the dentist is present except that a dental technician may assist in the selection of a tooth shade when this process is performed in the dentist's office under his or her direct personal supervision.
- ~~(5)~~(6) No dentist shall use a patient as a messenger to the dental laboratory.

Dr. Godfrey made a motion to post Rule 150-7-.04 Dental Provisional Licensure by Credentials. Dr. Holcomb 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 "State" includes Washington D.C. and all U.S. territories.
- (2) "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 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.
- (3) "Full Time Clinical Practice" means a minimum of 1,000 hours for each twelve (12) month period immediately preceding the date of the application in the hands-on treatment of patients. Training programs do not qualify as full time clinical practice.
- (4) "Active Dental License" is defined as an unencumbered license held by an individual without restrictions.
- (5) "Full Time Clinical Faculty Practice" means a minimum of 1,000 hours for each twelve (12) month period immediately preceding the date of the application in the teaching of clinical dental skills at an ADA-accredited dental school/program. Training programs do not qualify as full time clinical faculty practice.

(6) Only those applicants licensed and currently engaged in full time clinical practice as defined in subsection (3) 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.

(7) 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.

(8) 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 (3) of this rule; full time faculty as defined in subsection (5) 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) 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 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; and

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 application.

(9) 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)(a), (c), (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 leading to 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 ~~such~~ the applicant took the required supplementary program was taken specified in O.C.G.A. § 43-11-41(a) setting forth that the applicant that the candidate 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.

(10) 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 administrated by the dental board or its designated testing agency. A certification letter from the applicants' dental school is not acceptable.

(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) 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.

(c) 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.

(d) 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.

(11) Within the first two (2) years of being granted a provisional license by credentials, applicant must establish full-time clinical practice which is defined in subsection (2) of this rule or the license will be automatically revoked.

(12) Active duty military dentists on federal installations are exempt from the state of practice requirement as contained in subsection (6) 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.

(13) Contract employees on Georgia federal installations are exempt from the state of practice requirement as contained in subsection (6) 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.

(14) These exempt applicants must provide a letter from the supervising authority/commanding officer at the federal installation. Such letter must include but not be limited to the applicants' general service record, any complaint or disciplinary action as well as continuing education the credentialing candidate may have obtained.

(15) 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 (3) of this rule.

(16) 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. § 43-11-47.

Dr. Godfrey made a motion to post Rule 150-8-.04 Animals. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

150-8-.04 Animals.

(1) A licensee shall not permit animals or pets in a dental office or any other locations in which the practice of dentistry occurs, except for guide dogs and service dogs as permitted by Title 30 of the Official Code of Georgia and service animals as permitted under the Americans with Disabilities Act (42 U.S.C. §§12101, et. seq.).

(2) Where an individual working at a dental practice or other location in which the practice of dentistry occurs requires a service animal as permitted under the Americans with Disabilities Act (42 U.S.C. §§12101, et. seq.) and Title 30 of the Official Code of Georgia, the dentist who owns the practice or location shall maintain on-site the credentials that show that the service animal has been trained and/or certified for use in the manner required while at the dental practice of other location in which the practice of dentistry occurs.

Dr. Godfrey made a motion to table Rule 150-7-.03 Volunteers in Dentistry. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey made a motion to post Chapter 150-25 Mobile Dentistry. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

CHAPTER 150-25 MOBILE DENTISTRY

Rule 150-25-.01 APPLICABILITY

This chapter applies to a dentist with an active Georgia license who operates a mobile dental facility or portable dental operation that provides dental or dental hygiene services. This chapter does not refer to any physically stationary office where the services may be provided. This chapter does not permit any person other than a dentist with an active license to practice in Georgia to operate a mobile dental facility or portable dental operation.

Rule 150-25-.02 DEFINITIONS

For the purposes of this chapter, the following words have the following meanings.

(a) "Mobile Dental Facility" means any self-contained facility in which dentistry or dental hygiene is practiced which may be moved, towed, or transported from one location to another.

(b) "Operator" means any person actively licensed to practice dentistry in the state of Georgia who runs a mobile dental facility or portable dental operation.

(c) "Patient" means any person whom the operator or any treating dentist working at the mobile dental facility or portable dental operation has examined, treated, cared for, or otherwise consulted with during the previous one (1) year period.

(d) "Portable Dental Operation" means dental equipment utilized in the practice of dentistry or dental hygiene that is transported to and utilized on a temporary basis at an out-of-office location, including but not limited to patients' homes, schools, nursing homes, or other institutions or locations. It shall also mean any equipment that is set up on-site to provide dental services outside of a mobile dental facility or a dental office and uses non-fixed dental equipment and independent plumbing.

(e) "Session" means any period of time during which personnel associated with a registered mobile dental facility or portable dental operation are available to provide dental services at a particular location.

Rule 150-25-.03 REGISTRATION REQUIREMENTS

(1) In order to operate a mobile dental facility or portable dental operation, an operator shall first obtain a Certificate of Registration issued by the Board permitting him/her to operate a mobile dental facility or portable dental operation.

(2) The operator shall complete an application in the form and manner required by the Board and shall meet all qualifications established by the Board.

(3) No initial Certificate of Registration to operate a mobile dental facility or portable dental operation shall be issued until there has been an inspection by a member of the Board, an inspector, or a licensed dentist authorized by the Board to perform inspections. If there is a determination as a result of the inspection that the application will not be granted, a list of the deficiencies noted shall be provided to the applicant within ten (10) business days from the date of the inspection. If the applicant desires another inspection, a request must be made in writing to the Board, and approval of the request is at the pleasure of the Board.

(a) A mobile dental facility shall be inspected biennially upon renewal of Certificate of Registration. A renewed Certificate of Registration shall not be granted until after a full and satisfactory inspection has been completed by a member of the Board, an inspector, or a licensed dentist authorized by the Board to perform inspections. It is the responsibility of the renewal applicant to make a request for an inspection after submitting the completed renewal application to the Board office.

(b) A portable dental operation shall be inspected by a member of the Board, an inspector, or a licensed dentist authorized by the Board to perform inspections upon initial application for a Certificate of Registration. Thereafter, the Certificate of Registration may be renewed biennially without an inspection, unless there has been a substantial repair, replacement, or modification made that requires inspection in the interest of patient safety before use on patients.

(4) The fee for the initial Certificate of Registration and the required inspection shall be an amount to be determined by the Board. In the event of an unsuccessful inspection, the applicant will be required to submit an additional amount to be determined by the Board for re-inspection. The fee for the inspection required before approval of an application for a renewed Certificate of Registration shall be an amount to be determined by the Board. Fees are non-refundable.

(5) The Board at minimum requires the following information from each operator applicant for a Certificate of Registration for a mobile dental facility or portable dental operation:

(a) The name, telephone number, email address, and dental license number of the operator applicant;

(b) The trade or business name(s) used by the operator applicant for the mobile dental facility or portable dental operation;

(c) The official business address of the operator applicant, which shall not be a post office box and shall be within the state of Georgia;

(d) Information necessary to demonstrate compliance with O.C.G.A. Title 50, Chapter 36;

(e) Evidence satisfactory to the Board that the operator applicant is in compliance with all laws and investigations from each regulatory or licensing agency in which the operator applicant holds a license. Such evidence can take the form of a National Practitioner's Databank self-query report;

(f) The full name, address, telephone number, email address, and license number of all dentists or dental hygienists planning to work at the mobile dental facility or portable dental operation and the full name, address, telephone number, and email address of all dental assistants planning to work at the mobile dental facility or portable dental operation. The operator shall notify the Board in writing within ten (10) business days of any change in employment or association of any dentist, dental hygienist, or dental assistant working at the mobile dental facility or portable facility operation. The operator shall also notify the Board in writing within ten (10) business days of any additional dentists or dental auxiliaries hired to provide dental services at the mobile dental facility or portable dental operation;

(g) If the mobile dental facility is a vehicle, the make, model, and license number of the vehicle and proof of registration;

(h) If the mobile dental facility is a vehicle or to be towed by a vehicle, the full name, address, and telephone number of all drivers of the mobile dental facility. The operator shall also provide copies of all drivers' active Georgia driver's licenses and copies of their Driving History (MVR) reports for the past seven (7) years;

(i) Proof of motor vehicle insurance from a licensed insurance carrier for the mobile dental facility, if a vehicle. The operator shall be required to maintain motor vehicle insurance at all times for which the mobile dental facility is registered with the Board;

(j) A copy of a written procedure for emergency follow-up care.

(7) An application for a Certificate of Registration of a mobile dental facility or portable dental operation will be considered on the basis of an application filed with the Board, fee paid, and a full and satisfactory inspection by a member of the Board, an inspector, or a licensed dentist authorized by the Board to perform inspections.

(8) An application for a Certificate of Registration may be denied for failure to comply with the rules of the Board, for failure to meet the minimum qualifications for a Certificate of Registration, for the conviction by an operator of a felony involving the practice of dentistry, for false representation(s) on an application, or for any other good cause related to evidence of misfeasance or malfeasance by the operator applicant. Denial of an application for a Certificate of Registration shall not be considered a contested case under the provisions of O.C.G.A. T 50, Ch. 13., but the applicant shall be entitled to an appearance before the Board.

(9) A Certificate of Registration becomes null and void upon the sale, transfer, or change of mode of operation of the mobile dental facility or portable dental operation. Prior to the sale, transfer or change in mode of operation of the mobile dental facility or portable dental operation, the operator may apply for such change by submitting a Board-approved application and paying a fee.

(10) A Certificate of Registration is only valid for the operator to operate one mobile dental facility or portable dental operation. If an operator seeks to operate multiple mobile dental facilities or portable dental operations, the operator must submit an application for a Certificate of Registration for each individual mobile dental facility or portable dental operation.

(11) A Certificate of Registration is issued for two years and expires on December 31 of each odd-numbered Year. A Certificate of Registration may be renewed for two years upon the payment of the required fee, the filing of a timely and sufficient application for renewal, and in the case of a mobile dental facility, a full and satisfactory inspection. In support of his/her application for renewal, an applicant for renewal must submit such evidence as requested by the Board including, but not limited to, evidence of active licensure in Georgia and good standing for all dentists and hygienists practicing at the mobile dental facility or portable dental operation, and in the case of a mobile dental facility, evidence of valid motor vehicle insurance coverage and a Driving History Report (MVR) for all drivers that includes the previous two years. A late renewal fee will be assessed in addition to the renewal fee where an application for renewal of a Certificate of Registration is submitted between December 31 of the odd-numbered Year and June 30 of the following even-numbered Year. If the application for renewal is not made and the fees paid before July 1st of the following even-numbered Year, the Certificate of Registration shall lapse and shall not be reissued except by application for a new Certificate of Registration.

(12) The holder of a Certificate of Registration must notify the Board within ten business (10) days of the receipt of any final order or decision by any other licensing board or government agency of the imposition of disciplinary action or restriction by such other licensing board or government agency. A final order or decision includes a consent order or agreement and includes any final decision, regardless whether an appellate right to the state or federal courts exists. Any revocation or suspension of a state license will result in the immediate suspension of the Certificate of Registration, pending a final decision by the Board.

(13) If, in the course of an investigation of a mobile dental facility or portable dental operation, an onsite inspection by a member of the Board, an inspector, or a licensed dentist authorized by the Board to perform inspections is required, the Registrant shall be responsible for the cost of such on-site inspection, and the fee is strictly non-refundable.

(14) A Certificate of Registration may be revoked or suspended or otherwise disciplined for any reason that a license to practice dentistry in Georgia may be denied, revoked, suspended or otherwise disciplined, for failure to comply with any rule in Chapter 150-25, for evidence of disciplinary action by other states or a federal agency, for conduct causing bodily or psychological injuries to a resident of this State, and for failure to comply with Georgia laws pertaining to dentistry, Board rules, and any and all other applicable laws or rules.

(15) A dentist licensed to practice dentistry in Georgia shall be present at all times that clinical services are rendered in the operation of a registered mobile dental facility or portable dental operation.

(16) Effective July 1, 2015, no person may operate a mobile dental facility or portable dental operation without a Certificate of Registration issued by the Board. This prohibition shall not prohibit an actively licensed dentist who does not have a registered mobile dental facility or portable dental operation from providing a dental service through the use of dental instruments, materials, and equipment taken out of a physically stationary dental office if the service is provided as emergency treatment for a patient of record.

RULE 150-25-.04 OPERATION OF A MOBILE DENTAL FACILITY

(1) A mobile dental facility shall only be owned and operated by a dentist actively licensed to practice in Georgia. A dental hygienist, dental assistant, or any other person not actively licensed to practice dentistry in the state of Georgia shall neither own nor operate a mobile dental facility nor represent themselves as the owners or operators of a mobile dental facility.

(2) The operator of a mobile dental facility shall maintain an official business address which shall not be a post office box, which shall be within this state, and which shall be associated with an established dental practice owned by an actively licensed Georgia dentist. This official business address shall be filed with the Board as part of the application for a Certificate of Registration.

(a) The operator shall notify the Board within ten (10) business days of any change in official business address, location, or telephone number of record. The notification shall also include the method by which patients are notified of the change of official business address, location, or telephone number of record.

(b) The operator shall ensure that all written or printed documents available from or issued by the mobile dental facility shall contain the official business address and telephone number of record for the mobile dental facility.

(c) The operator shall maintain all dental and official records at the official business address.

(3) An operator is solely responsible for the conduct and operations of his/her mobile dental facility. An operator of a mobile dental facility shall:

(a) Maintain all dental records;

(b) Obtain written, informed consent when treating a minor or an incapacitated person from the parent or guardian. The signed consent form must inform the parent or guardian the treatment of the minor or incapacitated person by the mobile dental facility may affect future benefits that the patient may receive under private insurance or a state or federal medical assistance program;

(c) Ensure that a dentist licensed to practice in this State is responsible at all times for services provided at a mobile dental facility;

(d) Ensure that all dental services provided at a mobile dental facility are provided by persons authorized by law to provide these services;

(e) Ensure that each dentist and dental hygienist providing services in his/her mobile dental facility displays his/her authorization to practice in this State and the Certificate of Registration for the mobile dental facility in plain view of patients;

(f) Not hire, employ, allow to be employed, or permit to work in a mobile dental facility any person who performs or practices dentistry or dental hygiene who is not duly authorized in accordance with state law;

(g) Comply with all applicable rules and regulations promulgated by the Occupational Safety and Health Administration, the federal Centers for Disease Control and Prevention, the Georgia Department of Public Health, any local Departments of Health, and all applicable federal, state, or local laws, regulations, or ordinances including, but not limited, those relating to radiographic equipment, flammability, construction, sanitation, medical waste transportation, zoning, and prevention of transmission of infection and disease;

(h) Obtain all applicable county and city licenses or permits to operate the mobile dental facility at each location of operation;

(i) Comply with all applicable federal, state or local laws, regulations and ordinances regarding infection control and sanitation procedures in his/her operation of the mobile dental facility, including but not limited to:

1. Having access to a properly functioning sterilization system;
2. Having access to an adequate supply of potable water, including hot water;
3. Having access to hand-washing and toilet facilities;
4. Having a covered galvanized, stainless steel, or other non-corrosive metal container for deposit of refuse and waste materials;
5. Providing access to a ramp or lift if services are provided to a disabled person;
6. Any such other evidence of compliance with the current recommendations for infection control practices for dentistry promulgated by the Centers for Disease Control and any rule of the Board relating to infection control or reporting in a dental office.

(j) Maintain a written procedure for emergency follow-up care for patients treated in a mobile dental facility, which includes arrangements for treatment in a dental practice that is permanently established in the area within a 25-mile radius of where services are provided subject to a qualified dentist being located in the area and subject to the dentist agreeing to provide follow-up care. An operator who either is unable to identify a qualified dentist in the area or is unable to arrange for emergency follow-up care for patients otherwise shall be obligated to provide the necessary follow-up care via the mobile dental facility or the operator may choose to provide the follow-up care at his/her established dental practice location in the state or at any other established dental practice in the state which agrees to accept the patient. An operator who fails to arrange or provide follow-up care as required herein shall be considered to have abandoned the patient, and the operator and any dentist or dental hygienist, or both, who fail to provide the referenced follow-up care shall be subject to disciplinary action by the Board. An operator shall notify the Board within ten (10) business days of any change in procedure for emergency follow-up care.

(k) Maintain a written or electronic record, which shall be available to the Board within ten (10) business days of a request, detailing each location where services are performed at least all of the following information:

1. The street address of the service location;
2. The dates of each session;
3. The number of patients served;
4. The types of dental services provided and the quantity of each service provided;

(l) Ensure that each patient who visits the mobile dental facility receives a patient information sheet, which shall also be provided to any individual or entity to whom the patient has consented or authorized to receive or access the patient's records. The patient information sheet shall include at a minimum the following information:

1. The name(s) of the dentist(s) and any dental auxiliaries who performed the services.
2. A description of the treatment rendered, including billing service codes and in the instance of fee for service patients, fees associated with treatment and tooth numbers when appropriate.
3. Pertinent contact information as provided by this Chapter.
4. A description of any dental needs either observed during a hygienist's screening or diagnosed during a dentist's evaluation.
5. If applicable, a recommendation that the patient see another dentist if the mobile dental facility is unable to provide the follow-up treatment.
6. If applicable, the name, address, and telephone number of any dentist to whom the patient was referred for follow-up care and the reason for such referral.

(m) Ensure that his/her mobile dental facility adheres to the minimum standard for safe practice in a mobile dental facility including possessing the following:

1. At least one dental treatment chair;
2. Dental treatment light;
3. Portable delivery system or an integrated system;
4. Evacuation unit suitable for dental surgical use;

5. Equipment to treat medical emergencies;
 6. Appropriate and sufficient dental instruments and infection control supplies appropriate to the scope and level of treatment provided;
 7. Communication abilities that enable the operator to contact necessary parties in the event of a medical or dental emergency, that enable the patient or parent or guardian of the patient treated to contact the operator for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the operator and receive treatment information, including radiographs;
 8. Smoke and carbon monoxide detection devices that are in proper working order;
 9. An emergency kit;
 10. Portable oxygen available at all times; and
 11. Where radiographs are to be made at the mobile dental facility, a stable, portable radiographic unit with appropriate processing equipment that is monitored by the proper authorized agency in the State of Georgia and a lead apron which includes a thyroid collar.
- (n) Ensure that each driver of the mobile dental facility possesses a valid driver's license appropriate for the type vehicle being driven, does not have any violations related to the operation of a motor vehicle in the last three (3) years, and does not have any violations involving alcohol or illegal substances related to the operation of a motor vehicle in the last seven (7) years.
1. The operator shall provide the Board with a copy of the driver's license of each and every driver of the mobile dental facility at least thirty (30) days prior to the individual operating a mobile dental facility.
- (o) Obtain vehicle registration for his/her mobile dental facility, if it is a vehicle or which is to be towed or otherwise transported by another vehicle.

RULE 150-25-.05 PORTABLE DENTAL OPERATIONS

- (1) A portable dental operation shall only be owned and operated by a dentist actively licensed to practice in Georgia. A dental hygienist, dental assistant, or any other person not actively licensed to practice dentistry in the state of Georgia shall neither own nor operate a portable dental operation nor represent themselves as the owners or operators of a portable dental operation.
- (2) The operator of a portable dental operation shall maintain an official business address which shall not be a post office box, which shall be within this state, and which shall be associated with an established dental practice owned by an actively licensed Georgia dentist. This official business address shall be filed with the Board as part of the application for a Certificate of Registration.
- (a) The operator shall notify the Board within ten (10) business days of any change in official business address, location, or telephone number of record. The notification shall also include the method by which patients are notified of the change of address, location, or telephone number of record.
- (b) The operator shall ensure that all written or printed documents available from or issued by the portable dental operation shall contain the official business address and telephone number of record for the portable dental operation.
- (c) The operator shall maintain all dental and official records at the official business address.
- (3) An operator is solely responsible for the conduct and operations of his/her portable dental facility. An operator of a portable dental operation shall:
- (a) Maintain all dental records;
 - (b) Obtain written, informed consent when treating a minor or an incapacitated person from the parent or guardian. The signed consent form must inform the parent or guardian the treatment of the minor or the incapacitated person by the mobile dental facility may affect future benefits that the patient may receive under private insurance or a state or federal medical assistance program;
 - (c) Comply with all applicable rules and regulations promulgated by the Occupational Safety and Health Administration, the federal Centers for Disease Control and Prevention, the Georgia Department of Public Health, any local Departments of Health, and all applicable federal, state, or local laws, regulations, or ordinances including, but not limited, those relating to sanitation, medical waste transportation, zoning, and prevention of transmission of infection and disease;

(d) Obtain all applicable county and city licenses or permits to operate the portable dental operation at each location of operation;

(e) Maintain a written procedure for emergency follow-up care for patients treated by a portable dental operation, which includes arrangements for treatment in a dental practice that is permanently established in the area within a 25-mile radius of where services are provided subject to a qualified dentist being located in the area and subject to the dentist agreeing to provide follow-up care. An operator who either is unable to identify a qualified dentist in the area or is unable to arrange for emergency follow-up care for patients otherwise shall be obligated to provide the necessary follow-up care via the portable dental operation or the operator may choose to provide the follow-up care at his/her established dental practice location in the state or at any other established dental practice in the state which agrees to accept the patient. An operator who fails to arrange or provide follow-up care as required herein shall be considered to have abandoned the patient, and the operator who fails to provide the referenced follow-up care shall be subject to disciplinary action by the Board. An operator shall notify the Board within ten (10) business days of any change in procedure for emergency follow-up care;

(f) Maintain a written or electronic record, which shall be available to the Board within ten (10) business days of a request, detailing each location where services are performed at least all of the following information:

1. The street address of the service location;
2. The dates of each session;
3. The number of patients served;
4. The types of dental services provided and the quantity of each service provided;

(g) Ensure that each patient treated at the portable dental operation receives a patient information sheet, which shall also be provided to any individual or entity to whom the patient has consented or authorized to receive or access the patient's records. The patient information sheet shall include at a minimum the following information:

1. The name(s) of the dentist(s) and any dental auxiliaries who performed the services;
2. A description of the treatment rendered, including billing service codes and in the instance of fee for service patients, fees associated with treatment and tooth numbers when appropriate;
3. Pertinent contact information as provided by this Chapter;
4. A description of any dental needs observed and diagnosed during a dentist's evaluation;
5. If applicable, a recommendation that the patient see another dentist if the portable dental operation is unable to provide the follow-up treatment;
6. If applicable, the name, address, and telephone number of any dentist to whom the patient was referred for follow-up care and the reason for such referral.

(h) Ensure that his/her portable dental operation adheres to the minimum standard for safe practice including possessing the following:

1. Equipment to treat medical emergencies;
2. Appropriate and sufficient dental instruments and infection control supplies;
3. Communication abilities that enable the operator to contact necessary parties in the event of a medical or dental emergency, that enable the patient or parent or guardian of the patient treated to contact the operator for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the operator and receive treatment information, including radiographs.

RULE 150-25-.06 CLOSING OF OPERATIONS

(1) Upon cessation of operation of the mobile dental facility or portable dental operation, the operator shall notify the Board in writing within thirty (30) days of the last day of operations of the final disposition of patient records and charts.

(2) Upon choosing to discontinue practice or services in a community or permanent closure of the mobile dental facility or portable dental operation, the operator of a mobile dental facility or portable dental operation shall:

(a) Provide notice of closure to all patients by publication. The operator shall notify patients of the closing of the mobile dental facility or portable dental operation by publication once a week for four (4) consecutive weeks in a newspaper of general circulation in each community where the mobile dental facility or portable dental operation operated.

(b) Provide individual notice of closure to all patients via mail. At a minimum, the notice mailed to the patients shall state the following:

1. that the operator intends to discontinue the mobile dental facility's or portable dental operation's practice in the community;

2. the date that the closure becomes effective, and the date on which the dentist/patient relationship may resume, if applicable, should the dentist continue to practice at a fixed location in the community;

3. a location at which a patient may receive emergency dental care for at least thirty (30) days following the closure of the mobile dental facility or portable dental operation;

4. a statement of further dental treatment required, if any; and

5. a means for the patient to obtain a copy of his/her dental records.

(3) The operator shall make reasonable arrangements with the patients of the mobile dental facility or portable dental operation for the transfer of the records, including radiographs or copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.

Dr. Godfrey reported that the Committee discussed Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising, Rule 150-8-.01 Unprofessional Conduct, and Rule 150-8-.02 Fee Splitting.

Dr. Godfrey also reported that a member of the public has requested a meeting with the Board to discuss some of the proposed rules. Specifically, Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising. Dr. Godfrey states that a letter from Association of Dental Support Organizations (ADSO) has been sent to the Board office requesting that it be given an opportunity to dialogue with the Board regarding this matter. Dr. Godfrey stated that he is in favor of this meeting and asked which member(s) would attend such. Dr. Goggans responded that he felt that it would be at the discretion of the Board Chair as to who would participate at the meeting.

A motion was made by Dr. Godfrey, seconded by Dr. Goggans, and the Board voted that the formulation and adoption of these new and amended rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Dentistry.

Dr. Godfrey made a motion to post Rule 150-13-.02 Deep Sedation/General Anesthesia Permits. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

150-13-.02 Deep Sedation/General Anesthesia Permits.

(1) The educational requirements for a permit to use deep sedation/general anesthesia in Georgia shall be equal to those set forth in O.C.G.A. § 43-11-21.1.

(2) The following guidelines shall apply to the administration of deep sedation/general anesthesia in the dental office or a site approved by the Board:

(a) When administration of deep sedation/general anesthesia is provided by another qualified dentist holding a current (Georgia) deep sedation/general anesthesia permit or by a physician anesthesiologist, the operating dentist and the staff must be certified in cardiopulmonary resuscitation at the basic life

support level given by a board-approved sponsor with an update not to exceed two years per board Rules 150-3-.08, 150-3-.09, 150-5-.04, and 150-5-.05.

(b) When a certified Registered Nurse Anesthetist (CRNA) is permitted to function under the direction and responsibility of a dentist, administration of deep sedation/general anesthesia by a CRNA shall require the operating dentist to have completed training in deep sedation/general anesthesia, commensurate with these guidelines.

(c) A dentist administering deep sedation/general anesthesia must document current successful completion of an advanced cardiac life support (ACLS) course (or an appropriate equivalent).

(d) All staff must be certified in cardiopulmonary resuscitation at the basic life support level given by a board-approved sponsor with an update not to exceed two years per board Rules 150-3-.08, 150-3-.09, 150-5-.04, and 150-5-.05.

(3) In all areas in which this level of anesthesia is being conducted, the dentist shall maintain a properly equipped facility for the administration of deep sedation/general anesthesia, staffed with appropriately trained and supervised personnel. The facility must have equipment capable of delivering positive pressure oxygen ventilation, a pulse oximeter, suction equipment that allows aspiration of the oral and pharyngeal cavity, an operating table or chair that allows for the patient to be positioned to maintain an airway, a firm platform for cardiopulmonary resuscitation, a fail-safe inhalation system if nitrous oxide/oxygen is used, equipment to continuously monitor blood pressure and heart rate and rhythm, EKG monitor, appropriate emergency drugs per ACLS protocol including reversal agents for narcotics and/or benzodiazepines depending on which is actually utilized, a manual or automatic external defibrillator, and a recovery area with available oxygen and suction. The facility shall have continual monitoring of end tidal CO2 (expired carbon dioxide) unless invalidated by the nature of the patient, procedure or equipment. “Continual” shall mean “repeated regularly and frequently in steady rapid succession.” All of the aforementioned equipment and supplies must be stationary and not subject to transfer from one facility to another. The applicant must submit verification that the facility meets the above requirements and shall be subject to an on-site inspection.

(a) The dentist must be certified in cardiopulmonary resuscitation at the basic and advanced levels and all immediate support personnel who provide direct hands-on patient care must be certified in cardiopulmonary resuscitation at the basic life support level given by a board approved provider with an update not to exceed two years. While any deep sedation/general anesthesia procedure is underway, a minimum of two immediate support personnel certified in basic cardiopulmonary resuscitation must be present.

(4) The Georgia Board of Dentistry shall be given a written thirty (30) day advance notification of the relocation of a facility, the addition of a facility or significant changes in the facility. Changes in the method of administration of deep sedation/general anesthesia should also be brought to the attention of the Board. The permit holder shall be subject to an on-site inspection.

(5) The dentist must take four (4) hours of continuing education every two (2) years in pharmacology, anesthesia, emergency medicine or sedation as part of the forty (40) hour requirement for license renewal to maintain certification for the deep sedation/general anesthesia permit. Certification of this continuing education must be submitted at renewal.

(6) Permit fees: As shown in the schedule of fees adopted by the Board.

(7) Renewal fees: As shown in the schedule of fees adopted by the Board.

(8) Late renewal fees: As shown in the schedule of fees adopted by the Board.

A motion was made by Dr. Godfrey, seconded by Dr. Yeargan, and the Board voted that the formulation and adoption of this amended 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 the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this 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.

Dr. Godfrey made a motion to table Rule 150-13-.01 Conscious Sedation Permits. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

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 will be meeting on November 1, 2014.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director’s Report – Ms. Tanja Battle

Ms. Battle reported that the Board office has moved to the sixth floor. All meetings will continue to meet on the 36th floor.

Ms. Battle discussed applicants submitting CPR cards from organizations that are not listed in Rules 150-3-.08 and 150-5-.04. The rule was recently amended to add language that states “*or other such agencies approved by the Board*”. Ms. Battle asked the Board how it would like to proceed when CPR cards are received from organizations that have not been approved by the Board. Dr. Nalley responded by stating that the organization should submit information to the Board regarding its program and then the Board would have to approve by policy. Dr. Holcomb recommended the Continuing Education Committee review any submissions from organizations that are not approved and the Committee would make its recommendation to the full Board. The Board stated that when an applicant submits proof of CPR that is from an organization that is not approved by the Board, staff should send the applicant a deficiency letter notifying them that he/she has the option to either obtain CPR from one of the approved organizations listed in the board rules or request the applicant contact the organization that taught the CPR course and request it submit a syllabus for the Board to review to determine if it meets the Board’s standards.

Ms. Battle discussed background checks. She stated that when the Board transitioned to the Department of Community Health, it had to obtain a designation as a law enforcement agency, which it has done. For the last year, Georgia Drug & Narcotics Agency (GDNA) has been running criminal background checks for the Board for applicants that answer affirmatively on the application. Ms. Foreman added that Rules 150-3-.04, 150-5-.02, 150-7-.02, 150-7-.04 and 150-7-.05 each have language that states that the applicant must furnish a criminal background check. She stated that the Board may wish to amend the rules with respect to Dental Public Health and Volunteer Licenses. Ms. Foreman also suggested that the Board may wish to amend Rule 150-5-.02 to require hygienists to pay for their own checks as that language is currently not included.

Dr. Nalley responded by stating that he personally thought all applicants should provide a background check to the Board. Wendy Blond, GDHA, asked if dentists are required to pay for their own background checks. The Board responded that they do.

Ms. Battle offered the option of utilizing the GAPS/Cogent system which requires that applicants register through a website and go to a location to have his/her prints done. This expense is absorbed by

the applicant. Staff is then able to access the results within 48 hours. She explained that this is the same process that the pharmacy technicians use. She stated that once our office secures an ORI number, the Board can proceed with utilizing GAPS/Cogent.

Discussion was held regarding not requiring a volunteer applicant to provide a background check. The Board recommended leaving the rule the way it is written and proceeding with utilizing the GAPS/Cogent System for the other license types.

Attorney General's Report Open Session – Mr. Bryon Thernes

No report.

Dr. Antwan Treadway made a motion and Dr. Bert Yeargan 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. Logan Nalley, Dr. Steve Holcomb, Ms. Becky Bynum, Ms. Connie Engel, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- S.A.H.
- N.S.P.
- A.M.M.
- M.Y.F.
- C.F.M.
- O.M.S.
- R.M.S.

Applications

- M.L.C.
- A.L.W.
- S.W.Y.
- H.P.H.
- L.L.B.
- F.J.H.
- A.B.R.

Investigative Committee Report

Report presented:

- DENT090187
- DENT110168
- DENT130228
- DENT140282
- DENT140305
- DENT130013
- DENT120105
- DENT140258
- DENT140163

- DENT140236
- DENT140278
- DENT140328
- DENT150061
- DENT150022
- DENT150091
- DENT090073
- DENT110177
- DENT120053
- DENT140068
- DENT150090
- DENT120199
- S.C.C.
- T.E.
- R.L.

IP Committee Report – Dr. Richard Bennett

- Legal Advice regarding IP Correspondence

Executive Director’s Report – Ms. Tanja Battle

- Correspondence from R.C.

Correspondences

- Correspondence from S.N.
- Correspondence from F.H.
- Correspondence from Y.B.L.
- Correspondence from T.C.H.

Attorney General’s Report – Mr. Bryon Thernes

Mr. Thernes presented the following consent order for acceptance:

- J.H.

Legal Services – Ms. Anil Foreman

Ms. Foreman presented the following consent orders for acceptance:

- D.L.
- J.P.G.

Ms. Foreman presented the following Voluntary Surrender for acceptance:

- C.C.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|-----------------------|----------------------|
| • S.A.H. | DH Exam Applicant | Approved application |
| • N.S.P. | Dental Exam Applicant | Approved application |

- A.M.M. Dental Exam Applicant Approved application
- M.Y.F. DH Exam Applicant Approved application
- C.F.M. Dental Exam Applicant Approved application
- O.M.S. Dental Credentials Applicant Approved application
- R.M.S. Request to lift the class II restriction Table pending receipt of additional information

Applications

- M.L.C. DH Credentials Applicant Denied application
- A.L.W. DH Credentials Applicant Approved application
- S.W.Y. Dental Credentials Applicant Denied application
- H.P.H. Dental Reinstatement Approved application
- L.L.B. DH Reinstatement Approve pending receipt of additional information
- F.J.H. Dental Faculty Applicant Approved application
- A.B.R. Injectable Pharmacologics Table pending receipt of additional information

Investigative Committee Report

Report presented:

Complaint number	Allegations	Recommendations
DENT090187	Quality of Care	Close
DENT110168	Quality of Care	Close
DENT130228	MMPR	Close
DENT140282	Quality of Care	Close
DENT140305	ULP	Close
DENT130013	Quality of Care	Close
DENT120105	Quality of Care	Close
DENT140258	Unprofessional Conduct	Close
DENT140163	Quality of Care	Close
DENT140236	Quality of Care	Close
DENT140278	Quality of Care	Close
DENT140328	MMPR - Substandard Work	Close
DENT150061	Unprofessional Conduct	Close
DENT150022	Advertising	Close
DENT150091	Other	Close
DENT090073	Unethical Conduct	Close
DENT110177	Unethical Conduct	Close
DENT120053	Quality of Care	Close
DENT140068	MMPR	Close
DENT150090	MMPR	Close
DENT120199	Unprofessional Conduct	Close

- S.C.C. Proceed with letter of cease and desist
- T.E. No action taken
- R.L. Proceed with subpoena

IP Committee Report – Dr. Richard Bennett

- Legal Advice regarding IP Correspondence Approved as written

Executive Director's Report – Ms. Tanja Battle

- Correspondence from R.C.: Table pending receipt of additional information.

Correspondences

- Correspondence from S.N.: Table pending receipt of additional information.
- Correspondence from F.H.: Directed staff to place license on inactive status.
- Correspondence from Y.B.L.: Approved request for an extension to pay the fine.
- Correspondence from T.C.H.: Tabled pending receipt of additional information.

Attorney General's Report – Mr. Bryon Thernes

Mr. Thernes presented the following consent order for acceptance:

- J.H. Public Consent Order accepted

Legal Services – Ms. Anil Foreman

Ms. Foreman presented the following consent orders for acceptance:

- D.L. Private Consent Order accepted
- J.P.G. Private Consent Order to be accepted and signed with express permission upon receipt of the original

Ms. Foreman presented the following Voluntary Surrender for acceptance:

- C.C. Voluntary Surrender accepted

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

Miscellaneous

Ms. Foreman reported that she recently attended the annual meeting for the AADA in San Antonio, Texas and thanked the Board for its generosity for allowing her to attend. She stated that several topics discussed were practice monitoring, affiliated monitoring, corporate practice ownership issues, staff safety, moderate sedation/general anesthesia, delegating to dental assistants, etc. She further reported that two topics that generated a lot of discussion were regarding clinical exams across jurisdictions and candidates taking multiple examinations. She stated that there was discussion about coordinating and having a central database for the Board to access examination information on candidates across the nation. She stated that much of what was discussed is already on the Board's radar.

Dr. Godfrey commended Ms. Foreman for her hard work on researching information and drafting rules for the Rules Committee. Dr. Holcomb commented on positive feedback regarding Ms. Foreman that he received after her attendance at the AADA conference. Ms. Foreman was acknowledged for representing the Board so well.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, November 14, 2014, at 9:30 a.m. at the Department of Community Health's office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

The Board meeting adjourned at 2:05 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist
Minutes edited by Tanja D. Battle, Executive Director