

GEORGIA BOARD OF DENTISTRY
Board Meeting
January 9, 2004

A meeting of the Georgia Board of Dentistry was held on Friday, January 9, 2004, at the Capitol Education Center, 180 Central Avenue, in Atlanta, 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. Stephan Holcomb

Others Present:

Anita O. Martin, Executive Director
Susan S. Hewett, Board Secretary
Allyson Krause, Assistant Attorney
General
Cheryl Haynes, GDHA
Martha Phillips, GDA
Elizabeth Ramos, ADHS
Alice Findley, ADHS
Nancy Sikes, GDHA
Michael Silverman, DOCS
Ruth Clemans
Bill Williams
Roger Abbott

Dr. Nalley, Board President, established that a quorum was present, and the **Public Hearing** scheduled to begin at 9:00 a.m. was **called to order** at 9:00 a.m.

Rule 150-3-.09 Requirements for Continuing Education for Dentists: A **recommendation** was made by Dr. Cook to **adopt** this rule.

Rule 150-5-.04 Requirements for Dental Hygienists: A **recommendation** was made by Dr. Walker to **adopt** this rule.

Rule 150-5-.05 Requirements for Continuing Education for Dental Hygienists: A **recommendation** was made by Dr. Walker to **adopt** this rule.

The hearing was **adjourned** at 9:02 a.m.

Dr. Nalley, Board President, established that a quorum was present, and the **meeting** scheduled to begin at 9:05 a.m. was **called to order** at 9:05 a.m.

The new board member, Dr. Stephan Holcomb was **welcomed** along with visitors who were present.

Rule 150-3-.09 Requirements for Continuing Education for Dentists: Dr. Cook made a motion, Dr. Trager seconded and the Board voted to **adopt** the rule.

Rule 150-3-.09.

(1) Dentists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of forty (40) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dentist for at least three (3) years following the end of the biennium during which the course was taken.

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(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of actively licenses dentists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall not apply to dentists whose licenses are on inactive status.

(d) The continuing education requirements shall apply within the first biennium that a dentist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dentist may submit as their continuing education hours proof of dental coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association. Following the first biennium that a dentist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-3-.09 (2) and (3).

(2) Coursework, including home study courses, sponsored or approved by the following recognized organizations will be accepted:

(a) American Dental Association/American Dental Hygienists Association, and their affiliate associations and societies;

(b) Academy of General Dentistry;

(c) National Dental Association and its affiliate societies;

(d) Colleges and universities with programs in dentistry and dental hygiene that are accredited by the Commission on Dental Accreditation of the American Dental Association when the professional continuing education course is held under the auspices of the school of dentistry or school of dental hygiene;

(e) CPR courses offered by the American Red Cross, the American Heart Association, the American Safety and Health Institute, or the National Safety Council;

(f) National and State Associations and/or societies of all specialties in dentistry recognized under Georgia law;

(g) Veterans Administration Dental Department;

(h) Armed Forces Dental Department;

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- (i) Georgia Department of Human Resources;
 - (j) American Medical Association and its affiliate associations and societies.
- (3) Course content:
- (a) All courses must reflect the professional needs of the dentist in providing quality dental health care to the public;
 - (b) At least thirty (30) hours of the minimum requirement shall be clinical courses in the actual delivery of dental services to the patient or to the community;
 - (c) Four (4) credit hours for successful completion of the CPR course required by Georgia law may be used to satisfy continuing education requirements per renewal period.
- (4) Criteria for receiving credit for attending an approved continuing education course:
- (a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied;
 - (b) One credit hour for each hour of course attendance will be allowed;
 - (c) Only twelve hours of credit will be accepted per calendar day.
- (5) Criteria for receiving credit for teaching an approved continuing education course:
- (a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;
 - (b) A dentist who teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of course work that he or she presents at a particular course. Credit will be given for teaching a particular course on one occasion. A maximum of ten (10) credit hours per biennium may be obtained by a dentist by whom an approved continuing education course is taught;
 - (c) Only continuing education courses designated in Rule [150-3-.09\(2\)](#) as being sponsored or approved by recognized organizations will be considered for credit pursuant to this subsection of the rule. Pre-doctoral courses taught by a dentist shall not be eligible for consideration pursuant to this provision of the rule;
 - (d) In the event that an audit is conducted of the continuing education hours of a dentist who has taught a course approved by a recognized organization, the following information shall be required to document the dentist's role in presenting a continuing education course:
 - (i) Documentation from an approved provider verifying that the dentist presented an approved continuing education course;

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- (ii) Documentation from an approved provider reflecting the content of the course;
- (iii) Documentation from an approved provider specifying the list of materials used as a part of the course; and
- (iv) Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.
- (e) In the event that an approved continuing education course is taught by more than one dentist, continuing education credit will be given for those portions of course work for which the dentist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dentist whose participation in preparing and presenting an approved course is not readily identifiable.

Authority O.C.G.A. §§ 43-11-7, 43-11-8(a)(2), and 43-11-46(c), and 43-11-46.1.

Rule 150-5-.04 Requirements for Dental Hygienists: Dr. Walker made a motion, Dr. Trager seconded and the Board voted to **adopt** the rule.

Rule 150-5-.04.

Dental hygienists shall maintain at all times during licensure and furnish to the Board, upon request, current certification in one and two rescuer CPR and management of obstructed airway for adults, children and infants as taught by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or the National Safety Council. Current certification is a condition for license renewal. Failure to maintain current CPR certification may serve as grounds to deny the renewal of a license and may also result in disciplinary action against the licensee. In response to an audit request, a dental hygienist shall be required to produce proof of CPR certification during the biennium for which the audit is being conducted.

Authority O.C.G.A. §§ 43-11-7, 43-11-8, and 43-11-73

Rule 150-5-.05 Requirements for Continuing Education for Dental Hygienists: Dr. Walker made a motion, Dr. Trager seconded and the Board voted to **adopt** the rule.

Rule 150-5-.05.

(1) Dental hygienists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of twenty-two (22) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dental hygienist for at least three (3) years following the end of the biennium during which the course was taken.

(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as

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grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of actively licensed dental hygienists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall apply within the first biennium that a dental hygienist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dental hygienist may submit as their continuing education hours proof of dental hygiene coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association. Following the first biennium that a dental hygienist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-5-.05 (2) and (3).

(d) The continuing education requirements shall not apply to dental hygienists who are on inactive status.

(2) Coursework, including home study courses, sponsored or approved by any organization recognized under Rule [150-3-.09](#)(2) will be accepted.

(3) Course content:

(a) All courses must reflect the professional needs of the hygienist providing quality dental health care to the public;

(b) At least fifteen (15) hours of the minimum requirement must be scientific courses in the actual delivery of dental services to the patient or to the community.

(c) Four (4) credit hours for successful completion of the CPR course required by Georgia law offered by the American Heart Association, the American Red Cross, the American Safety and Health Institute, or the National Safety Council may be used to satisfy continuing education requirements per renewal period.

(4) Criteria for receiving credit for attending an approved continuing education course:

(a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied; and

(b) One credit hour for each hour of course attendance will be allowed;

(c) Only twelve hours of credit will be accepted per calendar day.

(5) Criteria for receiving credit for teaching an approved continuing education course:

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(a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;

(b) A dental hygienist that teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of coursework that he or she presents at a particular course. Credit will be given for teaching a particular course on one occasion only. A maximum of five (5) credit hours per biennium may be obtained by a dental hygienist by whom an approved continuing education course is taught;

(c) Only continuing education course designated in rule 150-5.05(2) as being sponsored or approved by recognized organizations will be considered for credit pursuant to this subsection of the rule. Courses taught by a dental hygienist prior to or a part of the process of obtaining his or her R.D.H. shall not be eligible for consideration pursuant to this provision of the rule;

(d) In the event that an audit is conducted of the continuing education hours of a dental hygienist who has taught a course approved by a recognized organization, the following shall be required to document the dental hygienist's role in presenting a continuing education course:

(i) Documentation from an approved provider verifying that the dental hygienist presented an approved continuing education course;

(ii) Documentation from an approved provider reflecting the content of the course;

(iii) Documentation from an approved provider specifying the list of materials used as part of the course; and

(iv) Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.

(e) In the event that an approved continuing education course is taught by more than one dental hygienist, continuing education credit will be given for those portions of course work in which the dental hygienist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dental hygienist whose participation in preparing and presenting an approved course is not readily identifiable.

Authority O.C.G.A. §§ 43-11-7, 43-11-8, 43-11-73(c), and 43-11-73.1

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dentistry.

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Presentation from Michael Silverman, Dental Organization for Conscious Sedation: Viewed as informational.

Minutes: Dr. Cook made a motion, Dr. Walker seconded and the Board voted to **approve** the minutes for the December 12, 2003 meeting.

CE Audit Committee: Dr. Henry Cook, Sr.

- Expressed concern regarding renewals being mailed out late.
- Wants revisions to the rules pertaining to CE posted to the website and marked as updated.
- Requested that name and license number be added to the audit review coversheet.
- Will be providing additional CPR course information to the Rules Committee for additional revisions to the CE rules.
- Advised the Board that some documents received during the audit appeared to be altered. Holds have been placed and a request for originals has been sent to the licensee.
- Requested that the late fee be waived for all outstanding CE audits until 2/1/04.

Conscious Sedation/General Anesthesia Committee: **No report**

Credentialing Committee: **No report**

Dental Hygiene Sub-Committee: Ms. Anday had no report for presentation, however, expressed appreciation to the Assistant Attorney General for the information provided regarding toothprinting.

Examination Committee: Dr. McFarland announced that SRTA calibration will be conducted at the February meeting.

Legislative Committee: Dr. Christopher McFarland

- Ms. Krause, Asst. Attorney General distributed the draft from Legislative Counsel of the proposed 2004 legislation. The Board stated by consensus that the changes to the dental and dental hygiene faculty section (separated into 2 sections rather than 2 faculty sections) and the revised terminology regarding background checks was acceptable.
- Revised 43-11-21(b)(1) (Page 4 line 9) to read ...Association (ADA) or its successor agency, or other board-approved organizations, and is certified by such ~~institutions~~ organizations as...
- Revised 43-11-40(A)(ii) by deleting lines 11 & 12
- Revised 43-11-42(a) (Page 10 line 7) to read ...a teacher's or instructor's license to dentist holding a dental license from another...

Licensure Overview Committee: Dr. Jimmy Walker

- **J.N.D., D.M.D. - Proposed CE Plan** - Dr. Walker made a motion, Dr. Holcomb seconded and the Board voted to **approve** the C.E. Plan submitted by J.N.D., D.M.D.
- **S.R.D., D.D.S. - Proposed CE Plan** - Dr. Walker made a motion, Dr. Holcomb seconded and the Board voted to **approve** the C.E. Plan submitted by S.R.D., D.D.S.

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- **Avis Peek, R.D.H. - Proposed CE Plan** - Dr. Walker made a motion, Dr. Holcomb seconded and the Board voted to approve the C.E. Plan submitted by Avis G. Peek, R.D.H.

Rules Committee: Dr. Trager reported that work is being done to draft rules based upon the proposed new legislation and records retention.

GENERAL:

Correspondence from ADA regarding testing centers for the March 29-30, 2004 National Board Examinations: Dr. Walker will be assisting at MCG on March 29th, Dr. Cook will be assisting at Columbus Tech on March 30th, and Ms. Anday will be assisting at Georgia Perimeter College on March 30th.

Issue regarding ACLS and license renewal: Dr. McFarland made a motion, Dr. Andrews seconded and the Board voted to **waive the late renewal fee for General Anesthesia licenses through June 30, 2004.**

Correspondence from Kathi Kates regarding expanded duties: The Board requested that a response be sent to Ms. Kates that she can only perform the duties listed on the certificate, and refer to Board Rule 150-9.

Correspondence from American Dental Society of Anesthesiology regarding workshops on Enteral Conscious Sedation: The Board viewed the information regarding Enteral Conscious Sedation workshops as **informational.**

Correspondence from ADA regarding Resolution 90: The Board viewed the information received regarding Resolution 90 as **informational.**

Executive Director's Open Session:

- Provided update on renewal processing
 - The Board requested that a list of all licensees who have not renewed their license be sent to GDA, GDHA and Dr. Jimmy Walker.
- Discussed work being done concerning outstanding complaints

Attorney General's Report:

Ms. Krause reported on the following cases **open** in her office:

- **Dr. Felix Sibley** - Hearing held in Superior Court
- **Issue regarding Toothprinting: Viewed as informational**

MISCELLANEOUS:

Appointments to various Board committees:

- **Investigative committee:** Dr. Nalley will serve as Chair, Dr. Steve Holcomb was appointed to serve as a member of the committee, with the remaining position being served by a rotating member. Tunde Anday will serve as the rotating member for January.
- **Legislative Committee:** Dr. Steve Holcomb was appointed to serve as a member of the committee.
- **Conscious Sedation/General Anesthesia Committee:** Dr. Clyde Andrews was appointed to serve as a member of the committee.

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- **Ad Hoc Committee on Board Autonomy:** Dr. Nalley, Dr. Holcomb, Dr. McFarland, and Dr. Carroll will serve as members of the committee.

No appointments were made to other committees.

Recognition of Board Staff: Ms. Anday recognized the Board staff for the **work accomplished during the renewal process**. The Board members **expressed their appreciation** also.

Continuing Education Audits for License Renewal: Dr. Carroll made a motion, Dr. Walker seconded and the Board **approved a waiver of the late fee for continuing education audits for license renewal through January 31, 2004**.

L.E.A.P. Course Overview: Viewed as **informational**. Referred to Dr. Walker for follow-up.

Correspondence from Susan Miller Evans, R.D.H. requesting waiver or variance of continuing education requirements for license renewal: The Board requested this matter be **referred to the LOC**.

Correspondence from Barry C. Weaver, D.M.D. requesting waiver or variance of continuing education requirements for license renewal: The Board requested this matter be **referred to the LOC**.

Correspondence from Beverly Smith regarding expanded duties and x-ray certifications: The Board requested that a response be sent to Ms. Smith that she can only perform the duties listed on the certificate, and refer to Board Rule 150-9.

Dr. Walker made a motion, Dr. Cook 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, and Dr. Holcomb. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

Appearances Before the Board:

- **C.K.L., D.M.D. - Appeal denial of reinstatement:** A motion was made by Dr. Carroll, seconded by Dr. McFarland and **approved** by the Board to **confirm the denial of reinstatement of license**.
- **J.J.H., D.M.D. - Request to return to practice in Georgia:** A motion was made by Dr. Holcomb, seconded by Dr. Carroll and **approved** by the Board to require a **96-hour evaluation to include drug screens**. Ridgeview was suggested as the facility to use for the evaluation. **If a favorable report is received, Board voted to reinstate J.J.H.'s license to mimic the previous order and follow recommendations from facility** and allow practice in Georgia.

Licensure Overview Committee Report: A motion was made by Dr. Cook, seconded by Dr. Walker and approved by the Board to **approve the following recommendations** made by the Licensure Overview Committee.

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- **M.R.D., R.D.H.:** Recommendation to **reinstate upon completion of 15 hours of hands-on continuing education on OSHA & HIPPA, retake and pass SRTA and jurisprudence exam.**
- **C.N.F., R.D.H.:** Recommendation to **reinstate upon completion of hands-on MCG Dental Hygiene course, HIPPA continuing education, and retake and pass jurisprudence exam.**
- **N.F.P. :** Recommendation to **approve licensure upon receipt of letter from the Joint Commission showing passing on all sections of the national boards**
- **R.E.F., D.M.D.:** **Reschedule for February meeting**
- **M.W.S.:** Recommendation to **approve renewal of license upon receipt of letter from physician stating that practitioner can practice with reasonable skill and safety to the public.**
- **I.B.L., D.D.S.:** **Reschedule for February meeting**

Ratify Licensee Candidates: A motion was made by Ms. Anday, seconded by Dr. Cook and approved by the Board to **ratify the new licenses issued between December 5, 2003 through January 6, 2004.**

Lic No	Name	Lic Type
DNCS000190	Allen, Marvin, Jr	Conscious Sedation Permit
DNF000320	Drisko, Connie L.	Dental Faculty
DH009117	Porter, Bonnie Lee	Dental Hygienist
DN012871	Kurz, Elena Eugenevna	Dentist
DN012872	Conner, Chauncey L	Dentist
DN012873	Skoglund, David A	Dentist
DN012874	Jones, Billy J	Dentist
DN012875	Bashar, Nayeem Zahidur-Rahim	Dentist
DNGA000182	Middleton, Scott Andrew	General Anesthesia Permit
DNGA000183	McCormack, William Robinson	General Anesthesia Permit

Applications/Licensure: A motion was made by Dr. Cook, seconded by Dr. Walker, and approved by the Board to **approve the following applications.**

Applicant	For	Recommendation
L.W.C.	Dental Applicant	Approve renewal
J.E.C., DDS	License Renewal	Renewed under consent order
J.H., DMD	License Renewal	Renew & request response
M.A.P., DMD	License Renewal	Approve renewal
K.B.E., RDH	License Renewal	Approve renewal
D.L.B., RDH	License Renewal	Approve renewal
K.L.D., RDH	License Renewal	Renew & request response
J.A.B., DMD	License Renewal	Renew under Private consent order

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		restricting practice to instructional setting only - Accept upon receipt
F.W.S., Jr, DDS	License Renewal	Approve renewal
W.K.B., RDH	License Renewal	Approve renewal
A.W.C., RDH	License Renewal	Approve renewal
B.D.C., DDS	License Renewal	Approve renewal
N.L.C.	DH Temporary Permit	Disallowed under 43-11-70.1
M.D.V.	License Renewal	Approve renewal & request response
M.R.D.	License Renewal	Approve renewal
A.D.	License Renewal	Approve renewal & refer to IC
K.S.C.	License Renewal	Approve renewal & refer to IC
R.W.P.	License Renewal	Renew & request response
K.L.M.	License Renewal	Renew & request response
T.L.B.	License Renewal	Approve renewal
R.H.A.	License Renewal	Approve renewal
R.D.J.	License Renewal	Approve renewal & refer to IC

Investigative Report: A motion was made by Dr. Cook, seconded by Dr. Walker, and approved by the Board to **approve the investigative report.**

RECOMMENDATION	CASE NUMBER
Close	DENT 03-0006
Close	DENT 03-0194
Close	DENT 04-0001
Close	DENT 04-0011
Close	DENT 04-0036
Close	DENT 04-0043
Close	DENT-04-0056
Close w/LOC	DENT 04-0072

Attorney General's Report: A motion was made by Dr. Cook, seconded by Dr. Walker and approved by the Board to **approve the following recommendations regarding cases reported on by the Board Attorney.**

- **H.J.H., DDS:** Issue 2nd OMPE
- **James E. Collins, DDS:** Accept Public Consent Order
- **Keith E. Buggs, DDS:** Accept Public Consent Order

The Board requested that the Executive Director provide information to Dr. Nalley concerning the amount of fees assessed and the amount of fees paid during FY '03.

The next Board meeting is scheduled for March 12, 2004 at 9:00 A.M.

There being no further business to come before the Board, the meeting was adjourned at 2:04 P.M.

Minutes recorded by: Susan S. Hewett, Board Secretary

Minutes edited by: Anita O. Martin, Executive Director