

GEORGIA BOARD OF DENTISTRY
Board Meeting
September 6, 2013
2 Peachtree Street, N.W., 36th Floor
Atlanta, GA
9:30 a.m.

The following Board members were present:

Dr. Richard Bennett
Ms. Becky Bynum
Dr. Becky Carlon
Dr. Randy Daniel
Ms. Connie Engel
Dr. Tracy Gay
Dr. Tom Godfrey (*departed at 1:55 p.m.*)
Dr. Steve Holcomb
Dr. Logan Nalley
Dr. Barry Stacey
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Board Attorney
Ryan McNeal, Chief Investigator
Brandi Howell, Business Operations Analyst

Visitors:

David Will, Gwinnett Co. Board of Health
Robert Robinson, Gwinnett Co. Board of Health
Donald Brown, GDA
Melana McClatchey, GDA
Gregory Leathers, RDH
T.J. Kaplan, JL Morgan
Kendra McKune, RDH
Shivani Patel, PharmD
Isaac Hadley, GDS

Open Session

Dr. Bennett established that a quorum was present and called the meeting to order at 9:36 a.m.

Introduction of Visitors

Dr. Bennett welcomed the visitors and introduced Ryan McNeal, Chief Investigator, to the Board.

Rule Hearing

Dr. Bennett called the Rules Hearing to order at 9:40 a.m.

Rule 150-3-.02 License Issuance.Amended

No comments or written responses were received.

Rule 150-3-.08 CPR Requirements for Dentists

No comments or written responses were received.

Rule 150-5-.04 CPR Requirements for Dental Hygienists

No comments or written responses were received.

Rule 150-12-.01 Fees

No comments or written responses were received.

Rule 150-3-.04 Applications.Amended

Comments from Dr. Holcomb were considered by the Board.

The hearing was adjourned at 9:43 a.m.

Open Session

Dr. Bennett declared Open Session at 9:44 a.m.

Dr. Holcomb made a motion to adopt Rule 150-3-.02 License Issuance, Rule 150-3-.08 CPR Requirements for Dentists, Rule 150-5-.04 CPR Requirements for Dental Hygienists and Rule 150-12-.01 Fees. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Dr. Holcomb made a motion to repost Rule 150-3-.04 Applications. Amended with the changes noted. Dr. Nalley 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 predoctoral program, 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.

(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.

Ratifications

Dr. Holcomb asked why some licensee information had school information and others did not. Both Drs. Holcomb and Godfrey stated that it would be helpful to have this information. Ms. Battle responded that she will look into the matter to see why some had it and others do not, but that it can certainly be provided if the Board requests such. Dr. Stacey made a motion to ratify the list of issued licenses. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Kate Kozlow

The Board considered this correspondence and directed staff to respond to Ms. Kozlow by referring her to Board Rule 150-8-.01 Unprofessional Conduct Defined.Amended.

Correspondence from Bekah Adamson

The Board considered this correspondence. Dr. Carlon made a motion to direct staff to respond to Ms. Adamson by referring her to O.C.G.A. 43-11-17. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Correspondence regarding Dr. Margaret Scarlett

The Board considered this correspondence concerning CMS Oral Health Initiative and FDI Global Caries Initiative. Dr. Holcomb discussed the C.O.D.E./Cambra Group meeting at Columbia University that he will be attending in October.

After further discussion concerning Dr. Scarlett's correspondence, Dr. Holcomb made a motion to refer this matter to a separate committee and report back to the Board. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion. Dr. Bennett appointed Dr. Gay as Chair of this committee.

Dr. Nalley asked if the Board can fund Dr. Gay to attend the C.O.D.E./Cambra Group meeting. Ms. Battle reminded the Board that funding for the Board had not yet been determined. Dr. Bennett responded by stating that the Board can revisit after the renewal cycle.

Correspondence from Nicki Rossi

The Board considered this correspondence concerning mobile dentistry and recommended referring the matter to the Rules Committee to establish some guidelines.

Correspondence from Whitney Matteson, DH006370

The Board considered this correspondence. Dr. Godfrey made a motion to deny Ms. Matteson's request for the Board to reconsider her fine. Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Jerry Capps

The Board considered this correspondence and directed staff to respond to Dr. Capps by stating that he will need to seek his own legal counsel as the Board is precluded from offering legal advice.

Correspondence from Nicholas B. Wyne, Everest Norcross

The Board considered this correspondence and directed staff to respond to Mr. Wyne by stating that a facility that is CODA approved has the ability to provide an expanded duties program.

Correspondence from Denise McCance, FISH Dental

The Board reconsidered this correspondence, which had been tabled from the May 2013 meeting. The Board recommended referring this matter to the Attorney General's office for advice.

Correspondence from Dr. Cynthia P. Hall

The Board considered this correspondence and directed staff to respond to Dr. Hall by suggesting she contact Rick Callan, GRU, for information on a risk management course.

Correspondence from Angela Paul, Anthem Education

The Board considered this correspondence. Dr. Nalley made a motion to direct staff to respond to Ms. Paul by stating that, based on the information provided the course of study does not seem to fit within the law and rules of the Georgia Board of Dentistry. Additionally, if she would like to appear before the Board to discuss this matter further, she can request such. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

General – Dr. Richard Bennett

Social Marketing - Discounts or Fee Splitting: The Board discussed this issue concerning third party services that bases its fee on a percentage of the treatment fee. Dr. Holcomb made a motion to refer this matter to the Rules Committee to look at amending the current rule concerning fee splitting. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Philip J. Hanes, GRU: The Board considered this correspondence and directed staff to respond to Dr. Hanes by stating that the Board is sympathetic to its situation; however, the Board does not consider GRU to be an institution of public health as it does not qualify for such. In addition, coverage should be maintained by appropriate faculty that has a faculty license. Dr. Holcomb added that if the person is not from a CODA approved school, the person cannot be licensed in the state of Georgia.

Consideration of Dr. John Dickey as Peer Reviewer for the Investigative Committee: Dr. Nalley made a motion to appoint Dr. John Dickey as a Peer Reviewer for the Investigative Committee. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Consideration of Dr. Shane E. Downey as Peer Reviewer for the Investigative Committee: Dr. Yeargan made a motion to appoint Dr. Shane E. Downey as a Peer Reviewer for the Investigative Committee. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Appearance

Mr. David C. Will and Robert Robinson, Gwinnett County Board of Health, appeared before the Board to discuss its proposed dental hygiene protocol. The Board discussed its issues with the proposed protocol and advised Mr. Will and Mr. Robinson of the changes that needed to be made.

CE Audit Committee Report – Dr. Barry Stacey

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Barry Stacey

No report.

Credentialing Committee Report – Dr. Becky Carlon

Dr. Carlon made a motion to add the sentence, “*Have you at any time graduated from or attended a dental school not approved by CODA?*” to all applications. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Dr. Carlon discussed a question on the dental hygiene examination application that implies SRTA as being a regional examination accepted by the Board. Dr. Carlon made a motion to change SRTA to

CRDTS for this particular question on the application. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Dental Hygiene Committee Report – Ms. Becky Bynum

Discussion was held concerning an email Ms. Bynum received asking if hygienists are allowed to go into nursing homes and hospice care facilities or to patient's homes that are in hospice to clean patient's dentures, do toothbrush prophylaxis and to look to see if any of the patients need further treatment. The Board directed staff to respond by stating that the issue surrounding the request is under advisement by the Board and once the Board makes a determination, he/she will be notified of such.

Examination Committee – Dr. Logan Nalley

Dr. Nalley reported briefly on the CRDTS Conference in Kansas City, MO. He stated that Alabama has been added as a CRDTS member.

Investigative Committee Report – Dr. Logan Nalley

Dr. Nalley stated that the Committee really appreciates how much of a help Mr. McNeal has been. Mr. McNeal reported on the peer review process and the progress he has been able to make.

Legislative Committee Report – Dr. Steve Holcomb

Dr. Holcomb stated that the Board was grateful to have visitors come to the meeting. Frequently, the Board has asked the associations that are present if there are any pending thoughts of legislation that might impact the duties of the Board. Dr. Hadley, Georgia Dental Society, responded by stating that there is nothing pending at this time as far as he knows.

Ms. McClatchey, GDA, stated that the Georgia Counsel on Aging recently met. Her understanding is that they voted to move forward with legislation that would permit dental hygienists from going into nursing homes and schools to provide care to those populations without the direct supervision of a dentist.

Dr. Godfrey referred back to a previous discussion concerning funding and asked if a legislative change needs to occur in order for the Board to receive the proper funding. Dr. Bennett responded that it was an appropriations issue more than a legislative issue.

Licensure Overview Committee Report – Dr. Becky Carlon

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey discussed an additional change concerning the protocol discussed with Mr. Will and Mr. Robinson. Dr. Godfrey made a motion to accept the changes noted. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Board Rule 150-3-.07 Inactive Licensure Status.Amended: Dr. Carlon made a motion to repost Rule 150-3-.07 Inactive Licensure Status.Amended. Dr. Godfrey seconded the motion. Discussion was held by Dr. Holcomb concerning whether or not the Board can vote to adopt the rule since there is only an editorial change. Dr. Carlon withdrew the motion.

Dr. Carlon made a motion to adopt Rule 150-3-.07 Inactive Licensure Status.Amended. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Ms. Battle stated that the Board would need to vote on the economic impact statement in regards to Rule 150-3-.04 Applications.Amended, which the Board voted to repost earlier in the meeting.

A motion was made by Dr. Nalley, seconded by Dr. Holcomb, and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-2.1; 43-11-7; 43-11-40; 50-36-1.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-11-2.1; 43-11-7; 43-11-40; 50-36-1 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.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb will submit a list of suggested committee members at the Board's next scheduled meeting.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley discussed the CRDTS proposed bylaw changes with the Board.

Dr. Holcomb advised the Credentials Committee that some applicants who have recently taken SRTA are opting out of the perio portion of the exam, which is required for licensure by credentials in Georgia.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director's Report – Ms. Tanja Battle

Ms. Battle commented on the Board's transition from the Secretary of State to the Department of Community Health. She stated that the technology component of the transition was still not complete. She is currently working with IT to have online renewals going by the end of the month.

Ms. Battle acknowledged staff for its hard work and dedication. She wanted the Board to know that staff is dedicated to working its way through the transition. Ms. Engel commended staff for a job well done.

Ms. Battle stated that she has discussed not doing paper renewals with Dr. Bennett as it is significantly easier to gather the information electronically. She hopes that we can encourage the online renewal process as much as possible as the paper renewals will take significantly longer to process. Certainly, if someone is insistent on providing a paper renewal, it will be provided, however, it will not be as expeditious as the online renewal.

Ms. Battle discussed the secure and verifiable document and affidavit of citizenship requirement. This is done. GDA recently sent an email out to its members suggesting they get that information in as soon as possible. Ms. McClatchey will send out another notice.

Attorney General's Report

No report.

Dr. Logan Nalley made a motion and Dr. Tom Godfrey seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), §43-11-47(h) and §43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Richard Bennett,

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- M.L.R.
- C.J.E.
- C.A.
- C.L.C.
- A.M.G.
- C.E.J.
- A.R.
- T.B.C.
- D.L.

Applications

- S.K.S.
- M.F.R.
- J.C.H.
- A.H.R.
- J.C.P.

Correspondences/Requests

- M.P.

Investigative Committee Report

Report presented:

- DENT130138
- DENT130115
- DENT130137
- DENT130049
- DENT130089
- DENT100289
- DENT130043
- DENT130038
- DENT130041
- DENT140008
- DENT130022
- DENT110046
- DENT120085
- DENT110096
- DENT110177
- DENT120093
- DENT110207
- DENT110193
- DENT100166
- DENT110209

- DENT120095
- DENT120078
- DENT100019

Attorney General's Report

Mr. Thernes discussed the following individual:

- S.C.

Mr. Thernes presented the following consent orders for acceptance:

- I.A.
- T.K.J.
- W.M.

Miscellaneous

- D.C.W.
- M.L.B.
- S.T.
- S.G.C.
- W.W.C.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- M.L.R. Dental Exam Applicant: Approved application.
- C.J.E. Dental Hygiene Exam Applicant: Approved application.
- C.A. Dental Exam Applicant: Approved application.
- C.L.C. Dental Hygiene Exam Applicant: Approved application.
- A.M.G. Dental Hygiene Exam Applicant: Approved application.
- C.E.J. Dental Credentials Applicant: Table pending receipt of additional information.
- A.R. Request to terminate Consent Order: Approved the request.
- T.B.C. Request to use hours of in class CE credit towards 2012-2013 in class CE requirement. Request denied.
- D.L. Request to terminate Consent Order: Request denied and refer to the Investigative Committee.

Applications

- S.K.S. Inactive Status Applicant: Approved application.
- M.F.R. Dental Faculty Applicant: Approved application.
- J.C.H. Dental Reinstatement Applicant: Table application and refer to Investigative Committee.
- A.H.R. Dental Faculty: Approved application.
- J.C.P. Dental Hygiene Faculty: Approved application.

Correspondences/Requests

- M.P. Request to take only the perio portion of CRDTS exam: Request denied.

Investigative Committee Report

Recommendations made by the Investigative Committee on August 16, 2013:

Complaint Number	Allegations	Recommendation
DENT130138	Arrest, Conviction & Pleas	SUMMARY SUSPENSION & REFER TO AG'S OFFICE
DENT130115	Unethical Conduct	CLOSE
DENT130137	Quality of Care	CLOSE
DENT130049	Quality of Care	CLOSE
DENT130089	Quality of Care	CLOSE
DENT100289	Quality of Care	CLOSE
DENT130043	Unprofessional Conduct Failure to perform Client	CLOSE/W LETTER OF CONCERN
DENT130038	Services	CLOSE
DENT130041	Quality of Care	CLOSE
DENT140008	Unprofessional Conduct	CLOSE
DENT130022	Quality of Care	CLOSE
DENT110046	Action by another Board/Agency	CLOSE
DENT120085	Substandard Work	CLOSE
DENT110096	Quality of Care	CLOSE
DENT110177	Unprofessional Conduct	REFER TO AG'S OFFICE
DENT120093	Quality of Care	CLOSE
DENT110207	Quality of Care	CLOSE
DENT110193	Quality of Care	CLOSE
DENT100166	Records Release	CLOSE
DENT110209	Quality of Care	CLOSE
DENT120095	Quality of Care	CLOSE
DENT120078	Quality of Care	CLOSE
DENT100019	Quality of Care	CLOSE

Attorney General's Report

Mr. Thernes discussed the following individual:

- S.C. Table pending receipt of additional information.

Mr. Thernes presented the following consent orders for acceptance:

- I.A. Public Consent Order accepted.
- T.K.J. Public Consent Order accepted.
- W.M. Public Consent Order accepted.

Miscellaneous

- D.C.W. Request additional information and once received refer to the Investigative Committee
- M.L.B. Request additional information and once received refer to the Investigative Committee
- S.T. Request additional information and once received refer to the Investigative Committee
- S.G.C. Request additional information and once received refer to the Investigative Committee
- W.W.C.

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

Approval of Minutes

Dr. Nalley made a motion to approve the Public and Executive Session minutes for the August 16, 2013 Conference Call. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Late Renewal Fees

The Board discussed increasing late renewal fees. Dr. Holcomb made a motion to accept the following late fees. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Public Health \$525

Dental Faculty \$655

Sedation \$405

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, October 4, 2013, 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 2:12 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director