

GEORGIA BOARD OF DENTISTRY
Conference Call
2 Peachtree St., N.W., 6th Floor
Atlanta, GA 30303
September 10, 2021
10:00 a.m.

The following Board members were present:

Dr. Glenn Maron, President
Dr. Ami Patel, Vice-President
Dr. Tracy Gay
Dr. Greg Goggans
Dr. Michael Knight
Ms. Misty Mattingly
Mr. Mark Scheinfeld
Dr. Brent Stiehl

Staff present:

Eric Lacefield, Executive Director
Kirsten Daughdril, Senior Assistant Attorney General
Max Changus, Assistant Attorney General
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Dr. Carol Lefebvre, Dental College of Georgia
Dr. Randy Kluender, Georgia School of Orthodontics

Open Session

Dr. Maron established that a quorum was present and called the meeting to order at 10:08 a.m.

Introduction of Visitors

Mr. Lacefield asked the visitors on the call to send an email via the “Contact Us” portal on the website if he/she would like his/her name reflected as being in attendance in the minutes.

Approval of Minutes

Dr. Patel made a motion to approve the Public and Executive Session minutes from the August 13, 2021, Full Board Conference Call, and the Public and Executive Session minutes from the August 13, 2021, Rules Committee Meeting. Dr. Stiehl seconded, and the Board voted in favor of the motion, with the exception of Ms. Mattingly who opposed.

Report of Licenses Issued

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

Dr. Brent Stiehl made a motion and Ms. Mattingly seconded and the Board voted to enter into **Executive Session** for the purpose of receiving legal advice as authorized under O.C.G.A. §§ 50-14-1(e)(2)(c), 50-14-2(1). Voting in favor of the motion were those present who included Dr. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Mr. Mark Scheinfeld, Dr. Ami Patel, Dr. Brent Stiehl, and Dr. Debra Wilson.

Executive Session

The Board requested legal advice.

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

Miscellaneous

Dr. Maron read the following statement to the members of the public and board members participating on the call:

The members of the Board of Dentistry have all sworn an oath to carry out its responsibility for protecting the public health in the practice of dentistry by regulating and enforcing the standards of practice.

Through the Dental Board's licensure process, the Board ensures that those applying for licensure in this state as a dentist or dental hygienist have acceptable education, training, and personal character to safely practice in Georgia. In carrying out its regulatory functions, this Board sets and defines standards to draw the line between safe and dangerous dental practices.

The Georgia Board of Dentistry fulfills its enforcement responsibilities by identifying and sanctioning those who practice below the accepted standards of the profession, or without the necessary qualifications. We will review and examine each matter objectively and without bias.

Public input is always welcome however at the end of the day it our responsibility to protect the public.

The Board respects all those who attend and participate in the meeting and wish to conduct our meetings with the ultimate professional decorum.

Petitions for Rule Waiver or Variance

Rule Variance Petition from Dr. Christine D. Shurley: Dr. Patel made a motion to grant the rule variance petition based on the special circumstances related to the COVID-19 pandemic and Dr. Shurley being a military spouse. The Board also finds that Dr. Shurley has provided adequate justification for the variance since she successfully passed the ADEX clinical examination in 2017, which involved a live patient. Dr. Wilson seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Dr. Kelsey Korb: Dr. Gay made a motion to deny the rule variance petition as there was no substantial hardship demonstrated. Dr. Stiehl seconded, and the Board voted in favor of the motion, with the exception of Ms. Mattingly and Dr. Wilson, who opposed the motion.

Rule Waiver Petition from Dr. Bob Deason: Dr. Wilson made a motion to deny the waiver petition as there was no substantial hardship demonstrated. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Mounika Akula: Dr. Gay made a motion to deny the waiver petition as there was no substantial hardship demonstrated. Dr. Goggans seconded, and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Dr. Lacedric Tolliver: Ms. Mattingly made a motion to deny the waiver petition as there was no substantial hardship demonstrated, nor was the specific rule identified. Dr. Stiehl seconded, and the Board voted unanimously in favor of the motion.

Rule Variance Petition from Michelle Watson: Ms. Mattingly made a motion to deny the waiver petition as there was no substantial hardship demonstrated, nor was the specific rule identified. Dr. Wilson seconded, and the Board voted unanimously in favor of the motion.

Rule Waiver Petition from Keri Bealing: Dr. Gay made a motion to table the petition until the October meeting and directed staff to request additional information from Ms. Bealing explaining which specific rule Ms. Bealing was requesting a waiver of, along with identifying how the rule creates a specific hardship. Dr. Patel seconded, and the Board voted unanimously in favor of the motion.

Correspondence from Richard Shok

The Board discussed this correspondence requesting clarification as to whether or not an instructor needed to be physically present for the skills component of a CPR training session. Dr. Maron stated that the Board will take this matter under advisement; however, it previously decided that CPR certification and recertification be completed in-person, with no exceptions.

Correspondence from Dr. Peter Trager

Dr. Maron stated that Dr. Trager's letter provided information on the different exams being utilized. Mr. Lacefield added that he received an inquiry from another individual regarding this same matter and requested to make a presentation to the Board regarding the OSCE (Objective Structured Clinical Examination). Mr. Lacefield noted this particular exam is not a live patient exam. The Board directed staff to respond that it was not inclined to discuss the matter further at this time.

Correspondence from Angie Wallace, Laser Hygiene

The Board considered this correspondence from Ms. Wallace, Laser Educator Academy of Laser Dentistry, regarding laser bacterial decontamination. Dr. Maron stated that himself, along with Ms. Mattingly, will further research this matter and report back to the Board.

General – Dr. Glenn Maron

Updated Listing of Committees: Dr. Maron reported that the Rules Committee has been disbanded. He stated that moving forward all rules will be discussed as a full Board, rather than a small committee. Dr. Maron added that it was his intention to go through all the items that were referred to rules and the Board will tackle them one at a time over the next year.

Dr. Maron discussed additional changes made to the following committees:

Investigative Committee: Dr. Stiehl as Chair, with Dr. Maron and Dr. Yeargan as members. Ad hoc members will be Dr. Gay, Dr. Goggans, Dr. Knight, Dr. Patel, and Dr. Wilson.

Licensure Overview Committee: Dr. Knight as Chair, with Dr. Gay, Ms. Mattingly, and Dr. Wilson as members.

CE Audit Committee: Dr. Gay as Chair, with Ms. Mattingly, Dr. Patel, and Mr. Scheinfeld as members.

Credentials Committee: Dr. Yeargan as Chair, with Dr. Goggans, Ms. Mattingly, Mr. Scheinfeld, and Dr. Wilson as members.

Sedation Committee: Dr. Maron as Chair, with Dr. Gay, Dr. Knight, and Dr. Stiehl as members.

Attorney General's Report – Mr. Max Changus

No report.

Executive Director's Report – Mr. Eric Lacefield

Correspondence from Sarah Thiel, CE Zoom: Mr. Lacefield discussed this correspondence received from CE Zoom requesting to meet with the Board. He stated that the Board previously met with CE Broker. Mr. Lacefield requested the Board allow staff to meet with CE Zoom and CE Broker to consider

the services offered and if either would be beneficial to the Board and staff would report back to the Board. The Board agreed.

CITA Annual Meeting: Mr. Lacefield reported that the annual CITA meeting is scheduled for October 8th and 9th in Kissimmee, Florida. He stated that since the Board has joined CITA, it can have a voting member at the meeting. He further stated that Dr. Yeargan is on the committee and inquired if the Board would like to send a member to the meeting. Dr. Wilson responded that she will be attending the CITA meeting. Mr. Lacefield commented that the Board can send a voting member and non-voting member to the meeting. Dr. Gay made a motion for Dr. Wilson to be designated as the voting member for the CITA meeting. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion. Dr. Goggans requested Dr. Wilson be added to the November agenda to give the Board a report on the meeting. The Board agreed.

Legal Services – Ms. Kimberly Emm

No report.

Rules Discussion

Petition from Wanda Hill, on behalf of GDHA regarding Rule 150-5-.03 Supervision of Dental

Hygienists: Ms. Emm stated that she reviewed the petition received and does agree the Board could take some time to go over the rule and do some rearranging. She added the rule has been submitted to Governor's office as the Board previously voted to adopt amendments requiring the hygienist to have 1000 hours of hands-on treatment of patients within two (2) years after graduation from school. Ms. Emm stated that she was not sure if the Board wanted to review the rule now for additional changes or do so upon the Governor's office completing its review. Ms. Mattingly made a motion for the Board to table this matter until the Governor's office has completed its review of the adopted amendments. Dr. Gay seconded, and the Board voted unanimously in favor of the motion.

Rule 150-8-.01 Unprofessional Conduct: The Board discussed correspondence previously considered from Laretha Lockhart regarding whether a dentist is required to keep lab models used by a dental lab to fabricate fixed or removable prosthesis. Dr. Maron commented that he thought this matter had been addressed. He stated that if it is a fabrication sent to the lab, it is discarded, but if it is something that is a diagnostic record, it would need to be maintained. Ms. Emm responded by stating the Rules Committee did not get a chance to address the matter. Dr. Maron stated that the question was what constitutes diagnostic records. He stated that if one sends something to a lab or manufacturer of a bridge or implants, would that be considered records that need to be kept, or is it something that could be discarded. Dr. Maron stated that it was his understanding that if it was not a diagnostic purpose record, it could be discarded. He further stated that diagnostic medical records including diagnostic models needed to be kept, but treatment models could be discarded.

Ms. Emm responded by stating that Rule 150-8-.01(h)(4) reads in part, "*A dentist shall be required to maintain a patient's complete dental record, which may include, but is not limited to, the following: treatment notes, evaluations, diagnoses, prognoses, x-rays, photographs, diagnostic models, laboratory reports, laboratory prescriptions (slips), drug prescriptions, insurance claim forms, billing records, and other technical information used in assessing a patient's condition...*" Ms. Emm stated the rule says "diagnostic models".

Dr. Goggans inquired as to whether or not a digital scan would be sufficient to be stored given today's scanning technology. He added that it would be a replica of the model. Dr. Maron responded by stating that he believed a digital scan of a model would be sufficient. He further stated that this matter was brought before the Board as the individual was not sure what to do. Ms. Emm agreed. Dr. Maron commented that the rule was in place and the clarification could be noted.

Ms. Emm stated that the Board's Investigative Committee (IC) requested to discuss section (a) and (h)(4) concerning sterilization records and the requirement to maintain such for a period of three (3) years. Dr. Maron stated that the question was whether or not someone would need to keep his/her sterilization records. He stated that IC felt that was indicated. Discussion was held regarding amending the rule to add language regarding sterilization records. Dr. Gay made a motion to amend Rule 150-8-.01 to include language stating that sterilization records need to be maintained for a period of three (3) years. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Dr. Goggans inquired if there was a way for dentists to be notified when the Board amends its rules. Mr. Lacefield responded that the board office maintains an "Interested Parties" list and when the Board votes to post a rule change, an email is sent to the interested parties regarding such. Dr. Goggans asked if that included all dentists in the state. Dr. Maron inquired if a member of GDA was on the call. Ms. Emma Paris, GDA, responded that GDA would be happy to notify dentists in their membership. She added that licensed dentists that do not have GDA membership would not be notified. Ms. Mattingly asked Mr. Lacefield how one could be included on the "Interested Parties" list. Mr. Lacefield responded by stating that the individual can submit his/her contact information to the board office and request to be added to the list.

Rule 150-3-.01 Examination for Dental Licensure: Dr. Maron stated that this topic stems from correspondence previously submitted by Dr. Alan Furness, Dental College of Georgia, regarding section (6) of Rule 150-3-.01. Dr. Furness was on the call and spoke to the Board regarding the matter. Dr. Furness stated that section (6) reads, *"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."* He stated that DCG requested clarification as to how the rule impacts a student who had taken Part 1 of the curriculum integrated format (CIF) licensure examination multiple times, but had not attempted Part 2 and therefore had not completed an examination. Additionally, he inquired if a student fails Part 1 but has not attempted Part 2, does the failure/s of Part 1 count as a failure of the exam. Dr. Maron inquired if a student failed the exam two (2) or three (3) times, does the school require remediation or would the student keep taking the examination until he/she passes. Dr. Furness responded that the student would go through remediation. He added that it is not a standard, stamped remediation that is utilized for everyone. Dr. Furness stated that it would be customized for that particular student. However, he explained that, due to the pandemic, DCG did not have much control of students going to another university to take the exam. He added the school would later find out the student was not successful. Dr. Furness explained that since DCG was not the "host" site, it would not have received any information. Dr. Maron responded that if the individual was a student of DCG's at the time, the school would still be responsible in terms of remediation. Dr. Furness commented that the responsibility of the student is not the question. He stated that the question is if the student fails multiple times in one section and eventually passes, would that be considered a successful attempt. Dr. Goggans stated that the Board previously stated anything taken and failed in school only counted as one (1) failure and when the student graduated, the additional failures would be counted. Dr. Stiehl agreed. After further discussion, Dr. Gay made a motion to amend Rule 150-3-.01(6) to include language stating, "Failure of Part 2 of the curriculum integrated format will be applicable to sections (4) and (5) of this rule."

Miscellaneous

Mr. Lacefield reported that he contacted DCH's Human Resources Department regarding the Board returning to in person meetings. He stated that nothing has changed at this time with the protocols in place at DCH. Dr. Maron inquired as to whether the Board could meet in person at another location. Mr. Lacefield responded by stating that it would be determined by what protocols were in place at that particular location. He added that he would not be opposed to it, but it may take some time to work out the

details of meeting in person during the pandemic. Dr. Maron stated that the Board would meet virtually in October, but will work on the potential of meeting in person at alternative sites.

Dr. Bert Yeargan made a motion and Dr. Debra Wilson seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. § 43-1-19(h), § 43-11-47(h), and § 43-1-2(h), 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. Tracy Gay, Dr. Greg Goggans, Dr. Michael Knight, Dr. Glenn Maron, Ms. Misty Mattingly, Dr. Ami Patel, Mr. Mark Scheinfeld, Dr. Brent Stiehl, and Dr. Debra Wilson.

Executive Session

Appearances

- F.F.A.
- T.K.J.
- T.M.S.

Licensure Overview Committee Appointments/Discussion Cases

- N.J.
- M.M.E.M.

Applications

- J.K.
- P.M.P.
- A.L.L.
- J.K.
- S.K.
- V.L.B.G.
- A.M.M.
- B.D.
- J.M.J.P.
- A.J.C.
- K.F.S.
- A.K.

Correspondence

- B.O.G.

Investigative Committee Report – Dr. Brent Stiehl

No report.

Attorney General's Report – Mr. Max Changus

Ms. Daughdril discussed the following:

- Legal advice regarding Board Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising, Rules 150-11-.01 Specialists, 150-3-.09 Continuing Education for Dentists, 150-5-.05 Requirements for Continuing Education for Dental Hygienists

Executive Director's Report – Mr. Eric Lacefield

- P.C.
- B.B.S.

Legal Services – Ms. Kimberly Emm

No report.

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

Open Session

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

Appearances

- | | | |
|----------|------------------------------|---|
| • F.F.A. | Denied Credentials Applicant | Upheld denial |
| • T.K.J. | Denied Exam Applicant | Overtake denial and approve |
| • T.M.S. | Denied Credentials Applicant | Table pending receipt of additional information |

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|------------|--------------------------|----------------------|
| • N.J. | Dental Faculty Applicant | Approved application |
| • M.M.E.M. | Dental Faculty Applicant | Approved application |

Applications

- | | | |
|------------|--|--|
| • J.K. | Dental Credentials Applicant | Denied application |
| • P.M.P. | Dental Credentials Applicant | Approved application |
| • A.L.L. | Dental Credentials Applicant | Table pending receipt of additional information |
| • J.K. | Dental Credentials Applicant | Approved application |
| • S.K. | Dental Credentials Applicant | Approved application |
| • V.L.B.G. | Dental Credentials Applicant | Denied application |
| • A.M.M. | Dental Hygiene Credentials | Denied application |
| • B.D. | Moderate Enteral Conscious Sedation | Schedule to meet with LOC |
| • J.M.J.P. | Moderate Parenteral Conscious Sedation | Approve for provisional permit pending receipt of additional information |
| • A.J.C. | Initial General Anesthesia | Schedule to meet with LOC |
| • K.F.S. | Dental Hygiene Reinstatement | Approved application |
| • A.K. | Dental Hygiene Reinstatement | Table pending receipt of additional information |

Correspondence

- | | | |
|----------|---|------------------|
| • B.O.G. | Request for 4 th attempt to take the clinical exam | Approved request |
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Investigative Committee Report – Dr. Brent Stiehl

No report.

Attorney General's Report – Mr. Max Changus

Ms. Daughdril discussed the following:

- Legal advice regarding Board Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising, Rules 150-11-.01 Specialists, 150-3-.09 Continuing Education for Dentists, 150-5-.05 Requirements for Continuing Education for Dental Hygienists

Executive Director’s Report – Mr. Eric Lacefield

- P.C. Complaint
- B.B.S. Dental Hygiene Reinstatement Denied application

Legal Services – Ms. Kimberly Emm

No report.

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

Miscellaneous

Board Rule 150-10-.01 Fraudulent, Misleading, or Deceptive Advertising: Dr. Gay commented that the Board needs to do what was necessary to clean the rule up, but it needs to be done in a timely manner and it is not worth getting sued. Dr. Maron responded that the Board is not here to decide what is best for them individually. He stated that the Board is here to decide what is best for the citizens of Georgia. He added that the fear of being sued is not a reason. Dr. Maron stated the Board needs to at least gather data and do the right thing for the citizens of Georgia. He added that the Board needs to determine if there was data that would support the rule. Dr. Maron stated that he feels the Board is being railroaded out of fear of litigation. The Board determined it would review the rule in depth at a future meeting, as a result of the recent ruling from the 5th U.S. Circuit Court of Appeals.

List of Pending Rules Items: Dr. Maron stated that there were numerous items on the list. He further stated the Board needs to work its way down the list by discussing a few items each month. Dr. Maron stated he would contact Ms. Emm to remove the items that have been resolved. He continued by stating the goal was to not delay discussion items any further. Ms. Mattingly requested to add lasers back to the list as it was mistakenly removed. Staff noted that it would be added back to the list for discussion.

Renewals: Mr. Lacefield reported that renewal time is approaching. He stated the State has previously been subsidizing the online processing fee and would no longer do that. He further stated that the online processor has changed and going forward licensees will be charged a “convenience fee”. Mr. Lacefield commented that they have switched over to a new system and will report on such at the next meeting.

With no further business, the Board meeting adjourned at 2:20 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, October 1, 2021, at 10:00 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 6th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Support Analyst I
Minutes edited by Eric R. Lacefield, Executive Director