

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 5th Floor
Atlanta, GA 30303
April 12, 2019
10:30 a.m.

The following Board members were present:

Dr. Richard Bennett, President
Dr. Greg Goggans, Vice-President
Ms. Becky Bynum
Dr. Tom Godfrey
Dr. Parag Soni
Dr. Brent Stiehl
Dr. Antwan Treadway
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Eric Lacefield, Deputy Executive Director
Max Changus, Assistant Attorney General
Ryan McNeal, Chief Investigator
Kimberly Emm, Attorney
Brandi Howell, Business Support Analyst I

Visitors:

Emily Yona, GDA
Lauren Pollow, PDS
John Watson, ADSO
Charles Craig, GDHA
Misty Mattingly, GDHA
Mark Middleton, SmileDirectClub
Steve Holcomb, CRDTS
Kimber Cobb, CRDTS
James E. Barron, GDS

Open Session

Dr. Bennett established that a quorum was present and called the meeting to order at 10:38 a.m.

Introduction of Visitors

Dr. Bennett welcomed the visitors.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public Session minutes for the March 1, 2019 meeting with the changes noted. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Dr. Godfrey requested the Board table consideration of the Executive Session minutes for the March 1, 2019 meeting until later in the meeting.

Licenses to Ratify

Dr. Soni 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 Waiver from Dr. Carla Sinclair

Dr. Goggans made a motion to deny the rule waiver petition. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Dr. Kristin Givan

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

Petition for Rule Waiver from Dr. Richard Moore

Dr. Goggans made a motion to deny the rule waiver petition. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Dr. Katie O. Magstadt

Dr. Goggans made a motion to deny the rule waiver petition. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Dr. Latoya Delaughter

Dr. Goggans made a motion to deny the rule waiver petition. Dr. Soni seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Dr. Matthew W. Cook

Dr. Goggans made a motion to deny the rule waiver petition. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. James B. Melvin III, DN012972

The Board considered this correspondence requesting approval of the courses Hands on Oral Surgery Workshop, Everyday Oral Surgery for the General Practitioner, and Risk Management in Dentistry: A Practical Approach. Dr. Goggans made a motion to approve the courses. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Correspondence from Eric Klein

The Board considered this correspondence regarding O.C.G.A. § 43-11-47(a)(7)(A). In his letter, Mr. Klein asks whether a Georgia licensed dentist may be employed by a Georgia professional limited liability company ("PLLC"), whose sole member is another Georgia PLLC, whose sole member is a Georgia licensed dentist. Additionally, Mr. Klein requests the Board confirm that this proposed structure would not be considered grounds for the Board to deny or revoke the license of a Georgia licensed dentist. Dr. Soni made a motion to direct staff to respond to Mr. Klein by stating that the Board states it is incumbent upon the licensee to understand the law and rules of the Georgia Board of Dentistry and to please understand that the Board is precluded from offering legal advice, opinions, or interpretations of the law and rules. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Correspondence from Misty Mattingly

The Board considered this correspondence from Ms. Mattingly, who was present at the meeting. Ms. Mattingly asked if dental hygienists can be delegated by his/her supervising dentist to provide tobacco counseling for the control and prevention of oral disease and also be delegated to provide nutritional counseling for control of dental disease, and if so, can the counseling be done under general supervision. Dr. Bennett asked if this was not clear in the law. Ms. Mattingly responded by stating that she did not feel it was something that could be done without further clarification from the Board. Dr. Bennett informed Ms. Mattingly that, while it was not prepared to do it today, the Board will review this matter at a later time.

Correspondence from Bekah Adamson, GDHA

The Board considered this correspondence regarding GDHA's Coronal Polishing Course Synopsis. Dr. Bennett stated this was a resubmission of a rubber cup prophylaxis course. Dr. Bennett asked Mr. Craig if the

Board could receive a printed copy of the slides as he tried to enlarge the pages to read the footnotes, but they were not legible. Mr. Craig responded that he would submit the requested information to the Board.

Correspondence from Dr. Garrison Gerald-Banks

The Board considered this correspondence requesting clarification concerning dental hygienist supervision and providing temporary coverage for a FQHC for a dentist on maternity leave. This correspondence was tabled at the Board's March 2019 meeting. The Board voted to table consideration of this matter until it receives legal advice from Mr. Changus in Executive Session.

General – Dr. Richard Bennett

No report.

CE Audit Committee Report – Dr. Richard Bennett

Dr. Bennett reminded the Board and guests that this is a renewal year and to make sure he/she has completed the required hours of continuing education.

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. Yeargan reminded the board members to sign up for the exams when available.

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

Rule 150-5-.03 Supervision of Dental Hygienists: Dr. Godfrey stated the suggestion has been made to reduce the number to 500 hours with the thought that represents approximately one (1) day a week or one (1) full month. Dr. Godfrey made a motion for the Board to instruct the Rules Committee to amend the hours to reflect 500. Dr. Stiehl seconded and the Board voted unanimously in favor of the motion. Dr. Godfrey stated that he will have verbiage ready for next month's Rules Committee meeting. Mr. Craig commented that the Board had previously mentioned there would be some opportunity for dental hygienists to have input into crafting that new rule. Mr. Craig asked Dr. Godfrey if he was already deciding what the new language would be. Dr. Godfrey responded by stating that this is the same rule everyone has had in hand since last year, except that the Board would like to see it in a more lenient version that reduced the 1000 hour requirement to 500 hours. Dr. Godfrey stated any suggestions can be

submitted in writing within ten (10) days of the meeting. Mr. Craig stated that the suggestions have already been submitted to the Board office. He added that it sounded as if the rule was already being crafted. Ms. Battle stated the suggestions had been received and were available to the Committee on Sharepoint. Dr. Godfrey responded that the Committee will review the suggestions.

Teledentistry: Dr. Godfrey stated this topic has been discussed in the past and the Committee was asked to review again. He stated the Board received correspondence regarding teledentistry, but the Board has not actively requested Rules proceed. He stated that if there is a desire for the Board to move forward, he would like to know at this juncture. Dr. Godfrey stated that the Committee has a “to do” list and he wants to make sure he is moving things forward as the Board wishes. Dr. Bennett responded that teledentistry is a big deal. He stated that the Board needs to be pro-active about what is coming its way. Dr. Bennett stated the Board needs to look at the definition and the modalities since the last time it reviewed this and look into what other states have done. Dr. Goggans agreed with Dr. Bennett. Dr. Goggans commented that Dental Monitoring is growing quickly. Dr. Goggans explained that with Dental Monitoring, the patient puts aligners in and takes his/her own pictures with their own phone. He stated if the patient gets a green light, then all is well and if there is a red light, then an appointment request is immediately sent to the provider. He stated it is improving quality and not taking the dentist away. Dr. Godfrey responded that he will come to Dr. Goggans and Dr. Soni for input on this subject matter.

Rule 150-8-.02 Fee Splitting: Dr. Godfrey stated this matter is stagnant at this time as the ADSO feels the single line the rule previously contained was sufficient and clear. Dr. Godfrey asked if the Board wants Rules to move forward one way or another on this item. Dr. Bennett responded by stating it has been a while since the Board has discussed some of the items on the list. He added that it may be helpful for the Board obtain a copy of the areas that are pending and prioritize. Dr. Godfrey requested staff distribute a copy of this rule to the Board.

Rule 150-10-.01 Fraudulent, Misleading or Deceptive Advertising. Dr. Godfrey requested staff distribute a copy of this rule to the Board.

Dentist ability to prescribe to self and family members: Dr. Godfrey stated he will ask the Committee to have proposed language for the Board to consider on the next meeting agenda.

Rule 150-3-.09 Continuing Education for Dentists: Dr. Godfrey stated the Board requested this rule be amended to include language stating hours may be obtained by assisting the Board with sedation evaluations. He stated four (4) hours was previously requested; he would like to ask for a 2:1 ratio with a maximum of eight (8) hours.

Rule 150-5-.05 Requirements for Continuing Education for Dental Hygienists: Dr. Godfrey stated the Board requested this rule be amended to include language stating that dental hygienists who volunteer their services alongside dentists participating in the GDA’s Donated Dental Services program may receive up to five (5) hours of continuing education credit per biennium. He asked the rule be amended to not state a specific organization and include that the hours are with a ratio of 4:1. The Board agreed.

Dr. Godfrey requested tabling the additional items he had for legal advice in Executive Session.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that April 26th is the 50th Anniversary for the Dental College of Georgia.

Long Range Planning Committee Report – Dr. Richard Bennett

No report.

CRDTS Steering Committee – Dr. Logan Nalley

No report.

IP Committee Report – Dr. Richard Bennett

No report.

EDDA Review Committee – Dr. Greg Goggans

No report.

Executive Director’s Report – Ms. Tanja Battle

Credentials Licensure: Ms. Battle reported that at its March meeting the Board discussed licensees having to establish active practice within two (2) years. The Board requested to review the rule and law at its April meeting to see how it wanted to move forward. Ms. Battle stated the law and rule were available on Sharepoint and asked the Board how it would like to proceed at this point. Dr. Bennett stated the law requires the licensee to maintain full-time active practice within two (2) years and for the first five (5) biennial renewal periods, the holder of a dental provisional license by credentials must attest to the fact that he or she has maintained full-time clinical practice. Ms. Battle stated that the language regarding “For the first five biennial renewal periods...” is in the rule. Dr. Godfrey commented that the question the Board previously had is how will the Board police that. He asked if there should be a follow up or if there should be a question on the renewal application. Ms. Battle stated that she previously reported there are 397 dentists who obtained licensure by credentials that are active; 88 of those were recently licensed and have not year reached the two (2) year mark. Ms. Battle stated that staff looked at the census to see where each dentist listed his/her practice and 60 listed an out- of-state practice address. After further discussion, the Board directed staff to draft a letter to send to those licensees that would ask if the individual has established active practice; if the licensee is not in compliance, refer the matter to the Investigative Committee. Ms. Battle responded that she will bring back a proposed letter to the Board for its review.

Attorney General’s Report – Mr. Max Changus

No report.

Legal Services – Ms. Kimberly Emm

No report.

Dr. Bert Yeargan 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. Voting in favor of the motion were those present who included Dr. Richard Bennett, Ms. Becky Bynum, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Parag Soni, Dr. Brent Stiehl, Dr. Antwan Treadway, and Dr. Bert Yeargan.

Executive Session

Appearance

- Representatives from CRDTS regarding examination content.

Licensure Overview Committee Appointments/Discussion Cases

- B.D.J.
- J.T.W.
- J.G.S.
- J.R.
- K.J.K.

- M.L.S.

Applications

- C.E.J.
- W.D.S.
- R.L.
- I.C.G.
- J.R.R.
- N.M.
- P.S.A.
- T.N.E.
- S.N.P.
- D.W.B.
- D.H.H.
- K.C.K.
- S.J.S.
- K.A.N.
- L.J.
- R.A.B.
- W.C.L.
- C.J.S.
- J.E.H.
- N.A.W.
- T.A.B.
- C.L.S.
- J.J.B.
- J.M.L.
- L.M.V.

Correspondences

- G.M.W.
- M.F.B.

Investigative Committee Report – Dr. Bert Yeargan

- DENT190300
- DENT190379

Executive Director’s Report – Ms. Tanja Battle

- M.T.

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- L.E.F.
- C.M.L.
- J.S.D.
- L.E.M.
- D.T.T.

Mr. Changus provided an update on pending litigation.

Mr. Changus discussed the list of non-compliant dentists as it relates to the PDMP requirements.

Miscellaneous

- The Board discussed specific time parameters regarding the negotiation of consent orders.
- The Board requested and received legal advice regarding Rule 150-5-.03 Supervision of Dental Hygienists.

Legal Services – Ms. Kimberly Emm

- D.A.P.
- S.L.S.
- E.K.

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

Open Session

Dr. Bennett stated the Board's Consumer Member is no longer with the Board. He stated that leaves a void for the General Anesthesia Committee.

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

Appearance

- Representatives from CRDTS regarding examination content.

Licensure Overview Committee Appointments/Discussion Cases

- | | | |
|----------|--|--------------------------------|
| • B.D.J. | Request to terminate probation | Approved request |
| • J.T.W. | Request to terminate probation | Approved request |
| • J.G.S. | Dental Licensee | No action |
| • J.R. | Correspondence | Refer to the Department of Law |
| • K.J.K. | Renewal Pending | Refer to the Department of Law |
| • M.L.S. | Request for Completion Review of Consent Order for Renewal | Approved request |

Applications

- | | | |
|----------|--------------------------------------|--|
| • C.E.J. | Dental Exam Applicant | Approved application |
| • W.D.S. | Dental Exam Applicant | Approved application |
| • R.L. | Dental Exam Applicant | Approved application |
| • I.C.G. | Dental Exam Applicant | Approved application |
| • J.R.R. | Dental Hygiene Credentials Applicant | Approved application |
| • N.M. | Dental Credentials Applicant | Approved application |
| • P.S.A. | Dental Credentials Applicant | Approved application |
| • T.N.E. | Dental Credentials Applicant | Denied application |
| • S.N.P. | Dental Credentials Applicant | Approved application |
| • D.W.B. | Conscious Sedation Applicant | Approved evaluation |
| • D.H.H. | Conscious Sedation Applicant | Approved evaluation, but remind applicant to review emergency scenarios. |
| • K.C.K. | Conscious Sedation Applicant | Approved evaluation |

- S.J.S. Conscious Sedation Applicant Approved evaluation
- K.A.N. Extension request Approved extension of provisional permit
- L.J. Extension request Approved extension of provisional permit
- R.A.B. Conscious Sedation Applicant Approved evaluation
- W.C.L. Extension request Approved extension of provisional permit
- C.J.S. Enteral Conscious Sedation Applicant Approved application
- J.E.H. General Anesthesia Applicant Approved evaluation
- N.A.W. General Anesthesia Applicant Approved evaluation
- T.A.B. General Anesthesia Applicant Approved for provisional permit
- C.L.S. Dental Reinstatement Applicant Schedule to meet with the Licensure Overview Committee
- J.J.B. Dental Hygiene Reinstatement Applicant Refer to Legal Services
- J.M.L. Inactive Status Applicant Approved application
- L.M.V. Inactive Status Applicant Approved application

Correspondences

- G.M.W. Correspondence regarding assessment Denied request. The Board directed staff to respond with available options.
- M.F.B. Correspondence regarding obtaining hygiene licensure Board directed staff to respond by referring the individual to O.C.G.A. § 43-11-71(a).

Investigative Committee Report – Dr. Bert Yeargan

- DENT190300 Refer to Department of Law for C&D / Investigative Interview
- DENT190379 Accept Voluntary Surrender

Executive Director’s Report – Ms. Tanja Battle

- M.T. Correspondence Tabled

Attorney General’s Report – Mr. Max Changus

Mr. Changus presented the following consent orders for acceptance:

- L.E.F. Public Consent Order accepted
- C.M.L. Public Consent Order accepted
- J.S.D. Public Consent Order accepted
- L.E.M. Public Consent Order accepted
- D.T.T. Public Consent Order accepted

Mr. Changus provided an update on pending litigation.

Mr. Changus discussed the list of non-compliant dentists as it relates to the PDMP requirements. The Board agreed to proceed as it has been doing at this time.

Miscellaneous

- The Board discussed specific time parameters regarding the negotiation of consent orders.
- The Board requested and received legal advice regarding Rule 150-5-.03 Supervision of Dental Hygienists. The Board directed staff to respond to Dr. Garrison Gerald-Banks by stating any

patients seen by the authorizing dentist on leave within the previous twelve (12) months may be seen under general supervision and the authorizing dentist would remain responsible for that authorization. If the dentist does not return from leave, the authorization would become null & void. Any new patients who are seen for the first time can be seen under general supervision, unless the dentist provides such authorization.

Legal Services – Ms. Kimberly Emm

- D.A.P. Request for a letter of compliance with Consent Order Approved request
- S.L.S. Correspondence Schedule to meet with the Licensure Overview Committee
- E.K. Public Consent Order accepted

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

Approval of Minutes

Dr. Godfrey made a motion to approve the Executive Session minutes for the March 1, 2019 meeting with the changes noted. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 1:51 p.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, May 3, 2019, at 12:00 p.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