

The following Board members were present: Others Present:

Dr. Stephan Holcomb, President

Reagan Dean, Board Attorney

Dr. Becky Carlon

Julie Fisher, Staff Attorney

Dr. Clyde Andrews

Anita Martin, Executive Director

Ms. Pam Bush

Carol White, Board Support Specialist

Dr. Henry Cook

Dr. Don Benton

Dr. Clark Carroll

Melana McClatchey

Dr. Isaac Hadley

Tina Titshaw

Dr. Logan Nalley

Pam Wilkes, GDA

Ms. Elaine Richardson

Dr. Carol Wooden

Dr. Barry Stacey

Dr. Holcomb established that a quorum was present and the meeting that was scheduled to begin at 9:30 a.m., was called to order at 9:45 a.m.

Introduction of visitors – Dr. Holcomb welcomed the visitors.

Minutes from the April 9, 2010 Board meeting

• Dr. Nalley made a motion to approve as amended. Dr. Hadley seconded the motion and it carried unanimously.

C.E. Audit Committee – Drs. Henry Cook, Sr. & Barry Stacey

. • Dr. Hadley motioned that the Board refer the dentists who had not responded to the CE audit to the Attorney General's office for a public consent order to be returned within 15 days of receipt or the AG is to file a Notice of Hearing for June 18th; the motion further stated to offer those who are out of state a Voluntary Surrender. Ms. Richardson seconded the motion and it passed unanimously.

. • Dr. Nalley motioned, Dr. Carlon seconded and the Board voted for dentists who are deficient be sent to the legal services department for a Consent Order citing noncompliance with the CE rules and falsifying the renewal application. The order will further require double the deficient hours and a \$1000 fine for each practitioner.

Conscious Sedation/General Anesthesia Committee – Drs. Clyde Andrews & Barry Stacey

. • Dr. Stacey spoke with Dr. Getter at MCG who is setting up an emergency course and an IV course for those applying for sedation permits.

. • Dr. Stacey also asked about permitting Dentists who provide sedation in another Dentist's office. The Board states as long as the facility is permitted, this practice is accepted by

the Board. The issue about permitted staff is under review by the Board.

Credentialing Committee – Dr. Becky Carlon – No Report

- . • Dr. Holcomb commented that the updated rule which will be voted on at the June 2010 Board meeting will give additional requirements for the Dental Credentialing candidates.
- . • Dr. Carlon commented that the rule amendment will assist in the process of review of Credentials Applicants.

Dental Hygiene Committee -Ms. Pamela Bush, RDH

- Ms. Bush reported that for several months, the members of the Dental Hygiene committee have been researching and gathering information from several sources in the education arena and other organizations and other states where the administration of local anesthesia and nitrous oxide for pain management by dental hygienists is within the scope of practice. In December 2009 the committee began the process of looking into the viability of a pilot program in conjunction with the first Master's program in Dental Hygiene to begin this fall at the Medical College of Georgia. Dr. Marie Collins and Dr. Henry "Butch" Ferguson have assured the committee that the program can be administered successfully. At this time, the committee is announcing a public forum to be conducted Friday, May 28, 2010 at 9:00 a.m. at the Professional Licensing Board, 237 Coliseum Drive, Macon, GA. Invitations to all interested parties will be sent to all dental hygienist with a copy of the FAQ's that we have for you to review today. Committee members, and Drs. Collins, Ferguson & Caughman from MCG will be present at the forum to answer any questions regarding the program.

Examination & CRDTS Committee Reports – Drs. Carroll, Nalley and Ms. Bush

- . • Dr. Carroll reported that August 28, 2010 is the CRDTS Annual Meeting.
- . • Dr. Nalley told the Board the MCG examination is June 14-15, 2010.
- . • Dr. Nalley stated that the examinations have gone well this year and CRDTS has added an examination at Meharry June 12-14, 2010.
- . • Ms. Bush told the Board that Ms. Christine Hess of Augusta observed the Hygiene exam in Augusta. Ms. Bush motioned that Ms. Hess be approved by the Board as a CRDTS Deputy Dental Hygiene Examiner. Dr. Nalley seconded the motion and Board approved unanimously.
- . • Ms. Bush stated that the exams at Armstrong and MCG have been conducted.

Legislative Committee –Drs. Steve Holcomb and Henry Cook

- . • Dr. Holcomb has requested that Dr. Stacey also be added to the Legislative Committee.
- . • Dr. Stacey discussed HB1407 is awaiting the Governor's signature and SB418 Prescription Drug Monitoring Program did pass this year. Dr. Stacey states we will need to have an appointment made from the Board of Dentistry to serve on the Advisory Committee concerning the Prescription Drug Monitoring Program.
- . • Ms. Melana McClatchey discussed SB62 regarding prompt payment which was attached to HB321; it has passed and is now law. This should be monitored by the Insurance

Commissioners Office. Ms. McClatchey states clean electronic claims are to be paid within 15 days or a response provided as to why it is not being paid.

Rules Committee – Dr. Clyde Andrews

• Dr. Andrews discussed the following new rules with the Board: 150-15-Teledentistry 150-15-.01 – Definition 150-15-.02 – Permit 150-15-.03 – General Dr. Nalley made a motion to post Board Rule 150-15 – Tele-Dentistry. Dr.Hadley seconded the motion and it carried unanimously.

150-15 Teledentistry.

150-15-.01 Definition.

(1) Teledentistry is defined as the practice of dentistry at a distance through the use of electronic information, imaging and communication technologies. Including interactive audio, video, and data communications as well as store-and-forward technologies, to provide and support dental care delivery, diagnosis, consultation, treatment, transfer of medical data and education. A telephone conversation nor an electronic mail message between a dentist licensed in this state and a patient constitutes teledentistry.

(a) When teledentistry is confined to within the state of Georgia borders, it is restricted to Georgia licensed dentists and/or Georgia licensed physicians.

(b) The licensed dentist in this state who requests the teledentistry consultation retains ultimate authority and responsibility for the diagnosis or treatment of the patient unless transferred to another licensed dentist.

(c) For purposes of this section, the “practice of dentistry across state lines” means:

1. The rendering of any written or otherwise documented dental opinion concerning the diagnosis or treatment of a patient within this state by a dentist located outside this state as a result of transmission of individual patient data by electronic, telephonic, or other means from within this state or any other state to such dentist or dentist’s agent; or

2. The rendering of treatment to a patient within this state by a dentist located outside this state as a result of transmission of individual patient data by electronic, telephonic, or others means from within this state or any other state to such dentist or dentist’s agent.

(d) Any person or entity not licensed to practice dentistry in Georgia shall not engage in the practice of dentistry across state lines except as follows:

1. A dentist located outside this state shall not be required to obtain a license in the state when:

(i) A consultation is requested by a licensed dentist in this state who retains ultimate authority and responsibility for the diagnosis or treatment of a patient located within this state; and

(ii) The out-of-state dentist/physician holds an active license in a state; and

(iii) The consultation request is not due to a contractual agreement to authorize or request consultations from a person or entity not licensed to practice dentistry in Georgia; or

(iv) Evaluating a patient or rendering an oral, written, or otherwise documented dental opinion when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state.

150-15-.02 Permit.

(1)Dentists who diagnose and provide treatment planning for a patient via Teledentistry must obtain a permit issued by the board. (2)To receive a permit a practice Teledentistry, the applicants and the facility must meet the following criteria:

.(a) an applicant must have an active Georgia dental license, a Georgia dental faculty license or a Georgia dental public health license and provide a list to the Board of Dentistry of all states in

which the dentist has a current license or has ever held a license to practice dentistry;

.(b) an applicant must attest that he or she does not have any current disciplinary actions issued against him or her by the Georgia Board of Dentistry or a Board of Dentistry in any other state;

(c)attest to having the necessary equipment and facility to transmit data electronically that would include health records, the delivery of images, sound, test, and graphical data via secure (HIPPA compliant) electronic means. The equipment must be a quality that will facilitate the dentist making a diagnosis and treatment plan. The Board of Dentistry reserves the right to conduct a planned or unplanned on-site investigation of the dental facility.

150-15-.03 General Rules for Teledentistry

(1)A dentist who provides diagnosis or treatment planning via Teledentistry is responsible for the patient's treatment and must establish and maintain a copy of the patient's dental health record except when providing these services in conjunction with an onsite-licensed dentist who maintains that record.

.(2) A dentist-patient relationship is created in all circumstances through Teledentistry except when Teledentistry is used only to obtain a consultant between licensed dentists or physicians.

.(3) A patient, a patient's legal guardian or other person authorized under the laws of the State of Georgia to consent to treatment on behalf of the patient must consent in writing their willingness to be treated and/or allow treatment by a licensed and permitted dental practitioner who is providing treatment or services via Teledentistry. (4)Any dentist who shall practice dentistry or engages in the practice of dentistry across state lines via whatever mode of practice in this state within the meaning of this chapter must have a valid Georgia dental license and Teledentistry permit.

.(5) Only licensed and permitted dentists can bill for services delivered using Teledentistry.

(6)A licensed and permitted dentist supervising a dental hygienist through Teledentistry does not meet the definition of direct supervision.

- Dr. Andrews states the committee is also working on the following rules and the rules committee will meet at 8:30 am on June 18, 2010: Off campus practice of faculty Require resident license Supervision of Dental Hygiene in Public Health settings. Drs. Andrews, Stacey and Ms. Bush will attend the rules committee meeting on June 18, 2010.

Education Committee – Dr. Thomas Godfrey

- Ms. Bush stated that the MCG educators that she has worked with concerning the local anesthesia have been wonderful to work with. Ms. Bush stated further that they have been very supportive of this proposal.

Correspondence from Penny Fudally – CRDTS re: ERC members terms.

- Dr. Holcomb is the chair of the Dental Exam Review Committee. This item was viewed as informational.

Dr.Nalley made a motion to approve. Dr. Cook seconded the motion and it carried unanimously.

NEWLYLICENSEDCONSCIOUSSEDATION4-20-2010

License#NameProfessionIssueDate

ConsciousSedation 3/30/2010

| | | | |
|------------|--------------------|-------------------|-----------|
| DNCS000281 | Hume,BradleyThomas | Permit | 00:00:00 |
| | Bordlemay,Justin | ConsciousSedation | 4/15/2010 |
| DNCS000282 | William | Permit | 00:00:00 |

NEWLYLICENSED DENTISTS 4-20-2010

| License# | Name | Profession | IssueDate |
|----------|--------------------------|------------|-------------------|
| DN014049 | Barefoot,AdamJoseph | Dentist | 3/19/201000:00:00 |
| DN014050 | Presson,TakeishaRochelle | Dentist | 3/19/201000:00:00 |
| DN014051 | Cherry,Karmen | Dentist | 3/30/201000:00:00 |
| DN014052 | McInnis,AllisonRenee | Dentist | 3/30/201000:00:00 |
| DN014053 | Shessel,BradleyAndrew | Dentist | 4/12/201000:00:00 |
| DN014054 | Shilman,LisaKlodnitskaya | Dentist | 4/15/201000:00:00 |
| DN014055 | Pessoa,Jodi-AnneNicole | Dentist | 4/19/201000:00:00 |
| DN014056 | Kwon,SoonMi | Dentist | 4/20/201000:00:00 |

NEWLYLICENSED ENTERAL-INHALATION SEDATION 4-20-2010 License# Name Profession IssueDate

| | | | |
|------------|---------------------|------------------------------|-----------|
| | | Enteral/Inhalation Conscious | 3/22/2010 |
| DNES000240 | Talbot,JamesEdward | Sedation | 00:00:00 |
| | | Enteral/Inhalation Conscious | 4/7/2010 |
| DNES000241 | Walters,SachaDelisa | Sedation | 00:00:00 |
| | Kindregan,Meaghan | Enteral/Inhalation Conscious | 4/19/2010 |
| DNES000242 | MacMaster | Sedation | 00:00:00 |

NEWLYLICENSED DENTAL HYGIENISTS 4-20-2010

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| License# | Name | Profession | IssueDate |
|----------|--------------------------|-----------------|-------------------|
| DH010928 | Wagner,Ritalona | DentalHygienist | 3/19/201000:00:00 |
| DH010929 | Kalb,WandaWheeler | DentalHygienist | 4/5/201000:00:00 |
| DH010930 | Jennings,KatherineMartin | DentalHygienist | 4/12/201000:00:00 |

NEWLYLICENSEDGENERALANESTHESIA4-20-2010

| License# | Name | Profession | IssueDate |
|------------|------------------|-------------------------|-------------------|
| DNGA000240 | Salgueiro,Martin | GeneralAnesthesiaPermit | 3/30/201000:00:00 |

General – Dr. Stephan Holcomb

- . • A letter was presented to the Board from Dr. Shatz that was given to Dr. Stacey about dentists in Marietta who are providing flu vaccines. The Board finds that the administration of flu vaccinations is outside of the scope of practice as a Dentist. The Board voted to refer to the Attorney General's office for research about appropriateness of practice.
- . • Dr. Carlon appointed a Nominations Committee to discuss a slate of officers for the year 2010-2011. The committee will be comprised of Drs. Andrews, Cook and Nalley.

Executive Director's Open Session -Ms. Anita Martin

- . • Ms. Martin shared with the Board Carolyn Hardnett will be retiring effective Friday, May 14, 2010. A retirement party will be held on May 14, 2010 from 2:00 pm until 3:00 pm.
- . • Ms. Martin states training will be provided to other Board staff until a replacement can be hired. Kim Candler will process sedation permits applicants, Ms. Samirah Stephens will process Dental Hygiene applications, Ms. Anita Martin and Ms. Susan Hewett will process Dental applications, as well as Reinstatements, Public Health and Volunteers.
- . • Ms. Martin stated that the legislation to remove the per diem has failed.

Attorney General's Open Session – Mr. Reagan Dean

- Mr. Dean discussed with the Board the case on Dr. Denise Moore-Ebohemien. Mr. Dean stated the Georgia Court of Appeals transferred the issue to the Georgia Supreme Court who has now transferred it back to the Court of Appeals. The Court of Appeals will have to decide if they will allow her to appeal or let the final decision stand.

Dr. Hadley 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 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 Drs. Andrews, Carlon, Carroll, Cook, Stacey, Ms. Richardson, and Ms. Bush. The Board concluded the **Executive Session** in order to vote on these matters and continue with the public session.

Licensure Overview Committee –Dr. Isaac Hadley

G.H. -Approved.

L.E.F. – Approved N.M.N.- Approved

R.V. – Approved

M.T. – Approved

D.L.L. – Approved The committee voted to open an investigation on a practice in Blairsville that is owned by Jane Hammonds.

T.F. – Denied

Appointments:

1. 11:00 R.L.W. – Denied Dental Credentials applicant - Approved

Applications/Licensure:

1. 1. H.L.C. – Dental Hygiene Reinstatement – Ms. Bush made a motion to require a refresher course. Dr. Stacey seconded the motion and it carried unanimously.

2. 2. V.A.B. – Dental Hygiene Applicant – Dr. Hadley made a motion to schedule an appointment with the LOC. Ms. Richardson seconded the motion and it carried unanimously.

3. 3. T.W.H. – Denied Conscious Sedation Applicant- Dr. Hadley made a motion to deny. Dr. Nalley seconded the motion and it carried unanimously.

Examination Report:

- A letter from the faculty at a Georgia Technical College concerning issues they allege occurred at a recent MCG Hygiene Exam. Ms. Bush is reviewing the letter and will further inform the Board as to her findings. Executive Director Martin will respond to the school that the Board is taking the issue under advisement and will copy the CRDTS representative.

Investigative Report – Dr. Logan Nalley, Jr.

- . • The Board recommended approving the Investigative Report.

- . • The Board further discussed the cases on Dr. W.H. The Board voted to file a Notice of Hearing to OSAH.

Executive Director’s Report: - Ms. Anita Martin

- Ms. Martin presented to the Board for acceptance a signed Cease and Desist on James Wyatt.

Dr. Hadley motioned, Dr. Stacey seconded and the Board voted to approve all recommendations made in Executive Session.

Review Hearing for Unlicensed Practice:

- . • Kenneth Hortman

- . • The Hearing was called to order at 1:06 p.m.

- . • Dr. Hadley made a motion to refer to the Attorney General’s office for a Cease and Desist Order based upon the evidence in this case. Dr. Andrews seconded the motion and it carried unanimously.

- . • The Hearing was adjourned at 1:18 p.m.

Dr. Nalley made a motion to accept the Cease and Desist Order upon receipt. Dr. Hadley seconded the motion and it carried unanimously.

The Board meeting adjourned at 1:20 p.m.

Minutes recorded by: Carol White, Board Support Specialist Minutes reviewed and edited by:
Anita O. Martin, Executive Director