

GEORGIA BOARD OF DENTISTRY
Conference Call Board Meeting
December 12, 2003

A conference call board meeting of the Georgia Board of Dentistry was held on Friday, December 12, 2003, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Dr. Logan Nalley, Jr., President
Ms. Tunde Anday, RDH
Dr. Clyde Andrews
Dr. Clark Carroll
Dr. C. Christopher McFarland
Dr. Peter Trager
Dr. Willis J. Walker, Jr.
Dr. Carol Wolff
Dr. Henry Cook
Dr. William Broadfoot

Others Present:

Tachunta A. Thomas, Asst. Div. Dir.
Susan S. Hewett, Board Secretary
Allyson Krause, Assistant Attorney
General

Dr. Nalley, Board President, established that a quorum was present, and the meeting scheduled to begin at 12:00 Noon was **called to order** at 12:05 p.m.

Minutes: Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve** the minutes with corrections for the November 14, 2003 meeting.

GENERAL:

Correspondence from Matthew S. Coles, Esq., regarding Dr. Jeffrey Prinsell: The Board requested that a response be sent to Mr. Coles advising that the Board does not have the ability to remove information from the website regarding the existence of public board orders. Furthermore, language on the website has been updated to clarify that mention of a board order indicates there is a public document on a licensee, and does not necessarily mean the licensee was sanctioned or is currently under any disciplinary action.

Correspondence from Kevin McNew, Esq. and Dr. Michael Silverman regarding regulations for oral conscious sedation: The Board requested that a response be sent to Dr. Silverman, carbon copy to Mr. McNew, advising that the Board is still in the drafting stages of proposed legislation, therefore any changes to the law regarding conscious sedation are tentative; however, he is welcome to attend any meeting of the Georgia Board of Dentistry. If he wishes to present information, he will be allotted a total of 15 minutes, with no question and answer period. Mr. McNew should also be referred to Title 50 for the statutory provisions regarding the rulemaking processes.

Correspondence from Dr. Frank Poole regarding a limited or provisional license for educational purposes only: The Board requested that a letter be sent to Dr. Poole advising him that the laws and rules in Georgia do not require licensure for purposes of teaching in a dental assisting program. A carbon copy of the board's response should be forwarded to Augusta Technical College.

Correspondence from Dr. Tu-Wunda L. Marable regarding request to retake SRTA: The Board requested that Dr. Marable be referred to the Licensure Overview Committee, allowed to re-take SRTA, and be considered for licensure once she has completed the 20 hours of remediation.

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Recognition of Dr. Walker: The Board recognized Dr. Walker for National Board participation and instruction at MCG.

Licensure Overview Committee:

- **Dr. Annamalai Nadarajan – Proposed C.E. Plan** –Dr. Trager made a motion, Dr. Walker seconded and the Board voted to **approve the C.E. plan** with a **requirement to re-take the jurisprudence exam.**
- **Dr. Michaela McKenzie – Proposed C.E. Plan** - Dr. Trager made a motion, Dr. Walker seconded and the Board voted to **approve the full-day C.E. course with a requirement to re-take the jurisprudence exam.**

Executive Director’s Open Session Report: Ms. Tachunta Thomas, Assistant Division Director for Healthcare Boards presented the report in the absence of Ms. Anita Martin, Executive Director.

- Update on renewal information provided

Attorney General’s Open Session Report – Ms. Allyson Krause, Esq.

- Presented memo on language regarding background checks for licensure by credentials and adding language to O.C.G.A. §43-11-17(6) to include ADA definitions
- Presented memo regarding Voting Rights of Dental hygienist and Consumer Members
- Dr. Clell Morris – Send reminder letter that fine was not received in a timely manner and that the deadlines outlined in the consent order are to be adhered.

Miscellaneous:

- **Ratify licenses:** Dr. Wolff made a motion, Dr. Cook seconded and the Board voted to **ratify** the licenses listed below.

Lic No	Name	Lic Type
DNCS000189	Rondeno, Deidra Theresa	Conscious Sedation Permit
DNGA000180	Lewis, Fulton Dewitt, III	General Anesthesia Permit
DNGA000181	Alvarado, Fernando	General Anesthesia Permit
DNF000319	Osborn, Thomas Patrick	Dental Faculty
DN012856	Dorrian, Yvonne Rachael	Dentist
DN012857	Wehbe, Yaser	Dentist
DN012858	Lumpkins, Edward W	Dentist
DN012859	Castillo, Candace A	Dentist
DN012860	Wong, David	Dentist
DN012861	Barbee, LaToya D	Dentist
DN012862	Norman, Kiristi K	Dentist
DN012863	Nam, Soo Jin	Dentist
DN012864	Cansler, Christopher A	Dentist
DN012865	Jeon, Jong Ho	Dentist
DN012866	Shaw, Amy Catherine	Dentist
DN012867	Gathecha, Christine W	Dentist

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DN012868	Holmes, Katashia Hicks	Dentist
DN012869	Abril-Barsky, Maria Elena	Dentist
DN012870	Wingfield, Steven James	Dentist
DH009108	Tarango, Lorrie	Dental Hygienist
DH009109	TerBeek, Veronica L	Dental Hygienist
DH009110	Winchell, Amy M	Dental Hygienist
DH009111	Yates, Erin A	Dental Hygienist
DH009112	Claypool, Danielle S	Dental Hygienist
DH009113	Kirby, Brenda L	Dental Hygienist
DH009114	Roderick, Karen P	Dental Hygienist
DH009115	McClendon, Karen Therese	Dental Hygienist
DH009116	Kim, Goeun G	Dental Hygienist

- **Applications and Information Sheets:** Dr. Walker made a motion, Dr. Cook seconded and the Board voted to approve the changes to the licensure applications and information sheets, with additional changes recommended.
- **Proposed Legislation:**
43-11-17 Acts Which Constitute The Practice Of Dentistry: Dr. Trager made a motion, Dr. Wolff seconded and the Board voted to approve the version presented by Allyson Krause, Assistant Attorney General.

43-11-17. **Acts which constitute the practice of dentistry.** (Approved by Board at 12/12/03 meeting)

(a) Except as expressly provided in this chapter, any person who performs any of the following procedures, operations, or services shall be regarded as practicing dentistry within the meaning of this chapter:

(1) Operates or performs part of any dental operation of any kind upon the human oral cavity, teeth, gingiva, alveolar process, maxilla, mandible or associated structures, or associated contiguous masticatory structures for the treatment of diseases or lesions of such structures;

(2) Extracts teeth or attempts to correct a malposition thereof;

(3) Fills or crowns a human tooth or teeth;

(4) Does any dental operation whatsoever on the human oral cavity, teeth, gingiva, alveolar process, maxilla, mandible or associated structures, or associated contiguous masticatory structures;

(5) Examines any human oral cavity, teeth, gingiva, alveolar process, maxilla, mandible or associated structures, or associated contiguous masticatory structures or takes an impression thereof for the purpose of diagnosing, treating, or operating upon the same;

(6) ~~Makes, repairs, adjusts, or relines appliances, usable on teeth or as teeth unless such appliances, repairs, adjustment, or relines, are ordered by and returned to a licensed dentist;~~

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Supplies, makes, fits, repairs, adjusts, or relines, directly for or to the ultimate user of the product in Georgia, any appliance, cap, covering, prosthesis, or cosmetic covering (said products shall be defined by board rule or regulation) usable on or as human teeth unless such provision, production, fit, repair, adjustment and/or reline of such product is ordered by and returned to a licensed dentist or unless such product is used solely for theatrical purposes as defined by board rule or regulation.

(7) Undertakes to do or perform any physical evaluation of a patient in his or her office or in a hospital, clinic, or other medical or dental facility prior to, incident to, and appropriate to the performance of any dental services or oral or Maxillofacial surgery;

(8) Diagnoses dental radiographs or makes radiographs except for use by a licensed dentist or a licensed physician; or

(9) By any means whatsoever makes it known, implies, or holds out to the public in any fashion that such person will do any of the operations, procedures, or services set forth in this subsection.

(b) Proof of any one or all of the acts mentioned in this Code section shall constitute prima-facie evidence of the practice of dentistry.

43-11-40 Qualification Of Applicants; Grant of License Dr. Walker made a motion, Dr. Wolff seconded and the Board voted to approve with changes.

43-11-40. Qualification of applicants; grant of license. (Approved by Board at 11/14/03 meeting)

(a)(1) Applicants for a license to practice dentistry must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any, and approved by the board. Those applicants who have received a doctoral degree in dentistry from a dental school not so accredited must comply with the following requirements in order to submit an application for licensure:

- (A) Successful completion at an ADA accredited dental school approved by the board of the last two years of a program leading to the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; ~~and or~~
- (B) ~~Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of didactic and clinical competency as expected of a graduate of the school~~ Successful completion at an ADA accredited dental school of a two year program in Advanced Education for General Dentists (AEGD) approved by the board and;
- (~~B~~C) Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of didactic and clinical competency as expected of a graduate of the school receiving a D.D.S. or D.M.D. degree.

(2) The board may establish by rule or regulation the requirements for documentation of an applicant's educational and personal qualifications for licensure.

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(3) In order to be granted a license under this part, all applicants must successfully pass a clinical examination approved by the board, and a Georgia jurisprudence examination, which shall be administered in the English language.

(b) All applications to the board for a license shall be made through the division director, who shall then submit all such applications to the board ~~for review and approval. These applications shall be received by the division director not later than 45 days before the date set for the next session of the board the board examination, which shall be administered in the English language~~

(c) Subject to the provisions of subsection (a) of Code Section 43-11-47, applicants who have met the requirements of subsection (a) of this Code section and who have successfully passed the board examination shall be granted licenses to practice dentistry.

(d) Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check and expressly consents and authorizes the board or its representative to run such a check..

43-11-41 Qualifications for Licensure By Credentials: Dr. Trager made a motion, Dr. Walker seconded and the Board voted to approve the section.

43-11-41. Conditional licenses. Qualifications for Licensure By Credentials.
(Approved by the board at 12/12/03 meeting)

(a)(1) Applicants to obtain a license to practice dentistry by credentials must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, if any, and approved by the board. Applicants must have been in full time clinical practice, as defined by board rule and regulation, full time faculty, as defined by board rule and regulation, or a combination of both for the last five preceding years and hold an active dental license in good standing from another state. Those applicants who have received a doctoral degree in dentistry from a dental school not so accredited must comply with the following requirements in order to submit an application for licensure:

(A) Successful completion at an ADA accredited dental school approved by the board of the last two years of a program leading to the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; and

(B) Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of didactic and clinical competency as expected of a graduate of the school.

(2) The board may establish by rule or regulation the requirements for documentation of an applicant's educational and personal qualifications to obtain a license by credentials.

(3) In order to be granted a license under this part, all applicants must have successfully passed a clinical examination given by a state or a regional testing

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agency approved by the board and a Georgia jurisprudence examination, which shall be administered in the English language.

(4) The board may establish additional requirements by rule or regulation.

(b) All applications to the board for a license by credentials shall be made through the division director, who shall then submit all such applications to the board. The fee for licensure by credentials shall be paid to the division director and shall be in an amount established by the board.

(c) All applicants to the board for a license by credentials are subject to the provisions of O.C.G.A. § 43-11-47.

(d) Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check and expressly consents and authorizes the board or its representative to run such check.

(e) Once licensed, the applicant by credentials must establish active practice, as defined by board rule, in Georgia within two years of receiving a license under this provision or the license shall be automatically revoked.

43-11-42 Teachers Licenses; Public Health Licenses: Dr. Trager made a motion, Dr. Carroll seconded and the Board voted to approve the section.

~~43-11-42. Reciprocity.~~ **Teachers Licenses; Public Health Licenses.** (Approved by the board at 12/12/03 meeting)

(a) The board may issue, in its discretion, without examination, ~~teacher~~ a teacher's or instructor's license to ~~a dentist~~ a dentist holding a dental license from another state and or to ~~a dental hygienist holding a dental hygienist license from another state who has graduated from a school or college accredited~~. A teacher's or instructor's license shall only be issued to a dentist or dental hygienist who has graduated from a school or college accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any, and approved by the board for the sole purpose of teaching or instructing, in an accredited dental college or training clinic or accredited dental hygiene school in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license.

~~(1) Those applicants who have received a doctoral degree in dentistry from a dental school not so accredited must comply with the following requirements in order to submit an application for licensure:~~

(A) Successful completion at an ADA accredited dental school approved by the board of the last two years of a program leading to the doctor of dental surgery (D.D.S.) or doctor of dental medicine (D.M.D.) degree; or

(B) Successful completion at an ADA accredited dental school or college approved by the board of at least a two year Advanced Education

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program in one of the dental specialties recognized by the ADA or in General Dentistry; and

- (C) Certification by the dean of the accredited dental school where such supplementary program was taken that the candidate has achieved the same level of didactic and clinical competency as expected of a graduate of that school receiving a D.D.S. or D.M.D. degree.

(2) In order to be granted a license under this part, all applicants must successfully pass a Georgia jurisprudence examination, which shall be administered, in the English language.

(3) The board may establish by rule or regulation the requirements for documentation of an applicant's education and personal qualifications for a teaching license.

(b) The board may issue, in its discretion, without examination, a license to dentists for the sole purpose of practicing public health dentistry in an official state or a local health department or to render dental services to patients in state operated eleemosynary or correctional institutions, provided that these dentists possess a license in another state, are in good standing in said state, and have graduated from an accredited dental college. Such license shall be considered to be a temporary license which shall be valid for a period to be established by board rule.

(c) The cost of such teacher's, instructor's, or public health temporary license shall be established by the board.

~~(d) The board may also, in its discretion, enter into an agreement with any similar board of any other state to the effect that each party to such agreement, under the conditions therein stipulated, will grant licenses to practicing dentists on the basis of a license having been granted by the other party to the agreement. Any license issued under this Code section shall be subject to the disciplinary standards and procedures set forth in Code Section 43-11-47.~~

~~(e) Any license issued under this Code section shall be subject to the disciplinary standards and procedures set forth in Code Section 43-11-47.— Each applicant who submits an application to the board for licensure agrees to provide the Board with any and all information necessary to run a criminal background check and expressly consents and authorizes the board or its representative to run such check.~~

43-11-52 Georgia Volunteers in Dentistry Act: Dr. McFarland made a motion, Dr. Carroll seconded and the Board voted to approve the section.

43-11-52. Georgia Volunteers in Dentistry Act. (Approved by the board at 12/12/03 meeting)

(a) This Code section shall be known and may be cited as the "Georgia Volunteers in Dentistry Act."

(b) Notwithstanding any other provision of law, the board may issue a special license to qualifying dentists under the terms and conditions set forth in this Code section and pursuant to requirements which may be set forth in the rules and regulations of the Georgia Board of Dentistry. The special license may only be issued to a person who is

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retired from the practice of dentistry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing in dentistry in ~~this~~ any state.

(c) The special licensee shall be permitted to practice dentistry only in the noncompensated employ of public agencies or institutions, not for profit agencies, not for profit institutions, nonprofit corporations, or not for profit associations which provide dentistry services only to indigent patients in areas which are underserved by dentists or critical need population areas of the state, as determined by the board.

(d) The person applying for the special license under this Code section shall submit to the board a notarized statement from the employing agency, institution, corporation, or association on a form prescribed by the board, whereby he or she agrees unequivocally not to receive compensation for any dentistry services he or she may render while in possession of the special license.

(e) The examination by the board, any application fees, and all licensure and renewal fees may be waived for the holder of the special license under this Code section.

(f) If, at the time application is made for the special license, the dentist is not in compliance with the continuing education requirements established by the board for dentists in this state, the dentist may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.

(g) The liability of persons practicing dentistry under and in compliance with a special license issued under this Code section and the liability of their employers for such practice shall be governed by Code Section 51-1-29.1.

(h) This Code section, being in derogation of the common law, shall be strictly construed.

(i) Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check and expressly consents and authorizes the Board or its representative to run such check.

43-11-71.1 Qualifications for Licensure By Credentials for Dental Hygienists: Ms. Anday made a motion, Dr. Wolff seconded and the Board voted to approve the section.

43-11-71.1 Qualifications for Licensure By Credentials for Dental Hygienists.
(Approved by the board at 12/12/03 meeting)

(a)(1) Applicants to obtain a license to practice dental hygiene by credentials must have received a dental hygiene degree from a dental hygiene school or program accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, if any, and approved by the board. Applicants must also provide proof of full time clinical practice, as defined by the board, full time faculty practice, as defined by the board, or a combination of both for the last two preceding years and hold an active dental hygiene license in good standing from another state.

(2) The board may establish by rule or regulation the requirements for documentation of an applicant's educational and personal qualifications to obtain a license by

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credentials.

(3) In order to be granted a license under this part, all applicants must have successfully passed a clinical examination approved by the board, and a Georgia jurisprudence examination administered in the English language.

(4) The board may establish additional licensure requirements by rule and regulation.

(b) All applications to the board for a license granted by credentials shall be made through the division director, who shall then submit all such applications to the board. The fee for licensure by credentials shall be paid to the division director and shall be in an amount established by the board.

(c) All applicants to the board for licensure by credentials are subject to the provisions of O.C.G.A. §§ 43-11-47 and 43-11-72.

(d) Each applicant who submits an application to the board for licensure agrees to provide the board with any and all information necessary to run a criminal background check and expressly consents and authorizes the Board or its representative to run such check.

(e) Once licensed, the applicant by credentials must establish active practice, as defined by board rule, in Georgia within two years of receiving a license under this provision or the license shall be automatically revoked.

Rules Committee - Dr. Peter Trager:

- Changes need to be made regarding record retention
- Assignment of new rule changes to respective members

Dr. Cook made a motion, Dr. Wolff seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A §43-1-19(h)(2) and §43-1-2(k) to deliberate on applications and enforcement matters and to 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. Anday, Dr. Andrews, Dr. Carroll, Dr. McFarland, Dr. Nalley, Dr. Trager, Dr. Walker, Dr. Broadfoot and Mr. McDougald. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

Applications/Licensure:

E.C.J., Dental Applicant: Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **allow applicant to sit for SRTA** for 4th time and to require completion of **20 hours in remediation prior to licensure.**

G.A., Dental Applicant: Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve license renewal** and **close case.**

Investigative Report: Dr. Walker made a motion, Dr. Andrews seconded and the Board voted to **approve** the investigative report.

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<u>RECOMMENDATION</u>	<u>CASE NUMBER</u>
CLOSE	37-01-01-00127
CLOSE	37-01-02-00041
CLOSE	DENT 02-0159
CLOSE	DENT 03-0131
CLOSE	DENT 03-0135
CLOSE	DENT 03-0168
CLOSE	DENT 03-0191
CLOSE	DENT 03-0193
CLOSE	DENT 03-0200
CLOSE	DENT 03-0201
CLOSE	DENT 04-0007
CLOSE	DENT 04-0018
CLOSE	DENT 04-0029
CLOSE	DENT 04-0033
CLOSE	DENT 04-0035
CLOSE	DENT 04-0061
CLOSE	DENT 04-0063
CLOSE	DENT 04-0065
CLOSE	DENT 04-0066
CLOSE	DENT 04-0073
CLOSE	DENT 04-0075
CLOSE	DENT 04-0086
CLOSE W/LOC	DENT 02-0222
CLOSE W/LOC	DENT 02-0228

Executive Director's Report :

- **Consider suspension of license on the following due to borrower default on repayment of student loan as notified by Georgia Higher Education Assistance Corporation:** Shelley E. Floyd, DH007833
 Dr. Wolff made a motion that the Board **suspend** Shelley E. Floyd's license to practice as a Dental Hygienist, license number DH007833 for failure to repay a student loan, and further moved that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. The motion was seconded by Dr. Walker and was **approved** by the Board.
- **M.W.F.:** Dr. Wolff made a motion, Dr. Walker seconded and the Board voted to **deny a waiver of continuing education** and schedule to meet with Licensure Overview Committee at the next meeting.
- **H.H.:** Dr. Wolff made a motion, Dr. Walker seconded and the Board voted to **renew the license** and schedule to **meet with the Investigative Committee at the next meeting.**

Attorney General's Report - Ms. Allyson Krause, Esq.: Dr. Wolff made a motion, Dr. Walker seconded and the Board voted to **approve** the following recommendations regarding cases reported on by the Board Attorney.

- **Mark I. Stewart, DDS:** Accept Public Consent Order
- **Jemel N. David, DDS:** Accept Public Consent Order

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- **Caralyn Kerr Leonard, DMD:** Accept revised Public Consent Order
- **D.A.S.:** Accept Private Order

MISCELLANEOUS:

- **Edward Trimmier:** Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve lifting of suspension 90 days from the date the consent order was accepted by the Board** instead of 90 days from the date the order was docketed.

The next Board meeting is scheduled for January 9, 2004 at 9:00 A.M.

There being no further business to come before the Board, the meeting was adjourned at 2:07 P.M.

Minutes recorded by: Susan S. Hewett, Board Secretary

Minutes edited by: Tachunta Thomas, Assistant Division Director of Healthcare Boards