

GEORGIA BOARD OF DENTISTRY
Board Meeting
November 30, 2012
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
9:30 a.m.

The following Board members were present:

Dr. Barry Stacey
Dr. Richard Bennett
Dr. Clyde Andrews
Ms. Becky Bynum
Dr. Becky Carlon
Ms. Connie Engel (via conference all/departed
at 2:45 p.m.)
Dr. Tom Godfrey
Dr. Isaac Hadley
Dr. Steve Holcomb
Dr. Logan Nalley

Staff Present:

Tanja Battle, Executive Director
Reagan Dean, Board Attorney
Brandi Howell, Licensure Analyst

Visitors:

Melana McClatchey, GDA
John Bowman
James Erdmanczyk

Open Session

Dr. Stacey established that a quorum was present and called the meeting to order at 9:52 a.m.

Introduction of Visitors

Dr. Stacey welcomed the visitors.

Approval of minutes from the September 28, 2012 Board meeting-Public and Executive

Dr. Hadley made a motion to approve the Public Session minutes. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Dr. Bennett made a motion to approve the Executive Session minutes. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Ratifications

Dr. Nalley made a motion to ratify the list of issued licenses. Dr. Hadley seconded the motion and the Board voted unanimously in favor of the motion.

Dr. Hadley made a motion to ratify the names added to the Injectable Pharmacologics Registry. Dr. Godfrey seconded the motion and the Board voted unanimously in favor of the motion.

Dr. Bennett asked Ms. Battle what the approximate wait time was for an application to be processed once all the information has been received. Ms. Battle responded by stating that when Ms. Howell, Licensure Analyst, and Ms. Evans, Licensure Supervisor, first started the wait time for applications to be processed was 60 days. Ms. Battle informed the Board that the processing time for applications is now down to 10 days. Ms. Battle stated that Ms. Howell and her supervisor, Ms. Evans have done an excellent job. Staff is getting applications on epiware quickly and the committees are working applications shortly thereafter.

Rule Waiver request for Gina Maria Evasovic

Dr. Bennett made a motion to deny the rule waiver petition. Dr. Nalley seconded and the Board voted in favor of the motion. Upon submission of a reinstatement application, the Board is willing to reconsider Ms. Evasovic’s situation if she can provide a letter from her Commanding Officer stating that she was not able to complete the required continuing education.

Correspondence from Dr. Stanley Prince

The Board considered this correspondence and directed staff to send a response to Dr. Prince stating that items that require diagnostic interpretation are not appropriate for delegation.

Correspondence from Mark O’Farrell, CRDTS

The Board reviewed correspondence that was for informational purposes only.

Correspondence from Dr. Samuel A. Fleishman

The Board recommended tabling Dr. Fleishman’s correspondence at its September 28, 2012 meeting as Ms. Bynum and Mr. Dean indicated they would research and bring back their findings to the Board. Ms. Bynum and Mr. Dean discussed their findings with the Board. Mr. Dean presented the Board with a memorandum from the Department of Law dated March 7, 2005 regarding prescribing sleep apnea appliances. Dr. Godfrey made a motion to release the document to Dr. Fleishman. Dr. Bennett seconded and the Board voted in favor of the motion.

Correspondence from Dr. Richard Berry

The Board considered this correspondence. A motion was made by Dr. Hadley to release the document concerning prescribing sleep apnea appliances to Dr. Berry. Dr. Holcomb seconded and the Board voted in favor of the motion.

Dr. Logan Nalley made a motion and Dr. Tom Godfrey 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 receive information on appointments. Voting in favor of the motion were those present who included Dr. Barry Stacey, Dr. Richard Bennett, Dr. Clyde Andrews, Dr. Becky Carlon, Dr. Tom Godfrey, Dr. Isaac Hadley, Dr. Steve Holcomb, Dr. Logan Nalley, Ms. Becky Bynum and Ms. Connie Engel.

Executive Session

Appearances Before the Board:

- D.L.H.
- M.V.B.

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

Rules Hearing 11:21 a.m.

Dr. Stacey called the rules hearing to order at 11:21 a.m.

Board Rule 150-3-.04 Applications

No written responses were received.

Board Rule 150-7-.03 Volunteers in Dentistry

No written responses were received.

The hearing was adjourned at 11:24 a.m.

Open Session

Dr. Stacey declared Open Session at 11:25 a.m.

Dr. Nalley made a motion to adopt the proposed Rule 150-3-.04 Applications. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Dr. Hadley made a motion to adopt the proposed Rule 150-7-.03 Volunteers in Dentistry. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Discussion was held concerning whether or not the language in Rule 150-9-.01 General Duties of Dental Assistants was the current version. Ms. Battle indicated that she would confirm such before the rule was considered for posting.

General – Dr. Barry Stacey

Dr. Stacey stated that at the September 28, 2012 meeting the Board discussed correspondence from Melana McClatchey, GDA. Dr. Stacey stated that he drafted a response to Ms. McClatchey's letter. A motion was made by Dr. Nalley to send Dr. Stacey's response to Ms. McClatchey. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

CE Audit Committee Report – Dr. Barry Stacey

No report.

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

No report.

Credentialing Committee Report – Dr. Becky Carlon

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Logan Nalley

No report.

Investigative Committee Report – Dr. Logan Nalley

No report.

Legislative Committee Report – Dr. Steve Holcomb

No report.

Licensure Overview Committee Report – Dr. Isaac Hadley

No report.

Rules Committee Report – Dr. Clyde Andrews

Dr. Andrews reported that the Rules Committee met earlier that morning and discussed the policy that was voted into place at the last meeting on September 28, 2012 regarding the Injectable Pharmacologics Registry. The Committee did not conclude its discussion regarding such, but intends to continue the discussion at its next meeting.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb stated that it might be appropriate to ask if some of the association representatives have anything pending that they would like to share or discuss that might have an impact on the Board. Ms. McClatchey responded by stating that GDA may look into addressing issues raised concerning the credentialing and examination rules. Dr. Holcomb responded by stating that it would be really helpful if GDA had some level of recommendation if there were going to be some type of statutory change that involves credentialing and licensure by examination. He further stated there are certain needs that sometimes come before the Board that may not be readily apparent to the association. The Board would welcome any opportunity to provide input.

AADB Liaison Report – Dr. Steve Holcomb

Dr. Holcomb stated that this item may be removed from the agenda permanently.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley thanked Dr. Carlon for attending the CRDTS Steering Committee Meeting in his absence. Dr. Carlon reported that CRDTS would like to inform the Board that if you say you are coming to the annual meeting, and then for some reason you cannot, CRDTS still has to pay for meals. Dr. Carlon also reported that the Board should have received exam assignments by now.

Dr. Holcomb discussed the CSW (CRDTS, SRTA and WREB) examination. The Executive and Steering Committees have approved CRDTS utilizing the CSW exam. This will go into effect for the class of 2014, which probably means that on January 1, 2014, that examination will become part of the CRDTS examination. Dr. Holcomb is confident this will be a welcomed adjunct for our states.

Injectable Pharmacologics Committee Report – Dr. Richard Bennett

No report.

Executive Director's Report – Open Session

Inactive Status Application: Ms. Battle reported that staff has received a lot of requests for inactive status. She asked to Board to review the inactive status application that has been created. Discussion was held concerning the inactive status rule. Dr. Holcomb recommended moving forward with the application, but have the Rules Committee review the inactive status rule at its next meeting. Dr. Holcomb made a motion to approve the inactive status application. Dr. Hadley seconded and the Board unanimously approved in favor of the motion.

Consultant for Investigative Committee Cases: The Board appointed Dr. Michael K. Frazier as a consultant for the Investigative Committee. Dr. Nalley asked the Board to submit names of individuals they would recommend as consultants to Board staff.

2013 Board Meeting Dates: Dr. Godfrey made a motion to approve the 2013 meeting dates. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Board Approved Evaluation Facilities: Ms. Battle stated that the list of approved facilities had not been updated recently. She wanted to inform the Board that Jane Walter, GA Dental Recovery Network, had been added to the list. Dr. Holcomb responded by stating that if the list has not been looked at in a while, to send a letter to each facility asking what their procedures are for impaired dental professionals and if they still treat them. Dr. Holcomb stated that he is concerned that some of

the facilities may be closed. Discussion was held on renaming the list to “Board Approved Evaluation Treatment Programs” instead of “Board Approved Evaluation Facilities”.

Volunteers in Dentistry Application: Ms. Battle discussed an email she received from someone with questions concerning the wording on the continuing education requirements. Ms. Battle informed the Board that the application has been updated to reflect the wording of what the rule says. Dr. Holcomb made a motion to approve the application with the changes noted. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Rule 150-9-.01 General Duties of Dental Assistants: Ms. Battle reported that Legal Services has confirmed with the APA that the language in Rule 150-9-.01 is the most current version.

A motion was made by Dr. Nalley to repost Rule 150-9-.01 General Duties of Dental Assistants. Dr. Godfrey seconded and the Board voted in favor of the motion.

150-9-.01 General Duties of Dental Assistants.

(1) A dental assistant shall be defined as one who is employed in a dental office to perform certain duties that assist the dentist. It is expected that the dental assistant will be familiar with the operations performed in the conduct of a dental practice; specifically, the sterilization of instruments, the general hygiene of the mouth, secretarial work, making appointments and bookkeeping. Under no circumstances may he or she perform any of the operations catalogued as dental hygiene treatments in Board Rule 150-5-.03(5).

(2) Direct supervision and control as it pertains to a dental assistant shall mean that a dentist licensed in Georgia is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedures and remains in the dental office or treatment facility while the procedures are being performed by the dental assistant and, before dismissal of the patient, evaluates the performance of the dental assistant.

(3) In addition to routine duties, the general duties identified below may be delegated to dental assistants under the direct supervision of a licensed dentist. These duties may only be delegated in those instances when they are easily reversible and will not result in increased risk to the patient:

(a) Make impressions ~~with irreversible hydrocolloid~~ for diagnostic models and opposing models.

(b) Place and expose radiographs ~~with such~~ after completing the training as may be required by law Ga. Comp. R. & Regs. 290-5-22-.04 entitled X-Rays in the Health Arts.

(c) Remove sutures — other than wire sutures.

(d) Remove periodontal dressing.

(e) Place and remove rubber dams.

(f) Apply topical anesthetic.

(g) Remove visible excess cement from supramarginal areas of dental restorations and appliances with non-mechanical hand instruments.

(h) Fabricate extraorally temporary crowns and bridges.

(i) Cement temporary crowns and bridges with intermediate cement.

(j) Remove temporary crowns and bridges seated with intermediate cement.

(k) Place intracoronal temporary restorations using intermediate cement.

(l) Place drying and deoiling agents prior to the cementation of permanent crowns and bridges.

(m) Remove dry socket medication.

(n) Place and take off a removable prosthesis with a pressure sensitive paste after the appliance has been initially seated by the dentist.

(o) Etch unprepared enamel.

(p) Polish the enamel and restorations of the anatomical crown; however, this procedure may only be executed through the use of a slow speed handpiece (not to exceed 10,000 rpm), rubber cup and polishing agent. This procedure shall in no way be represented to patient as a prophylaxis. This procedure shall be used only for the purpose of enamel preparation for: 1) Bleaching, 2) Cementation

of fixed restorations, 3) Bonding procedures including supramarginal enamel restorations after removal of orthodontic appliances. No direct charge shall be made to the patient for such procedure.

(q) Dry canals with absorbent points and place soothing medicaments (not to include endodontic irrigation); and place and remove temporary stopping with non-mechanical hand instruments only.

(r) Place matrix bands and wedges.

(s) Select, pre-size and seat orthodontic arch wires with brackets which have been placed by the dentist. Adjustment of the arch wire may only be made by the dentist.

(t) Select and pre-size orthodontic bands which initially must be seated by the dentist.

(u) Place and remove pre-treatment separators.

(v) Cut and tuck ligatures, remove ligatures and arch wires, remove loose or broken bands.

(w) Remove and recement loose bands that previously have been contoured and fitted by a dentist, but only after a dentist has examined the affected tooth and surrounding gingiva and found no evidence of pathology.

A motion was made by Dr. Nalley, seconded by Dr. Carlon, and 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 rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A §§ 43-11-7; 43-11-8; 43-11-9; 43-11-80 and 43-11-81.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-11-7; 43-11-8; 43-11-9; 43-11-80 and 43-11-81 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (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 and dominant in the field of dentistry.

Attorney General's Report – Open Session

Mr. Dean stated that he received a question from an attorney regarding the credentials application. The application lists the states accepted for licensure by credentials and Puerto Rico is listed. The question is whether or not Georgia actually reciprocates with Puerto Rico as it is unclear if Puerto Rico has a similar credentialing law that the Board can accept. Dr. Nalley stated that he would do some research and report back to the Board.

Ms. Becky Bynum made a motion and Dr. Steve Holcomb seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), §43-11-47(h) and §43-1-2(k) to deliberate and receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. Barry Stacey, Dr. Richard Bennett, Dr. Clyde Andrews, Dr. Becky Carlon, Dr. Tom Godfrey, Dr. Isaac Hadley, Dr. Steve Holcomb, Dr. Logan Nalley, Ms. Becky Bynum and Ms. Connie Engel.

Executive Session

The Board discussed the following:

Licensure Overview Committee Appointments/Discussion Cases from November 2, 2012

- M.D.
- A.Z.
- D.J.
- T.A.M.
- M.M.L.
- K.S.

- V.F.B.
- C.M.A.
- O.J.B.
- K.O.M.
- V.M.
- A.C.W.
- D.T.R.
- R.E.G.
- J.A.B.
- H.F.
- W.M.
- M.A.P.
- G.J.M.

Applications

- A.R.H.
- S.C.D.
- A.B.
- L.B.C.
- E.S.S.
- J.L.C.
- J.D.V.
- K.M.S.
- M.E.P.
- C.A.A.
- M.J.P.

Correspondences:

- A.L.G.
- S.S.
- J.A.L.
- C.G.
- T.V.
- W.E.
- S.E.K.

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

- M.L.K. and DENT120120

Investigative Committee Report

Report discussed.

- DENT120167
- DENT120171
- DENT120192
- DENT120203
- DENT130025

- DENT070118
- DENT120198
- DENT120134
- DENT120087
- DENT120224
- DENT120166
- DENT120121
- DENT110089

Attorney General's Report – Mr. Reagan Dean

Mr. Dean presented the following consent orders for acceptance:

- C.T.B. – Private Consent Order
- T.J.E. – Public Consent Order
- R.D.G. – Public Consent Order
- K.M.H. – Public Consent Order
- W.W.M. – Public Consent Order
- L.S. – Public Consent Order

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

OPEN SESSION

Correspondence from Dr. Nicholas D. Johnson

The Board considered this correspondence. Dr. Bennett made a motion to deny the request and directed staff to send a letter to Dr. Johnson thanking him for his input, but state that the duties listed in the rules are sufficient at this time. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Appearances

Dr. Nalley made a motion to approve the following recommendation based on deliberations in Executive Session as follows:

- D.L.H. Denied Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.

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

Dr. Nalley made a motion to approve the recommendation based on deliberations in Executive Session as follows:

- M.V.B. Denied Dental Credentials Applicant: Denial upheld.

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

Licensure Overview Committee Appointments/Discussion Cases from November 2, 2012

Dr. Nalley made a motion to approve the following recommendations based on deliberations in Executive Session as follows:

- M.D. Request for termination of probation: Approved the request.

- A.Z. Request for termination of probation: Approve under standard impairment consent order.
- D.J. Request for termination of probation: Denied until the Board receives the results of the 2nd inspection secondary to 2nd health/sanitation complaint.
- T.A.M. Dental Hygiene Exam Applicant: Approved application.
- M.M.L. Dental Credentials Applicant: Approved application.
- K.S. Review aftercare report: Approved.
- V.F.B. Dental Hygiene Exam Applicant: Approved application.
- C.M.A. Dental Hygiene Exam Applicant: Approved application.
- O.J.B. Request for termination of probation: Approved request.
- K.O.M. Dental Hygiene Exam Applicant: Tabled pending receipt of additional information.
- V.M. Request for termination of probation: Approved request.
- A.C.W. Dental Hygiene Reinstatement Applicant: Denied application.
- D.T.R. Request for termination of probation: Approved request.
- R.E.G. Dental Exam Applicant: Denied application.
- J.A.B. Dental Hygiene Renewal Pending: Approve with CE consent order and standard impairment consent order.
- H.F. Request to terminate consent order: Approved request.
- W.M. Request to lift provision: Approved request.
- M.A.P. Request to lift probation: Approved request.
- G.J.M. Dental Exam Applicant: Approved application.

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

Applications

Dr. Hadley made a motion to approve the following recommendations based on deliberations in Executive Session as follows:

- A.R.H. Dental Credentials Applicant: Approved application.
- S.C.D. Dental Credentials Applicant: Denied application.
- A.B. Denied Dental Licensure by Credentials Applicant: Denial upheld.
- L.B.C. Dental Credentials Applicant: Denied application.
- E.S.S. Dental Hygiene Credentials Applicant: Approved application.
- J.L.C. Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.
- J.D.V. Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.
- K.M.S. Dental Hygiene Credentials Applicant: Approved application.
- M.E.P. Dental Hygiene Credentials Applicant: Denied application.
- C.A.A. Dental Exam Applicant: Approved application.
- M.J.P. Dental Credentials Applicant: Approved application.

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

Correspondences

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

- A.L.G. Dental Reinstatement Applicant: Request for waiver of reinstatement fee denied.
- S.S. Dental Licensee: Send response to licensee stating license will remain in “active” status.
- J.A.L. Dental Licensee: Send response to licensee stating the individual will need to apply for reinstatement.
- C.G. Dental Licensee: Request for inactive status approved.
- T.V. Dental Licensee: Request additional information from licensee.
- W.E. Dental Hygiene Exam Applicant: Request denied.
- S.E.K. Dental Hygiene Licensee: Request for inactive status approved.

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

Investigative Committee Report

Dr. Nalley made a motion to accept the recommendations made by the Investigative Committee on October 19, 2012 and November 16, 2012. Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

The recommendations were:

Complaint	Allegation	Findings	Recommendations
DENT120167	MMPR	Founded	LOC request medical Dr provide a letter that respondent can practice with reasonable skill and safety
DENT120171	MMPR	Not founded	Close
DENT120192	MMPR	Founded	Referral to AG for Public CO
DENT120203	MMPR	Not founded	Close
DENT130025	Unlicensed Practice	Founded	Referral to AG for local prosecution
DENT070118	Advertising	Not founded	Close
DENT120198	Quality of Care	Not founded	Close
DENT120134	Standard of Care	Founded	LOC - Reflect Actual Tx in notes
DENT120087	Standard of Care	Not founded	Close
DENT120224	Standard of Care	Not founded	Close
DENT120166	Quality of Care	Not founded	Close
DENT120121	Advertising	Not founded	Close
DENT110089	Quality of Care	Founded	Mit letter requirements complete- close

Attorney General’s Report

Dr. Nalley made a motion to approve the following recommendations based on deliberations in Executive Session as follows:

- C.T.B. – Private Consent Order accepted.
- T.J.E. – Public Consent Order accepted.
- R.D.G. – Public Consent Order accepted.
- K.M.H. – Public Consent Order accepted.
- W.W.M. – Public Consent Order accepted.
- L.S. – Public Consent Order accepted.

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

Visitor James Erdmancyk requested permission to present a written statement to the Board.

The next scheduled meeting of the Georgia Board of Dentistry will be on Friday, January 4, 2013 at 9:30 a.m. at the Office of the Secretary of State's Professional Licensing Boards Division at 237 Coliseum Drive, Macon, Georgia 31217.

With no further business for the Board to discuss, a motion was made by Dr. Nalley, seconded by Dr. Carlon, and the Board voted unanimously to adjourn the meeting at 3:21 p.m.

Minutes recorded by Brandi P. Howell, Licensure Analyst

Minutes edited by Tanja D. Battle, Executive Director