

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
September 16, 2016
10:00 a.m.

The following Board members were present:

Dr. Bert Yeargan, President
Dr. Tom Godfrey, Vice-President
Ms. Becky Bynum
Dr. Tracy Gay
Dr. Greg Goggans
Dr. Steve Holcomb
Ms. Wendy Johnson (*departed @ 1:32 p.m.*)
Dr. Dale Mayfield
Dr. Logan Nalley
Dr. Antwan Treadway

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Assistant Attorney General
Ryan McNeil, Chief Investigator
Anil Foreman, Legal Officer
Brandi Howell, Business Operations Specialist

Visitors:

Stephanie Lotti, GDA
Carol Lefrebvre, DCG
Arianna Afshari, AGD
Ryan Loke, PDS
Jessi Wethington, GSO
Pramod Sinha, GDO
Randy Kluender, GDO
J. Rutledge Coleman, AGD
Thomas J. Price
John Watson, ADSO
Bethany Sherrer, MAG

Open Session

Dr. Yeargan established that a quorum was present and called the meeting to order at 10:17 a.m.

Introduction of Visitors

Dr. Yeargan welcomed the visitors.

Approval of Minutes

Dr. Godfrey requested to table approval of the Public and Executive Session minutes for the August 12, 2016 meeting until later in the day.

Licenses to Ratify

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

Correspondence from Dr. Srin Varadarajan, AGD

The Board considered this correspondence regarding continuity of care after denture placement. The Board directed staff to respond to Dr. Varadarajan by stating a dentist should use his or her judgment in determining the standard of care on a case-by-case basis.

Correspondence from Dr. Randy Kluender, The Georgia School of Orthodontics

Dr. Kluender was present at the meeting and provided the Board with an update regarding the school's post-doctoral program in Advanced Orthodontics and Dentofacial Orthopedics. He reported the school was granted the status of "Initial Accreditation" by the Commission of Dental Accreditation and stated that a list of the school's first year residents was provided to the Board in a letter dated August 19th. Dr. Pramod Sinha, Program Director, thanked the Board for its support and allowing them to speak to its members.

Correspondence from Tammy Bailey, Riverbend Correctional Facility

The Board considered the proposed dental hygiene protocol submitted by Ms. Bailey. Dr. Goggans made a motion to approve the protocol. Dr. Mayfield seconded and the Board voted unanimously in favor of the motion.

Correspondence from M. Nair

Dr. Holcomb made a motion for the Board to table this correspondence pending legal advice from Mr. Thernes in Executive Session. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Jennifer M. Depew, Major, USAF

The Board considered this correspondence regarding the Military Spouses and Veterans Licensure Act. The Board directed staff to respond by stating that the issue surrounding her request is currently under advisement by the Board.

Correspondence from Bayley Milton, AADB

The Board considered this correspondence requesting the Board provide board orders, once issued, to the Clearinghouse for Board Actions. Dr. Nalley made a motion to approve the request. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Correspondence from Valerie Holliday

The Board considered this correspondence requesting to know if the dental assistant program offered at Walters State Community College would be considered an approved program. Ms. Battle stated that the EDDA Committee has looked at it and the Rules Committee is currently working on revising the language of the rule. Dr. Goggans stated that the purpose of the EDDA Committee is only to look at changes in the duties of expanded duties dental assistants and not what programs are going to be approved. He added that it was his understanding that the Rules Committee will make recommendations regarding such. Dr. Nalley stated that Board has reviewed certificates from out-of-state and as long as they met the requirements of the rule, they were approved. Dr. Holcomb added that what is complicating matters at this juncture is the number of accrediting bodies. He suggested that the Board needs to decide which types of programs are legitimate. He further expressed concern about the Board establishing and maintaining a list of acceptable programs given the volume of such. After further discussion, the Board recommended the EDDA Committee look into the various accrediting organizations and develop a policy for consideration by the Board.

Correspondence from Chondra Franklin

The Board considered this correspondence from Ms. Franklin regarding her not being issued a certificate upon completion of the expanded functions course given by Fortis College. Dr. Holcomb made a motion to direct staff to respond to Ms. Franklin by stating that Fortis College was approved as a provider of EDDA courses by the Board at its meeting on July 22, 2016. Additionally, the Board indicated that the approval would be retroactive provided the content of the course was not dramatically changed. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence – Orthodontist general practices regarding a move during treatment

The Board considered this correspondence concerning general practices regarding a move during orthodontic treatment. The Board directed staff to respond by stating this matter is not under its purview.

Correspondence from Stacie (no last name given)

The Board recommended tabling this correspondence pending legal advice from Mr. Thernes in Executive Session.

Correspondence from Dr. Carol Lefebvre, Augusta University

The Board considered this correspondence requesting to utilize digital portfolios, a compilation of digital photographs, as an additional method of supplementing student rotations. Dr. Yeargan informed Dr. Lefebvre, who was present at the meeting, that the Board would review this request and advise her as to the Board’s decision in writing.

Dr. Steve Holcomb made a motion and Dr. Antwan Treadway 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 Ms. Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Appearance

- J.R.C.

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

Open Session

General – Dr. Bert Yeargan

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

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

No report.

Credentials Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that many have received examination assignments back from CRDTS. CRDTS will meet again in the fall to assign for spring. Dr. Nalley stated that Dr. Holcomb recently stepped down as ERC Chair and commended him on doing a fantastic job.

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 referred back to the Public and Executive Session minutes from the August 12, 2016 meeting. In regards to the Public Session minutes, he suggested the language under the Rules Committee Report be amended to reflect the following:

Dr. Godfrey reported that the Rules Committee has been directed to have an expedited or alternate pathway for licensure for military spouses by next summer. He stated that the Committee will be working on this matter, but asked for direction from the Board. Dr. Godfrey discussed both creating an expedited pathway that is consistent with the current rule as well as possibly creating a separate new rule that would not be similar to the current rule. When asked by Dr. Godfrey, the Board commented the directive is to have something substantially similar to what is currently in place. Additionally, the consensus of the Board was the expedited pathway to be chosen, whatever it is, must be reasonable for staff resources to accomplish. Dr. Godfrey stated the Committee will work in the direction requested by the Board.

Dr. Nalley made a motion to approve the Public Session minutes for the August 12, 2016 meeting as amended. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

In the same motion, the Board voted to approve the Executive Session minutes for the August 12, 2016 meeting.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb requested the list of long range planning items previously submitted to the Board in November 2013 be placed on the Board's October 14th agenda for discussion.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley reported the Annual CRDTS Meeting was held on August 26-27 in Kansas City.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director's Report – Ms. Tanja Battle

Electronic Database Review Advisory Committee: Ms. Battle stated that section (a) of O.C.G.A. § 16-13-61 reads that the committee was formed for the purposes of consulting with and advising the agency on matters related to the establishment, maintenance, and operation of how prescriptions are electronically reviewed pursuant to this part. This shall include, but shall not be limited to, data collection, regulation of access to data, evaluation of data to identify benefits and outcomes of the reviews, communication to

prescribers and dispensers as to the intent of the reviews and how to use the data base, and security of data collected.

Section (b) O.C.G.A. § 16-13-61 states that the advisory committee shall consist of ten members as follows:

- (1) A representative from the agency;
- (2) A representative from the Georgia Composite Medical Board;
- (3) A representative from the Georgia Board of Dentistry;
- (4) A representative with expertise in personal privacy matters, appointed by the president of the State Bar of Georgia;
- (5) A representative from a specialty profession that deals in addictive medicine, appointed by the Georgia Composite Medical Board;
- (6) A pain management specialist, appointed by the Georgia Composite Medical Board;
- (7) An oncologist, appointed by the Georgia Composite Medical Board;
- (8) A representative from a hospice or hospice organization, appointed by the Georgia Composite Medical Board;
- (9) A representative from the State Board of Optometry; and
- (10) The consumer member appointed by the Governor to the State Board of Pharmacy pursuant to subsection (b) of Code Section 26-4-21.

Ms. Battle asked the Board if it recalled any history of this. Dr. Holcomb stated the Board had requested that a Georgia licensed dentist be included on any such committee that is formed. Ms. Battle responded that the Board will need to appoint a member to the committee. Dr. Holcomb made a motion to appoint Dr. Antwan Treadway to the Electronic Database Review Advisory Committee. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

American Association of Dental Boards (AADB) Membership: Ms. Battle reported that letters to Dr. Godfrey and Dr. Treadway from AADB regarding expansion of its membership were received. Dr. Holcomb mentioned because it was a member of AADB, Minnesota was entitled to five board memberships. Dr. Holcomb stated that this was something that the Board should look into further and that it needs to be involved again. He stated that was the discussion from CRDTS at the time. He added that if the Board has this benefit available, it should do it. He requested Ms. Battle contact AADB for more information and report back to the Board.

Correspondence from Kristi Haynie: Ms. Battle discussed this correspondence with the Board regarding whether or not dental hygienists in Georgia are legally allowed to place silver diamine fluoride. Ms. Bynum asked if this was being taught in the curriculum. Dr. Holcomb recommended the Board direct staff to send a letter to the dental hygiene schools in Georgia and ask if this was currently being taught in the curriculum.

Attorney General's Report – Mr. Bryon Thernes

No report.

Miscellaneous

Dental Screening Request from Suzanne Newkirk, GDHA: Dr. Holcomb stated that when the Board amended its rules to allow for oral screenings in approved settings, it was his understanding that it was by a licensed Georgia hygienist. The Board recommended tabling the request to allow additional time to research to see if this is compliant with Georgia law regarding the practice of dental hygiene as the application reflects an answer of ‘no’ to the question, “*Will all dentist/dental hygiene participants hold an active license to practice in Georgia?*”.

Proposed 2017 Board Meeting Dates: Dr. Holcomb made a motion to approve the 2017 meeting dates with the changes noted. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Dr. Logan Nalley made a motion and Dr. Tracy Gay 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 Ms. Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, Ms. Wendy Johnson, Dr. Dale Mayfield, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- J.R.M.
- D.J.B.
- C.M.E.
- C.R.A.
- H.M.A.
- S.S.
- M.H.S.
- C.W.M.
- M.I.S.

Applications

- A.M.C.
- B.Z.
- Q.V.D.
- S.M.B.
- M.M.G.
- E.A.
- A.M.M.
- J.Z.
- L.E.B.
- S.L.W.
- U.N.O.
- A.V.S.
- A.F.T.
- D.R.C.
- R.J.S.
- P.L.O.
- R.E.R.

Correspondences

- J.T.W.
- G.W.F.
- R.C.K.

Investigative Committee Report

Report presented:

- DENT130203
- DENT140303
- DENT160154
- DENT160219
- DENT160241
- DENT160262
- DENT160442
- DENT160495
- DENT160515
- DENT160516
- DENT160517
- DENT160517
- DENT160521
- DENT160522
- DENT160523
- DENT160137
- DENT160406
- DENT160460
- DENT160530
- DENT170004
- DENT170018
- DENT170023
- DENT170032
- DENT160463
- DENT170047
- DENT170036
- DENT170041
- DENT160155
- DENT160204
- DENT160447
- DENT120083
- DENT120163
- DENT150201
- DENT160023
- DENT160415
- DENT160423
- DENT160462
- DENT150024
- DENT160435
- DENT160268

- DENT160291
- DENT170039
- A.L.C.
- Docket #2015-0016
- Docket #2013-0016

Executive Director’s Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Bryon Thernes

- Legal advice regarding consultation and rendering of impressions on the results of a cone beam CT.
- Legal advice regarding teeth whitening regulations.
- Legal advice regarding release of investigative files

Mr. Thernes discussed the following cases:

- Colindres vs. Battle
- DENT150264

Legal Services – Ms. Anil Foreman

Ms. Foreman discussed the following individuals:

- D.B.F.
- J.B.M.

Ms. Foreman presented the following consent order for acceptance:

- E.S.T.

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

Dr. Treadway discussed the following cases:

- DENT150390
- DENT160386

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

Open Session

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

Appearance

- J.R.C. Denied Credentials Applicant Table pending receipt of additional information.

Licensure Overview Committee Appointments/Discussion Cases

- J.R.M. Dental Credentials Applicant Approved application
- D.J.B. Request to terminate consent order Approved request
- C.M.E. Request to terminate probation Approved request
- C.R.A. Request to terminate probation Approved request
- H.M.A. Request to terminate probation Approved request

- S.S. Request for letter stating individual met all terms of public consent order Approved request
- M.H.S. Request to terminate consent order Approved request
- C.W.M. Renewal Approved renewal with letter stating the Board is not waiving its right to take disciplinary action
- M.I.S. Renewal Approved renewal with letter stating the Board is not waiving its right to take disciplinary action

Applications

- A.M.C. Denied Dental Exam Applicant Overturn denial and approve application
- B.Z. Dental Exam Applicant Approved application
- Q.V.D. Dental Hygiene Exam Applicant Approved application
- S.M.B. Dental Exam Applicant Approved application
- M.M.G. Dental Exam Applicant Approved application
- E.A. Dental Credentials Applicant Approved application
- A.M.M. DH Credentials Applicant Approved application
- J.Z. Dental Credentials Applicant Approved application
- L.E.B. DH Credentials Applicant Approved application
- S.L.W. Dental Credentials Applicant Approved application
- U.N.O. DH Credentials Applicant Approved application
- A.V.S. DH Reinstatement Applicant Approved application
- A.F.T. DH Reinstatement Applicant Denied request to be exempt from taking CRDTS examination
- D.R.C. DH Reinstatement Applicant Approved application
- R.J.S. DH Reinstatement Applicant Refer to Legal Officer
- P.L.O. Dental Reinstatement Applicant Approved application
- R.E.R. Dental Reinstatement Applicant Refer to Legal Officer

Correspondences

- J.T.W. Request for extension to take LEAP Approved request
- G.W.F. Request to reinstate license by paying the late renewal fee instead of reinstatement fee. Denied request
- R.C.K. Request for approval of remedial course submitted Denied request

Complaint Number	Allegations	Recommendation
DENT130203	Malpractice	Close with no action
DENT140303	Fraud	Close with no action
DENT160154	Billing	Close with no action
DENT160219	Malpractice	Close with no action
DENT160241	Billing	Close with no action
DENT160262	Unprofessional conduct	Close with no action
DENT160442	Quality of care/substandard practice	Close with no action
DENT160495	Quality of care/substandard practice	Close with no action
DENT160515	Quality of care/substandard practice	Close with no action

DENT160516	Quality of care/substandard practice	Close with no action
DENT160517	Quality of care/substandard practice	Close with no action
DENT160517	Quality of care/substandard practice	Close with no action
DENT160521	Quality of care/substandard practice	Close with no action
DENT160522	Fraud	Close with no action
DENT160523	Other	Close with no action
DENT160137	Unprofessional conduct	Close with no action
DENT160406	Quality of care/substandard practice	Close with no action
DENT160460	Quality of care/substandard practice	Close with no action
DENT160530	Unlicensed practice	Refer the case for criminal prosecution
DENT170004	Unsanitary conditions	Close with no action
DENT170018	Unprofessional conduct	Close with no action
DENT170023	Unlicensed practice	Close with no action
DENT170032	Unprofessional conduct	Close with no action
DENT160463	Unlicensed practice	Accept voluntary C&D and close the case
DENT170047	Quality of care/substandard practice	Close with no action
DENT170036	Patient abuse	Close with no action
DENT170041	Billing	Close with no action
DENT160155	Quality of care/substandard practice	Close with no action
DENT160204	Quality of care/substandard practice	Close with no action
DENT160447	Quality of care/substandard practice	Close with no action
DENT120083	Impairment/substance abuse	Close with no action because license lapsed
DENT120163	Quality of care/substandard practice	Close with no action because license lapsed
DENT150201	Quality of care/substandard practice	Close with no action
DENT160023	Quality of care/substandard practice	Close with no action
DENT160415	Quality of care/substandard practice	Close with no action
DENT160423	Quality of care/substandard practice	Close with no action
DENT160462	Quality of care/substandard practice	Close with no action
DENT150024	Quality of care/substandard practice	Close with no action
DENT160435	Unprofessional conduct	Close with no action
DENT160268	Quality of care/substandard practice; review of correspondence requesting additional review	Uphold the closure and send correspondence to the complainant stating that the investigation was thorough and that a significant consideration in the Board's investigation was the patient's decision to leave the office prior to the dentist treating the patient, effectively removing the dentist's ability to treat the patient
DENT160291	Quality of care/substandard practice	Close with no action
DENT170039	Unlicensed practice	Accept voluntary C&D order and close the case
A.L.C.	Arrest, conviction, & pleas; mental/physical impairment	Refer to the Department of Law
Docket #2015-0016	Compliance with consent order	Approve the courses that individual attended for compliance with consent order
Docket #2013-0016	Correspondence and review of consent order	Terminate probation and send correspondence stating that any investigation into other parties is confidential by law

Executive Director’s Report – Ms. Tanja Battle

No report.

Attorney General’s Report – Mr. Bryon Thernes

- Legal advice regarding consultation and rendering of impressions on the results of a cone beam CT. Board directed staff to send response stating that the Board understands the question to be is it permissible for a dentist not licensed in GA to consult with a GA licensed dentist for the purpose of rendering an impression on the results of a cone beam CT. It is the board’s current position, that, yes, such consultation and rendering of impressions is permissible.
- Legal advice regarding teeth whitening regulations. No action taken.
- Legal advice regarding release of investigative files. Discussion was held about releasing investigative files to the Governor’s office. The Board requested that a conference call be scheduled upon receipt of such requests so that the Board is aware of the requests. It also expressed a desire to respond to the request in a timely manner.

Mr. Thernes discussed the following cases:

- Colindres vs. Battle Update provided
- DENT150264 Approved request to release investigative file

Legal Services – Ms. Anil Foreman

Ms. Foreman discussed the following individuals:

- D.B.F. Rescind referral to Legal Officer and allow licensee to go inactive
- J.B.M. Accept counterproposal presented

Ms. Foreman presented the following consent order for acceptance:

- E.S.T. Public consent order accepted

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

Dr. Treadway discussed the following cases:

- DENT150390 Schedule for interview with the Sedation Committee
- DENT160386 Refer back to the Investigative Committee to close with no action

Dr. Nalley seconded and the Board voted in favor of the motion, with the exception of Dr. Gay, who recused himself from the vote regarding DENT170039.

With no further business, the Board meeting adjourned at 2:02 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, October 14, 2016, at 10:00 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director