

GEORGIA BOARD OF DENTISTRY
Board Meeting
June 15, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217

The following Board members were present:	Others Present:
Dr. Clyde Andrews Dr. Richard Bennett, Jr. Dr. Becky Carlon Dr. Randy Daniel Ms. Connie Engel Dr. Thomas Godfrey Dr. Isaac Hadley Dr. Stephan Holcomb Dr. Logan Nalley Dr. Barry Stacey	Reagan Dean, Board Attorney Tanja Battle, Executive Director Jody Pierce, Acting Board Support Specialist Vanessa Cummings, Certified Court Reporter Melana McClatchey, GDA Carol A. Wooden, D.D.S., M.A.G.D. John Norman Bowman, G.D.A Rebecca Greener, M.A.G.

Rule Hearing 9:30 a.m.

Dr. Hadley called the rules hearing to order at 9:35 a.m.

Board Rule 150-14-.04 Administration of Injectable Pharmacologics

Written Responses were received from Sandra Reed, M.D., President of MAG and Eric D. Ferrara, D.D.S. The responses were reviewed.

The hearing was adjourned at 9:44 a.m.

Open Session

Dr. Hadley established that a quorum was present and declared Open Session at 9:45 a.m.

Dr. Holcomb made a motion to adopt the proposed Rule 150-14-.04 Administration of Injectable Pharmacologics, Dr. Nalley seconded, and the Board voted unanimously in favor of adopting the motion.

Introduction of visitors – Dr. Hadley welcomed the visitors.

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Approval of Minutes from the April 13, 2012 Board Meeting

- Mr. Reagan Dean noted corrections to be made to the minutes. Dr. Godfrey stated a copy of the Board's letter to Secretary Kemp should be included in the minutes.

Dr. Bennett made a motion to approve as amended, Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Approval of Minutes from the June 7, 2012 Board Meeting Via Conference Call

- Dr. Godfrey asked if this item could be delayed until everyone had a chance to read the minutes. Dr. Hadley concurred.

Election of Officers

Dr. Nalley nominated Dr. Barry Stacey as President and Dr. Richard Bennett as Vice-President. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

C.E. Audit Report – Dr. Barry Stacey

Dr. Stacey requested that the letter from Secretary of State Brian P. Kemp, in response to the Board's letter, be entered into the minutes. Dr. Godfrey made a motion that the Board respond to Secretary Kemp's letter in writing. Dr. Stacey seconded and the Board voted unanimously in favor of the motion. Dr. Godfrey expressed concern about the Board's inability to enforce CE compliance. Dr. Hadley indicated his understanding was that this directive was for a year or until such a time that the budget improved. Dr. Holcomb read the letter aloud.

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April 30, 2012

Georgia Board of Dentistry
Isaac Hadley, D.M.D., President
237 Coliseum Drive
Macon, Georgia 31217

Dear Board of Dentistry:

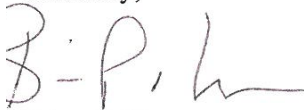
In response to your letter dated April 30, 2012, regarding your post-renewal audit, I appreciate the Board's willingness to work with our office in the efficient use of our limited resources. It was communicated to me that following your renewal period in December of 2011, the Board agreed to audit the dentists and dental hygienists who submitted a late renewal, answered "No" to the continuing education question, or who had previously been required to be audited due to a disciplinary sanction. Those audits are ongoing and will continue to be conducted on those applicants renewing through June 30, 2012.

Your letter references a Board vote to conduct another audit in August of 2012. At this time, the Professional Licensing Board division will be unable to meet your request for an additional audit. As I referenced in a letter sent to licensing board chairs on October 31, 2011, the secure and verifiable document requirement for professional licensure has caused a significant impact on the resources and workload for the Professional Licensing Board staff. Additionally, the Professional Licensing Board division has not been funded for the growth of professional licensing applications or new professions to be licensed, further placing strain on the resources and staff of the division. To give you an example of the stresses of the division, recently there were over 80 people on hold and waiting over 45 minutes to talk with the Professional Licensing Boards division concerning an issue with their license.

It is unacceptable to me that someone would have to wait 45 minutes to speak with the Professional Licensing Board division about their issues. I am hopeful we can work together to identify efficiencies that will allow the staff to spend more time supporting the public.

If you would like to discuss this matter any further, please contact my office at 404-656-2881.

Sincerely,



Brian P. Kemp
Secretary of State

Discussion ensued.

Dr. Godfrey indicated that the Board should reject the directive from Secretary Kemp.
Dr. Bennett stated that the Board should emphasize that this is not an additional audit.

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

No report presented

Credentialing Committee Report – Dr. Becky Carlon

Dr. Carlon presented a report summarizing information on states for which dentists and dental hygienists applicants may be apply by credentials. She stated every state in the U.S. with the exception of Florida does licensing by credentials. She recommends that any person with a “clean” application from any state except Florida, who meets all requirements, be licensed upon the approval of the Credentials Committee or the full Dental Board in accordance with the laws and rules as reflected on the requirement sheet. The application would require full board review if the applicant did not meet all requirements listed on the requirement sheet. Dr. Carlon then suggested a new list for acceptance by credentials to include all states except Florida. She wants to ensure fairness to all applicants. Drs. Stacey, Godfrey and Nalley discussed the training programs. Dr. Carlon will amend her report to include successful completion that leads to a degree. She will present it at the next meeting.

Dental Hygiene Committee Report - Ms. Rebecca Bynum, RDH (Dr. Hadley presented in Ms. Bynum’s absence)

Ms. Bynum was not present at the board meeting. Dr. Hadley noted the curriculum vitae for Ms. Rhonda Kidd.

Dr. Holcomb recommended approval of Ms. Kidd as a dental hygiene examiner with CRDTS. Dr. Andrews made a motion to accept, Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Examination Report – Dr. Logan Nalley

Dr. Nalley reminded everyone of the July 29, 2012 deadline for submitting the availability form. The fax number is on the form. Dr. Holcomb also stressed importance of this form and reminded that an individual cannot request a specific location.

Investigative Committee Report – Dr. Logan Nalley, Jr.

No report for open session

Legislative Committee Report – Dr. Holcomb and Dr. Stacey

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No report for open session

Licensure Overview Committee Report – Dr. Isaac Hadley

No report for open session

Rules Committee Report – Dr. Clyde Andrews

Dr. Andrews states that O.C.G.A. §43-11-52 and §43-11-40 have been signed. The rules committee will need to meet before the July meeting to discuss the changes in the law that need to be reflected in the rules. Dr. Holcomb suggested being proactive and having the rules ready in the event the law gets changed. Dr. Holcomb asked if a list of rules for consideration has been made available yet. The rule on supervision of dental hygienists is done and the expanded duties of hygienists; however, two have been tabled.

Dr. Stacey stated that the Injectable Pharmacologics rule will require a committee. It was suggested that Dr. Stacey, as new President, can appoint such a committee.

Dr. Nalley made the motion, Dr. Holcolm 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) and to receive information on appointments, applications, investigative reports, and Assistant Attorney General's report. Voting in favor of the motion were Dr. Andrews, Dr. Bennett, Dr. Carlon, Dr. Daniel, Ms. Engel, Dr. Godfrey, Dr. Hadley, and Dr. Stacey.

The Board entered into Executive Session at 10:45 a.m.

Executive Session

LOC results were discussed.

Appointments

G.K.J –Appeared with legal counsel to discuss denied application.

Dr. Hadley declared the Board in Open Session.

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Open Session

Education Committee Report – Dr. Godfrey

No report for open session.

License Ratification

Discussion occurred about placing the ratification list on EpiWare and the procedure for blogging on the EpiWare site. Dr. Stacey reminded board members when reviewing applications for ratification, to make sure the application is by exam and not by credentials.

Dr. Holcomb made a motion to approve the ratification list, Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

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

- **M.K., D.D.S. – Termination of Probation**
The Licensure Overview Committee (LOC) recommended termination of probation.
- **S.C., D.D.S. –Dental Licensure**
The LOC recommended moving forward with a hearing for the purpose of disciplinary action.
- **J.M., D.M.D. – Termination of Probation**
The LOC recommended termination of probation.
- **A.B. – Dental Credentials Applicant**
The LOC recommended denial of application.
- **A.M., D.M.D. – Conscious Sedation – General Anesthesia**
Tabled

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

- **G.K.J. – Denied Dental Licensure by Credentials**
Applicant's case was presented by Attorney Melvin Goldstein.
Dr. Holcomb made a motion to uphold the denial of the application by credentials based upon disciplinary action taken by another state dental board, Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.
- **W.A.B. -** Dr. Holcomb made a motion to uphold the denial of the application by credentials based upon disciplinary action taken by another state dental board, Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

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Rule Variance request from Demetress La'Trice Davis, D.D.S. re: Board rule 150-3-.01 – Examination for Dental Licensure

- Dr. Nalley made a motion to deny, Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Thomas Richards re: Board rule 150-7-.04 – Dental Provisional Licensure by Credentials

- The Board discussed Virginia now being on the list of approved reciprocal states.
- The applicant will be advised to apply for licensure by credentials and that Virginia would be considered. However, he needs to meet the requirements of licensure by credentials as a full-time resident and meet the minimum number of hours.

Correspondence from Nancy DeMott, RDH re: Give a Kid a Chance Dental Screenings

- Dr. Hadley offered a definition of a screening. Ms. DeMott is requesting approval for five sites. Dr. Holcomb recommends that the written definition of a screening be sent to Ms. DeMott.
- Dr. Holcomb made a motion to approve the event, Dr. Stacey seconded and the Board voted unanimously in favor of the motion.

Correspondence from Cecilia M. Brown-Blake, D.D.S. re: Clarification on Application for the Georgia Dental License by Credentials

- The Board recommends sending Ms. Brown-Blake a letter to refer her to the rules and laws. As long as an individual meets all the requirements, the application may be considered. It was noted that Virginia now considers applications by credentials.

Rule Waiver request from Dr. David V. Salar re: Board Rule 150-7-.04(6) – Dental Provisional Licensure by Credentials

- Ms. Battle stated that there is not an application on file. Discussion occurred about the exam history of Dr. Salar. Dr. Holcomb recommends that the Board advise Dr. Salar that the rule waiver may be denied, but he can still apply by credentials as long as he can meet all the requirements of credentials as a full-time resident and meet the minimum number of hours.
- Dr. Holcomb made a motion to deny the waiver request with information being provided to Dr. Salar, Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

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Request from Ms. Jane Walter for Vince Carter Sanctuary to be added to the Board's list of approved treatment sites for Dental Professionals:

- Dr. Bennett made a motion to approve the request, Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence from Carolyn Coates re: the position of the Ga. Board of Dentistry on the use of the NOMAD System, a hand-held x-ray device

Dr. Stacey recommends the Board refer Ms. Coates to the Department of Community Health. He states some problems have been noted by the FDA with this device. Dr. Stacey suggests sending Ms. Coates a letter from the Board referring her to 290-5-22-.04 on x-rays and healing arts.

Correspondence from Dr. Louis Malcmacher re: CE application for Ga. Board of Dentistry

Dr. Stacey gave a description of the courses by Dr. Malcmacher. Mr. Dean reminded the Board that the Administration of Injectable Pharmacologics rule is not in effect yet Dr. Stacey suggested to table this subject until the next board meeting. Dr. Stacey will be in touch with Dr. Malcmacher and gather additional information. Guest, Ms. McClatchey, asked if the rule filing would happen on this meeting date. Ms. Battle, Executive Director, advised that it would be accomplished on Monday, June 18.

General Comments

Dr. Hadley had no comments to add.

Executive Director's Open Session – Ms. Tanja Battle

- Ms. Battle advised Board of new staff member, Ms. Kimberly Harrison, who will begin on Monday, June 18 as the Board Support Specialist. Ms Carol White has accepted another position within the agency. Ms. Battle reminded the Board members to be sure to communicate any needs to her.

Discussion of correspondence from Jane Walter re: Henry G. Hall, D.M.D.

The Board considered the correspondence from Ms. Walter. After a brief discussion Dr. Hadley made a motion to approve, Dr. Andrews seconded the motion and the Board voted unanimously in favor of the motion.

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Attorney General's Open Session – Mr. Reagan Dean

Mr. Dean spoke about the lawsuit from Dr. William Arthur Behrnt, who had papers served on the Board members this morning. He requested that the Board vote to release his application and other personal information on the application for use in the pending litigation. Dr. Holcomb made a motion to release the application and other personal information for use in the pending litigation, Dr. Bennett seconded, and the Board voted unanimously in favor of the motion.

Mr. Dean – Discussion of providing notification to dentists on upcoming Injectable Pharmacologics rule

GDNA needs to be asked to provide information and publicize the new rule. It was advised that information should be placed on the Board website and notification sent to other associations. Mr. Dean will get the information to Ms. Battle and she will forward to IT for publication. Guest, Ms. McClatchey, requests an email about when it will become effective. The Board advised her to check the official website.

Dr. Holcomb made a motion, Dr. Nalley 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 to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present: Dr. Andrews, Dr. Bennett, Dr. Carlon, Dr. Daniel, Ms. Engel, Dr. Godfrey, Dr. Hadley, Dr. Stacey.

Executive Session

Request from Attorney, Shaun Daugherty re: Dr. K.D.C. requesting copies of x-rays

Ms. Battle had the signed Consent Order in hand and submitted it to Dr. Hadley for acceptance.

CE Audit Report – Dr. Barry Stacey

No report for Executive

Examination Report – Dr. Logan Nalley

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No report for Executive

Education Committee Report – Dr. Thomas Godfrey

Investigative Committee Report – Dr. Logan Nalley

Discussion of case DENT120190. Dr. Nalley gave a brief description of the allegations against this dentist. Investigator, Vincent Zagorin, provided additional details of the investigation by phone. Mr. Dean and Dr. Stacey stated that GDNA needs to be involved in this matter. Dr. Holcomb agrees. Ms. Battle will proceed with the referral to GDNA. Based on the action of GDNA, the Ga. Board of Dentistry will then be able to take action.

Discussion of Requirements of Open Meetings – Mr. Dean gave the Board advice regarding recent changes in the law.

Mr. Dean – Correspondence from Ms. Fran Cullen

Mr. Dean discussed the Petition for Judicial Review filed in Bibb County Superior Court by Dr. T.R. and requested that the Board approve release of her application and other personal information for use in the pending litigation. The Board discussed release of the application and other personal information.

Dr. Holcomb - Discussion of Contact by Dentist Wishing to Purchase Practice

Dr. Holcomb mentioned a verbal complaint that he had received. Dr. Holcomb notified the Board that he advised the caller to file a formal complaint. Once the complaint is received, Dr. Holcomb recommends that the dentist be interviewed by the Investigative Committee.

Dr. Hadley declared the meeting back in Open Session.

Open Session

Ms. Battle read aloud the minutes from the June 7, 2012 meeting. Dr. Godfrey made a motion to accept the minutes, Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Dr. Holcomb made a motion, Dr. Nalley seconded, and the Board voted to enter into **Executive Session** to receive advice from the Assistant Attorney General, Mr. Dean. Voting in favor of the motion were those present: Dr. Andrews, Dr. Bennett, Dr. Carlon, Dr. Daniel, Ms. Engel, Dr. Godfrey, Dr. Hadley, Dr. Stacey.

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Executive Session

Mr. Dean discussed the written legal advice to the Board as it relates to the calling of meetings and conference calls.

Dr. Hadley declared the meeting back in Open Session.

Open Session

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

Applications:

- **D.F. B.** – Dental Renewal Applicant
 - Schedule with LOC.
- **J.M.A.** – Dental Renewal Applicant
 - Dr. Stacey completed this person’s audit. CE Waiver approved.
- **H.D.M.** – Dental Renewal Applicant
 - Approved
- **T.L.B.** – Denied Dental Applicant
 - Board stated that license should be issued via a private consent order once staff confirms scores.
- **M.M. L.** – Denied Credentials Application
 - Schedule with LOC.
- **J.A.L.** – Dental Licensure
 - Schedule with LOC.

Executive Director’s Report – Ms. Tanja Battle

- Discussion of Dental Applicant K.S.S. – License issued administratively in error. Mr. Dean will proceed with pursuing disciplinary action.
- Discussion of C.T.B., RDH – Per Jane Walters, this individual is not compliant with the Consent Order. Dr. Holcomb and Dr. Nalley request that she been seen in IC at the next IC meeting.
- Discussion of E.S. – Ms. Battle had the signed Consent Order in hand and presented it to Dr. Hadley for acceptance.
- Discussion of Correspondence from Attorney, Fran Cullen re: J.J.H. – outstanding C.E. issues. Dr. Holcomb suggests that Board seek disciplinary action. Dr. Nalley agreed.

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Attorney General's Report – Mr. Reagan Dean presented the following Consent Orders for acceptance:

1. Gordon David Barfield, D.D.S.. - Public Consent Order to be accepted.
2. Dilmar Callejas, D.M.D. – Public Consent Order to be accepted.
3. Thomas Barry Clower, D.M.D. – Public Consent Order to be accepted and signed with express permission upon receipt.
4. Jenah Lee Daily, RDH – Public Consent Order to be accepted.
5. Kelli Brooke Forehand, RDH – Public Consent Order to be accepted.
6. Meredith Brenda Hooch, RDH – Public Consent Order to be accepted.
7. Diana Golden, RDH – Public Consent Order to be accepted.
8. Jessica Lowe, RDH – Public Consent Order to be accepted.
9. Timothy Rushing, D.M.D. –Public Consent Order to be accepted.
10. Dena Simmons, RDH – Public Consent Order to be accepted.
11. Tracy L. Wilson, RDH – Public Consent Order to be accepted
12. S.K. –Private Consent Order to be accepted and signed with express permission upon receipt.
13. Amir Zeinedini, D.D.S. – Public Consent Order to be accepted.

L.F.E. – Applicant submitted correspondence indicating the voluntary withdrawal of the application for licensure. This withdrawal was accepted by the Board and will be reflected in the database.

D.H. – Mr. Dean stated he needed the Board to release information regarding this individual for the purpose of pending litigation.

M.S.W. - Dentist

She checked “no” to the question about disciplinary action. The answer should have been “yes”. Dr. Hadley discussed having M.S.W. interviewed by the Investigative Committee.

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

The next Dental Board meeting will be on July 13, 2012.

The Board meeting adjourned at 3:55 p.m.

Minutes recorded by:

Jody Pierce, Acting Board Support Specialist

Minutes reviewed and edited by:

Tanja Battle, Executive Director