

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
October 5, 2018
10:00 a.m.

The following Board members were present:

Dr. Richard Bennett, President
Dr. Greg Goggans, Vice-President
Ms. Becky Bynum
Dr. Tracy Gay
Dr. Tom Godfrey (*departed @ 11:00 a.m.*)
Ms. Wendy Johnson
Dr. Logan Nalley
Dr. Brent Stiehl
Dr. Antwan Treadway
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Kirsten Daughdril, Senior Assistant Attorney General
Bryon Thernes, Assistant, Attorney General
Max Changus, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Ryan Loke, PDS
John Watson
Jeffrey Cashdan, SmileDirectClub
Jeff Sulitzer, SmileDirectClub
Marc Ackerman, American Teledentistry Association
Dr. Kim Turner
Scott Lofranco, GDA
Alan Furness, DCG
Charles Craig, GDHA
Catharine Brannan, AAO
Sean Murphy, AAO
Ashley Kisling, AAO
Trey Lawrence, AAO
Hamilton Vason
Suzanne Haley

Dr. Bennett established that a quorum was present and called the meeting to order at 9:17 a.m.

Open Session

Introduction of Visitors

Dr. Bennett welcomed the visitors.

Dr. Bennett indicated to the members of the public that the Board would need to go into Executive Session to address a matter and apologized for the inconvenience.

Dr. Logan Nalley made a motion and Dr. Antwan Treadway seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 50-14-2 to receive the Attorney General's Report. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Ms. Wendy Johnson, Dr. Logan Nalley, Dr. Brent Stiehl, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

- Pending litigation

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

Open Session

Digital Scanning

Mr. Jeffrey Cashdan of King & Spalding, along with Dr. Mark Ackerman, American Teledentistry Association, and Dr. Jeffery Sulitzer, SmileDirectClub (“SDC”), spoke to the Board. Mr. Cashdan thanked the Board for the chance to be heard regarding this subject. He stated that he is interested in sharing with the Board some thoughts that SDC has regarding Rule 150-9-.02 Expanded Duties of Dental Assistants and their view of the iTero scanner. Mr. Cashdan turned it over to Dr. Ackerman.

Dr. Ackerman thanked the Board for the opportunity to speak to its members. He stated that he understands the Board is reconsidering its rule. He stated as a result of amendments made to Rule 150-9-.02 Expanded Duties of Dental Assistants, digital scans must be performed under the direct supervision of a licensed dentist. Dr. Ackerman discussed the iTero scanner. He stated that it is relatively simple, easy-to-use technology. He explained that only the handheld scanning wand comes into contact with the patient’s mouth. He further explained that these emissions do not penetrate tissue, nor do the scanners pose any risk to patients. Dr. Ackerman stated the wand has a disposable sleeve for each use.

Dr. Ackerman stated that digital scanning is not the practice of dentistry or dental hygiene as it does not involve any hallmarks of the practice outlined in the statute. He stated that, while the photos are used by licensed dentists, the scanning does not include any evaluation. He explained that the technician performs no diagnosis. He stated the diagnosis is performed by the licensed dentist. In regards to prevention, he stated only a licensed dentist renders the opinion of the patient’s needs. Dr. Ackerman stated that the technician offers no judgement or clinical advice and none of the limited job functions performed by the technician encompasses the duties performed by dental hygienists. He stated that the mere act of scanning is not invasive and poses no health and safety risk. Dr. Ackerman stated that his understanding is the amended rule would preclude the SDC technicians from doing the scanning unless he/she is under the direct supervision of a licensed dentist. He stated that, in his opinion, there is no justification for this requirement. He explained that a licensed dentist has less training when it comes to taking the iTero scan. He stated as a practical matter, the licensed dentist would rarely monitor the scanning when it is being performed. Dr. Ackerman stated that utilization of the scanner poses no risk for injury unlike other procedures. He stated the only consequence for error is the inconvenience for the patient to return to the office for the scan. Dr. Ackerman stated that he is a full time practicing orthodontist and sees children with many disabilities and patients with cranial malformations. He stated that the iTero scanner is utilized in his practice. He stated he knows the inventor and is familiar with the research lab.

Dr. Jeffrey Sulitzer thanked the Board for the opportunity to speak to its members. He stated that the purpose of his presentation is to detail how the scanner is used in the SDC shops. He stated the dentists provide at home, doctor-directed clear aligner therapy for misalignments, to include crowding and spacing. He stated one important service is the scanning that is done at the SmileShops. Dr. Sulitzer stated customers come in to receive the photos from the scanner so the dentist can determine if he/she is a candidate.

Dr. Sulitzer explained that, unlike x-ray machines, there is no requirement to register an iTero scanner or have it inspected prior to use like some states require. He stated by contracting with SDC, the Georgia licensed dentists are able to offer affordable clear aligners. Dr. Sulitzer discussed access to care and

underserved counties. He stated in Georgia, 63.5% of those counties do not have an orthodontist available. He stated that digital scans are performed by technicians who are trained to use the scanner, which is nothing more than a wand that creates 3D images. He explained that the training for such is very simple. It is done by a series of live video contacts with an iTero trainer. He stated that each SmileShop technician is trained directly by the iTero trainer. It is done physically in-house or by live video, which provides real time feed back to the user. Dr. Sulitzer discussed the steps taken to clean and disinfect the iTero scanner.

Dr. Sulitzer stated that SDC technicians take standard digital photos of the teeth which are provided to the Georgia-licensed dentist for review. He stated the treating dentists are not under any obligation to use SDC aligners. They can use any orthodontic therapy as indicated. He stated although the SDC customer is not required to be seen in person, all customers are encouraged to visit a SmileShop. Dr. Sulitzer stated as part of informed consent, patients must attest that he/she has been seen by a practitioner within six (6) months. He stated that SDC opened its first shop in July 2017. The technicians have performed over 15,000 scans for customers in Georgia without a single incident or injury.

Mr. Cashdan asked if the Board had any questions. Dr. Goggans requested clarification related to the statistic of 63.5% that was mentioned earlier. Dr. Sulitzer responded by stating it has to do with access to care. Dr. Goggans asked if the dentist reviews for periodontal disease before the aligners are made. Mr. Cashdan responded by stating the dentist reviews off of the scan and photos that are taken of the patient. Dr. Treadway asked who regulates the use of the disposable sleeve in the office setting? Mr. Cashdon responded by stating the manager, someone who is trained in infection control. Ms. Johnson asked is it always obvious that there is a deficit if the scan is not taken correctly? Mr. Cashdon responded by stating that the technician cannot proceed until the scan says it has captured the image.

Mr. Sean Murphy, Mr. Trey Lawrence, Dr. Ashley Kisling, and Dr. Catharine Brannan, American Association of Orthodontists (AAO) spoke to the Board: Mr. Murphy thanked the Board for its time. He introduced Dr. Kisling and Dr. Brannan, who are currently two residents at the Georgia School of Orthodontics. He stated that the topic of digital scanning is an important issue for them and they are present today to share their experiences with doing the digital scans.

Dr. Ashley Kisling introduced herself to the Board. She explained that she went to UCLA for dental school and is now a third-year resident at the Georgia School of Orthodontics. She stated that everything at the school is all digital. She stated that speaking from a consumer standpoint, yes, the scanner would not move on without large voids. However, there are 1,000 photos that have to be stitched together and there can be double imaging. She explained you can take a maxillary and mandibular scan and sometimes they do not articulate together, so the practitioner would need to hand articulate based on the occlusion. Mr. Murphy stated he is not a dentist and it is his understanding that if there is a giant section of the scan missing, the scan needs to be redone. He stated that when it comes to the occlusion, that is when the dentist needs to be involved.

Dr. Brannan introduced herself to the Board. She stated that she graduated from the Dental College of Georgia and is now at the Georgia School of Orthodontics. She stated that with her own personal experience in using the scanner, articulating the pictures takes a clinical intraoral exam to guarantee that the occlusion is represented in the scan. She explained that just looking at the scan as the sole item used to diagnose, you are not getting the whole picture.

Mr. Murphy stated that the previous panel was clear that digital scanning is the only topic. He added that the reason SDC does not want to require direct supervision is so they can circumvent the oral exam. He asked if that is in the best interest of the patient. In their experience, sometimes a picture is not enough.

Dr. Bennett asked Mr. Murphy if he had any pertinent information related to digital scanning, and if so, then to please address the Board regarding that for the sake of time.

Mr. Murphy responded by stating in terms of digital scanning he will turn it over to Mr. Lawrence. Mr. Lawrence stated that he heard a lot of discussion on opinions about digital scanning, but did not hear much regarding the law. He stated that he thinks there is statute that is applicable in this situation. In regards to the phrase “in and of itself”, he stated the Georgia Supreme Court heard that exact concept in 1957 with Holcomb vs Johnson. He stated Georgia statute says only a dentist can create an impression. He went on to say there was a dental technician making impressions to make appliances. He stated the dental technician was sued and said making the impression is purely a mechanical act. Mr. Murphy stated the dental technician made similar claims to what the Board is facing today. He stated the Georgia Supreme Court said you do not look at the act in and of itself, you look at the overall picture. The whole package is what you consider. He stated the mere fact that the making and manufacturing is merely mechanical does not mean it does not require the knowledge of a dentist. He added that looking at the context, SDC wants to tell the Board that it does not have the authority, but O.C.G.A. § 43-11-17 addresses this. He closed by stating that if we get out of the frame of thinking “in and of itself”, he does not think there is any question that the scan is the practice of dentistry and it falls within the Board’s authority to regulate.

Mr. Murphy stated that it is immediately obvious why we are here today. He stated the Board promulgated a rule that requires direct supervision when an expanded duty dental assistant takes a scan. He stated, in other words, SDC’s for profit business model cannot comply with Georgia law. Mr. Murphy stated that it is clearly stated on the Board’s website that it is charged with protecting the public and regulating the practice of dentistry. He stated that AAO has heard from dentists in the field that the Board was and remains justified in regulating digital scans. Mr. Murphy encouraged the Board to review a complaint submitted by AAO in April 2017 containing laws and rules SDC is already breaking. Dr. Bennett asked if there were any further questions. There were none.

Mr. Cashdon rebutted AAO’s presentation. He stated the complaints about the SDC model is not why they are here. He stated he did not make any legal arguments, but thought the place to do that was before a judge. He stated their job today was to explain why the scan is not the practice of dentistry. He stated that SDC is more than happy to discuss the matter fully and have Ms. Burns come in, at the Board’s invitation, and speak about her experience with SDC, but today is just about the digital scanning.

Dr. Bennett asked if the AAO had any further comments. Mr. Murphy stated there were none.

Dr. Godfrey stated he would like to ask the Board to schedule another Rules Committee meeting to discuss the information received. Dr. Bennett responded by stating that would be in order. He stated he personally feels since this information has been presented to the entire Board that the meeting should be scheduled with the entire Board like it did previously.

Appearance

Dr. Suzanne M. Haley introduced herself to the Board. She stated that she was present today before the Board to discuss giving patients better access to care by allowing dentists permission to order home sleep tests. She explained that she has referred a number of patients back to his or her physician or to a sleep specialist and those patients have since been treated with an appliance or a c-pap. She stated as a dentist, she feels dentists need to play a better role. Sleep apnea is very dangerous and kills patients. She stated the only person who can read the sleep test is a specialist regardless of who orders it. The dentists are causing obstructions in patients’ mouths, but are not allowed to request a home sleep test to see how these obstructions are affecting the patients. She stated dentists need to work on relationships with physicians

as most have never seen or held any of these appliances. She stated that in her opinion, if dentists were allowed to give home sleep tests, better care could be given to the patient.

Dr. Bennett asked Dr. Haley what rule she thinks this board should be addressing? She said as a dentist, you should be able to write an order for a home sleep test as people do not realize how serious this condition is. Dr. Godfrey asked Dr. Haley if she was here for greater awareness or something more specific? She said she would like the Board's consideration in allowing dentists to order a home sleep test for a patient. She stated the dentist is not diagnosing. She added that Georgia and New Jersey are the only states where a dentist is not allowed to order a home sleep test. Dr. Bennett thanked Dr. Haley for providing this information to the Board. He explained that the Board is regulated by the legislature and as such, it will need to discuss this matter further with its counsel to see what avenues may be available.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the September 14, 2018 meeting. Dr. Goggans 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. Yeargan seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance from Dr. Andy Ingersoll

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

Petition for Rule Variance from Dr. Lindsay M. Davis

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

Correspondence from Dr. Miguel A. Martinez

The Board considered this correspondence regarding the legality of drawing a patient's blood for the use of Platelet Rich Growth Factors (PRGF) for use in sinus lift augmentation and post extraction to assist in patient healing. Dr. Nalley made a motion to direct staff to respond by stating the Board states this falls within the practice of dentistry and suggest he refer to O.C.G.A. § 43-11-17 for more information. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Correspondence from Brandy Henderson, Polk County College and Career Academy

The Board considered this correspondence regarding the Polk County College and Career Academy's dental assisting program. Ms. Henderson inquired about bringing students to volunteer at the local nursing home to help CNAs and nurses with the residents' daily oral needs such as brushing and using an ultrasonic to clean dentures to remove tartar, stain, and bacteria and educate the residents on how to brush and floss correctly by demonstrating and helping them to brush their teeth. Dr. Nalley made a motion to direct staff to respond by stating as long as there are no fees collected for the services provided, the Board has no objections to this. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Correspondence from Scott Lofranco, GDA

The Board considered the syllabus submitted by GDA regarding a course on coronal polishing. Dr. Yeargan made a motion to approve the course. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Bill Adams, US Dental Transitions

The Board viewed this correspondence for informational purposes only.

Correspondence from Tyesha Stephens

The Board considered this correspondence asking if there is a particular certification one must have to teach teeth whitening. The Board directed staff to respond by stating that based on the limited information provided in Ms. Stephens' email, the Board is unable to respond to her inquiry. However, if she would like to provide additional information, the Board will be happy to reconsider.

General – Dr. Richard Bennett

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

General Anesthesia Committee Report – Dr. Antwan Treadway

No report.

Conscious Sedation Committee Report – Dr. Richard Bennett

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Bert Yeargan

Dr. Nalley requested staff submit the two new Board member's contact information to CRDTS so that they may be sent their exam packets.

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 reported that the Rules Committee will have a meeting in November. He stated it will also have to consider scheduling another meeting for smaller items. He stated he will get with staff about the scheduling of such.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Richard Bennett

Dr. Bennett reported he will be assigning some board members to committees and that there will be some changes with the current committee assignments.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley reported that the Steering Committee met in August. He discussed member changes at CRDTS and reported that a new ERC Chair was elected.

Dr. Nalley reported on how well things were going and that CRDTS is committed to what they think is the correct standard. Dr. Yeargan stated that, while the Board is periodically asked to accept other exams, Georgia continues to require CRDTS. Dr. Nalley expressed his confidence in the examination.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director’s Report – Ms. Tanja Battle

Survey-Dental Hygienists Under General Supervision: Ms. Battle discussed the survey mandated by O.C.G.A. § 43-11-74(q) which requires the Board to provide a report on the number of licensed dentists providing dental hygienist services under general supervision in certain settings. This topic was brought up last month via correspondence from the Department of Public Health requesting the Board expand the survey to include private settings and the counties in which they are located. Ms. Battle stated that this survey is sent out annually and it is time to send it out again. She asked if there were any objections to what had been provided. There were no objections from the Board.

Attorney General’s Report – Mr. Max Changus

Mr. Changus introduced himself. He stated that he will be the new general counsel for the Board. He stated he is also counsel for the Pharmacy Board. He states that he knows board staff and commented on the already established, positive working relationship.

Mr. Changus stated that, while not new to regulatory boards, he is relatively new to this Board. He explained the Board’s role to its newest member and stated he will provide an orientation next month to the new members when Dr. Soni is present.

Legal Services – Ms. Kimberly Emm

No report.

Miscellaneous

Proposed List of Sedation Evaluators: Dr. Nalley made a motion to appoint Dr. Brett Gray, Dr. Tony Davilla, Dr. Mike Rosenthal, Dr. Chris Jo, Dr. Jonathan Threadgil, Dr. Amy Kuhmichel, Dr. Grant Hogan, Dr. Scott Rose, Dr. Frank White, Dr. Brad Harris, Dr. Rick Manus, Dr. Jennifer Hall, Dr. Lee Allen, Dr. Hank Blair, and Dr. Dianne Pennington as consultants for the Sedation Committee. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

2019 Proposed Meeting Dates: The Board recommended tabling discussion on this matter until its November meeting to allow additional time to review.

Dr. Logan Nalley 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. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tracy Gay, Dr. Greg Goggans, Ms. Wendy Johnson, Dr. Logan Nalley, Dr. Brent Stiehl, Dr. Antwan Treadway and Dr. Bert Yeargan.

Licensure Overview Committee Appointments/Discussion Cases

- A.M.B.
- J.S.D.
- T.F.F.
- K.J.K.
- C.A.M.
- J.R.L.
- J.V.N.
- A.R.N.
- B.J.H.

Applications

- O.O.O.
- I.C.H.
- A.R.F.
- C.M.
- M.L.G.
- K.M.M.
- A.B.H.
- J.H.V.
- R.A.P.
- D.H.
- J.Y.H.
- N.F.S.
- R.A.B.
- S.G.B.
- B.G.C.
- D.C.H.
- G.L.

Investigative Committee Report

Report Presented:

- DENT150252
- DENT150253
- DENT150336
- DENT150370
- DENT160419
- DENT170297
- DENT170284
- DENT160025
- DENT150291
- DENT170224
- DENT170268
- DENT180311
- DENT180312
- DENT180315

- DENT180320
- DENT180321
- DENT180323
- DENT180333
- DENT180334
- DENT180339
- DENT180341
- DENT180345
- DENT180350
- DENT180358
- DENT180360
- DENT180368
- DENT180369
- DENT180370
- DENT180377
- DENT180381
- DENT180383
- DENT180393
- DENT180401
- DENT190019
- DENT190023
- DENT190044
- DENT190052
- DENT170221
- DENT170248
- DENT170249

Executive Director’s Report – Ms. Tanja Battle

- R.E.W.

Miscellaneous

- Exam Content

Attorney General’s Report – Mr. Max Changus

Mr. Changus discussed his intentions to specifically address the following issues:

- Timely submission of monthly status reports
- Teeth whitening
- Digital Scanning

Legal Services – Ms. Kimberly Emm

No report.

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

Open Session

Dr. Bennett discussed changes with start times for the November 2nd meeting. Ms. Battle stated that IC and the Licensure Overview Committee meetings will start at 7:30 a.m. Rules Committee will begin at 9:30 a.m. and the full Board will start at 11:00 a.m.

Ms. Emm presented a draft of amended Rule 150-3-.01 Examination for Dental Licensure for the Board's consideration. Ms. Bynum made a motion to post Rule 150-3-.01 Examination for Dental Licensure. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Rule 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.

(e) Regional examinations must include 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.

(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.

A motion was made by Dr. Nalley, seconded by Dr. Gay, and the Board voted that the formulation and adoption of this proposed rule amendment 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, Board also 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 proposed rule amendment 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. Nalley made a motion to approve all recommendations made based on deliberations made in Executive Session as follows:

Pending litigation: Update provided

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
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| • A.M.B. | Renewal Pending | Schedule to meet with the Licensure Overview Committee |
| • J.S.D. | Dental Licensee | Refer to the Department of Law |
| • T.F.F. | Dental Reinstatement Applicant | Denied application |
| • K.J.K. | Renewal Pending | Table pending receipt of additional information |
| • C.A.M. | Renewal Pending | Refer to the Department of Law |
| • J.R.L. | Dental Hygiene Exam Applicant | Approved application |
| • J.V.N. | Dental Exam Applicant | Approved application |
| • A.R.N. | Dental Exam Applicant | Approved application |
| • B.J.H. | Request to terminate consent order | Approved request |

Applications

- | | | |
|----------|-------------------------------|----------------------|
| • O.O.O. | Dental Exam Applicant | Approved application |
| • I.C.H. | Dental Exam Applicant | Approved application |
| • A.R.F. | Dental Exam Applicant | Approved application |
| • C.M. | Dental Exam Applicant | Approved application |
| • M.L.G. | Dental Hygiene Exam Applicant | Approved application |
| • K.M.M. | Dental Hygiene Exam Applicant | Approved application |
| • A.B.H. | Dental Exam Applicant | Approved application |

- J.H.V. Dental Reinstatement Applicant Refer to Legal Services
- R.A.P. Dental Reinstatement Applicant Denied application
- D.H. Conscious Sedation Applicant Approved for provisional permit
- J.Y.H. Enteral/Inhalation Applicant Approved application
- N.F.S. Conscious Sedation Applicant Approved for provisional permit
- R.A.B. Conscious Sedation Applicant Approved for provisional permit
- S.G.B. Enteral/Inhalation Applicant Approved application
- B.G.C. Conscious Sedation Applicant Approved evaluation
- D.C.H. Conscious Sedation Applicant Approved evaluation
- G.L. Conscious Sedation Applicant Approved evaluation

Investigative Committee Report

Report Presented:

Complaint Number	Allegations	Recommendation
DENT150252	Quality of Care/Substandard Practice	Refer to Department of Law
DENT150253	Quality of Care/Substandard Practice	Refer to Department of Law
DENT150336	Quality of Care/Substandard Practice	Refer to Department of Law
DENT150370	Quality of Care/Substandard Practice	Refer to Department of Law
DENT160419	Quality of Care/Substandard Practice	Refer to Department of Law
DENT170297	Quality of Care/Substandard Practice	Refer to Department of Law
DENT170284	Quality of Care/Substandard Practice	Close with No Action
DENT160025	Quality of Care/Substandard Practice	Accept MIT Results & Close with No Action
DENT150291	Quality of Care/Substandard Practice	Accept MIT Results & Close with No Action
DENT170224	Quality of Care/Substandard Practice	Close with Flag on License pending confirmation DN is not practicing
DENT170268	Quality of Care/Substandard Practice	Close with Flag on License pending confirmation DN is not practicing
DENT180311	Quality of Care/Substandard Practice	Close with No Action
DENT180312	Unprofessional Conduct	Close with Flag on License for any future domestic violence reports
DENT180315	Quality of Care/Substandard Practice	Close with No Action
DENT180320	Quality of Care/Substandard Practice	Close with No Action
DENT180321	Quality of Care/Substandard Practice	Close with No Action
DENT180323	Quality of Care/Substandard Practice	Close with No Action
DENT180333	Quality of Care/Substandard Practice	Close with No Action
DENT180334	Billing	Close with Letter of Concern
DENT180339	Quality of Care/Substandard Practice	Close with No Action
DENT180341	Quality of Care/Substandard Practice	Close with No Action
DENT180345	Billing	Close with Letter of Concern regarding communication with patients about insurance network participation
DENT180350	Quality of Care/Substandard Practice	Close with No Action
DENT180358	Billing	Close with No Action
DENT180360	Morbidity and Mortality	Close with No Action
DENT180368	Quality of Care/Substandard Practice	Close with No Action
DENT180369	Quality of Care/Substandard Practice	Close with No Action
DENT180370	Quality of Care/Substandard Practice	Close with No Action

DENT180377	Billing	Close with No Action
DENT180381	Malpractice	Close with No Action
DENT180383	Quality of Care/Substandard Practice	Close with No Action
DENT180393	Quality of Care/Substandard Practice	Close with No Action
DENT180401	Quality of Care/Substandard Practice	Close with No Action
DENT190019	Abandonment	Close with Flag on License pending confirmation DN is not practicing
DENT190023	Unprofessional Conduct	Close with No Action
DENT190044	Unprofessional Conduct	Close with No Action
DENT190052	Quality of Care/Substandard Practice	Close with No Action
DENT170221	Abandonment	Close with No Action
DENT170248	Abandonment	Close with No Action
DENT170249	Abandonment	Close with No Action

Executive Director’s Report – Ms. Tanja Battle

- R.E.W. Dentist Reinstatement Applicant Table pending receipt of additional information

Miscellaneous

- Exam Content

Attorney General’s Report – Mr. Max Changus

Mr. Changus discussed his intentions to specifically address the following issues:

- Timely submission of monthly status reports
- Teeth whitening
- Digital Scanning

Legal Services – Ms. Kimberly Emm

No report.

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

Dr. Nalley made a motion to approve A.R.F. for licensure. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 11:55 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, November 2, 2018, at 11:00 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 5th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I

Minutes edited by Tanja D. Battle, Executive Director