

**GEORGIA BOARD OF DENTISTRY**  
**Board Meeting**  
**November 14, 2003**

A meeting of the Georgia Board of Dentistry was held on Friday, November 14, 2003, at the Professional Licensing Boards Office, 237 Coliseum Drive, Macon, Georgia.

**The following Board members were present:**

Dr. Peter Trager, VP  
Ms. Tunde Anday, RDH  
Dr. Clyde Andrews  
Dr. Clark Carroll  
Dr. C. Christopher McFarland  
Dr. William Broadfoot  
Dr. Willis J. Walker, Jr.  
Dr. Carol Wolff  
Dr. Henry L. Cook, Sr.  
Mr. Charles McDougald

**Others Present:**

Anita O. Martin, Executive Director  
Susan S. Hewett, Board Secretary  
Allyson Krause, Assistant Attorney  
General  
Cheryl Haynes, GDHA  
Nelda Greene, GDA  
Nancy Sikes, GDHA  
Dr. Bob Vedder, GDA

Dr. Trager, Board Vice President, established that a quorum was present, and the meeting scheduled to begin at 9:00 a.m. was **called to order** at 9:15 a.m.

**Minutes:** Dr. McFarland made a motion, Dr. Walker seconded and the Board voted to **approve** the minutes for the October 10, 2003 meeting.

**Recognition for service:** Dr. Trager presented **Dr. Broadfoot** with a plaque recognizing his service as President of the Board for 2002 and expressed the appreciation of the Board for his service. Dr. Trager also expressed the appreciation of the Board to **Dr. Wolff** for six years of service as a Board member. Dr. Wolff's term has expired and her Board position has been filled by Dr. Holcomb.

**CE Audit Committee: No report** from Dr. Cook. Dr. McFarland announced that the AADE has **declined approval** of CE credits for Board members who participate with the SRTA exam. Dr. Walker made a motion, Dr. Wolff seconded and the Board voted to **approve** to have Dr. McFarland **follow-up and report** updates to the Board at the December meeting, as well as **refer matter to the Rules Committee** to establish a rule allowing CE credits for Board members assisting with the Investigative Committee, assisting with the SRTA exam, and for part-time instructors and part-time faculty.

**Conscious Sedation/General Anesthesia Committee:** Dr. Broadfoot reported that applications are being received and approved as appropriate.

**Credentialing Committee:** Dr. Peter Trager reported that the information from the credentialing committee will be **included as part of the Legislative report**.

**Dental Hygiene Sub-Committee:** Ms. Anday presented information pertaining to direct supervision requirements of dental hygienist and dental hygiene students pertaining to tooth printing. Dr. Walker made a motion, Dr. McFarland seconded and the Board voted to **approve referral of the issue to the Attorney General for advice**.

**Examination Committee:** Dr. McFarland provided updates from the SRTA and AGD meetings. Dr. Nalley is the AADE liaison for the Georgia Board.

- Board reviewed **QUIP information from Ohio**. Dr. Trager made a motion, Dr. Walker seconded and the Board voted to **refer the information to the AG for advice** as to whether or not the Georgia Board could develop a program like QUIP, also **refer to the IC committee members** for review and report position to the Board, as well as **provide a copy to Dr. Driskoe at MCG** for

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informational purposes.

**Legislative Committee:** Dr. McFarland presented proposed revisions to the Dental Practice Act to be proposed in the 2004 Legislative Session. The revisions are to the following code sections:

- O.C.G.A. §43-11-1 Definitions – Ms. Anday made a motion, Dr. Walker seconded and the Board voted to **approve** the revision.

**43-11-1. Definitions** (Approved by Board at November 14, 2003 meeting)

As used in this chapter, the term:

(1) "Accredited dental college" and "accredited dental school" or "accredited school of dentistry" mean a dental school, college, or university accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency.

(2) "Accredited dental hygiene school" means a dental hygiene school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency.

(3) "Board" means the Georgia Board of Dentistry.

(4) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic agent, which that retains the patient's ability to maintain independently and continuously maintain an airway and respond appropriately respond to physical stimulation and/or verbal command and that is produced by a pharmacological or non-pharmacological method or a combination thereof. In accord with this particular definition, the drugs and/or techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. Further, patients whose only response is reflex withdrawal from repeated painful stimuli would not be considered to be in a state of conscious sedation. The use of nitrous oxide as the only systemic sedative is not considered conscious sedation for purposes of this chapter.

(5) "Dentistry" means the evaluation, diagnosis, prevention, or treatment, or any combination thereof, whether using surgical or nonsurgical procedures, of diseases, disorders, or conditions, or any combination thereof, of the oral cavity, maxillofacial area, or the adjacent and associated structures, or any combination thereof, and their impact on the human body provided by a dentist, within the scope of his or her education, training, and experience, in accordance with the ethics of the profession and applicable law, including, but not limited to, the acts specified in Code Section **43-11-17**.

(6) "General anesthesia" means a controlled an induced state of depressed consciousness, or an induced state of unconsciousness produced by a pharmacologic agent, which is accompanied by partial or complete loss of protective reflexes, including the inability to continually maintain independently an airway independently or and respond purposefully to physical stimulation or verbal command and is produced by a pharmacological or non-pharmacological method or a combination thereof. For purposes of this chapter, "general anesthesia" includes deep sedation.

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- (7) "Instructor" means either a dentist holding a dental license from another state or a dental hygienist holding a dental hygienist license from another state who has graduated from a school or college accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency and whom the state board has granted instructor status for the sole purpose of teaching or instructing in a training clinic or an accredited dental college or accredited dental hygiene school in this state those procedures and services recognized in this state to be within the scope of practice of such person's license.
- (8) "Licensed dental hygienist" means a dental hygienist licensed and in good standing in this state pursuant to this chapter.
- (9) "Licensed dentist" means a dentist licensed and in good standing in this state pursuant to this chapter.
- (10) "Training clinic" means a clinic operated as a nonprofit facility by an accredited dental college or accredited dental hygiene school primarily to train students of such college or school.
- O.C.G.A. §43-11-17 Acts Which Constitute The Practice Of Dentistry – Dr. Carroll made a motion, Dr. Walker seconded and the Board voted to **approve** the revision.

**43-11-17. Acts which constitute the practice of dentistry. (Approved at 11/14/03 meeting) (11/21/03 – Under review by A. Krause)**

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

- (1) Operates or performs part of any dental operation of any kind upon the human oral cavity, teeth, gingiva, alveolar process, maxilla, mandible or associated structures, or associated contiguous masticatory structures for the treatment of diseases or lesions of such structures;
- (2) Extracts teeth or attempts to correct a malposition thereof;
- (3) Fills or crowns a human tooth or teeth;
- (4) Does any dental operation whatsoever on the human oral cavity, teeth, gingiva, alveolar process, maxilla, mandible or associated structures, or associated contiguous masticatory structures;
- (5) Examines any human oral cavity, teeth, gingiva, alveolar process, maxilla, mandible or associated structures, or associated contiguous masticatory structures or takes an impression thereof for the purpose of diagnosing, treating, or operating upon the same;

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(6) ~~Supplies, furnishes, makes, Makes, fits,~~ repairs, adjusts, or relines any appliances, cap, covering, prosthesis, or cosmetic covering usable on human teeth or as teeth unless such appliances, repairs, adjustment, or relines, cap, covering, prosthesis, or cosmetic covering is ~~are~~ ordered by and returned to a licensed dentist;

Need to add language to (6) – For purposes of this section, the terms referred to in this section are as defined by the ADA. Do I add to (6) or do I make a (6.1)? **(UNDER REVIEW BY BOARD ATTORNEY)**

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

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

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

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

- O.C.G.A. §43-11-21 Conscious Sedation – Dr. Andrews made a motion, Dr. Walker seconded and the Board voted to approve the revision.

**43-11-21. Conscious sedation. (Approved at 11/14/03 Board meeting)**

(a) No dentist licensed and practicing in the State of Georgia shall administer either ~~multiple pharmacologic agents by oral route or single or multiple pharmacologic agents by parenteral route for the purpose of conscious sedation~~ by oral, parenteral or enteral route that renders a patient in a state of conscious sedation as defined by O.C.G.A. § 43-11-1, unless such dentist has been issued a permit by the board under the conditions specified therefor in this Code section. ~~However, this~~ This Code section shall is not intended to restrict the use of either nitrous oxide, or a single pharmacologic agent, or both, administered by oral route in accordance with acceptable and prevailing practices, pharmacological agents that do not render a patient in a state of conscious sedation as defined in O.C.G.A. § 43-11-1. Such permit shall be subject to biennial renewal at the time the dentist is required to renew that dentist's license to practice dentistry. It shall be the responsibility of the dentist to provide such information as the board may require and to pay the separate initial issuance and renewal fees for the permit as may be established by the board.

(b) ~~On and after July 1, 1988, no~~ No dentist shall be issued a permit under this Code section unless the board has received satisfactory evidence that such dentist:

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(1) Has received formal training in the use of conscious sedation at an institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor agency, and is certified by such institution as competent in the administration of pharmacological agents for conscious sedation and the handling of emergencies relating to conscious sedation. Such certification shall specify the type, number of hours, and length of training. The minimum didactic hours, patient contact hours, and number of patients sedated under supervision shall be established by rule or regulation of the board;

~~(2) Utilizes a properly equipped facility for the administration of conscious sedation, including physical plant and equipment, which has been evaluated and certified by an on-site examination;~~

and

(3) Has demonstrated to the satisfaction of the board or any designee thereof proficiency in administering sedative techniques in the dentist's office on a patient or patients in a safe and effective manner.

~~(c) Prior to July 1, 1988, the board may issue a permit to administer conscious sedation to any dentist licensed in the State of Georgia presently using conscious sedation on a regular basis, provided such dentist:~~

(1) Passes a written examination as may be administered or designated by the board, which shall demonstrate sufficient knowledge of the principles and techniques of conscious sedation and in the prevention, recognition, and management of complications that may occur during the use of conscious sedation;

~~(2) Meets the requirements of paragraphs (2) and (3) of subsection (b) of this Code section; and~~

~~(3) Meets all additional training required by the board for any dentist who has experienced an incidence of morbidity or mortality relating to the use of conscious sedation.~~

~~(d)~~ (c) In enforcing the provisions of this Code section, the board is authorized to designate qualified persons to perform the on-site examinations and is further authorized to provide by rule or regulation for standards for physical plant, equipment, and personnel to be utilized in the induction of conscious sedation.

~~(e)~~ (d) The board or its appointed designee may, upon reasonable notice, make on-site inspections of the facility, equipment, and personnel of a dentist issued a permit under this Code section to determine if the standards of paragraph (2) of subsection (b) of this Code section are being maintained.

~~(f)~~ (e)(1) The board may, upon proper application, grant a provisional permit to administer conscious sedation under the following circumstances:

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(A) Prior to July 1, 1988, to any licensed dentist who is presently utilizing conscious sedation on a regular basis and who has had no incidence of morbidity or mortality relating to such use of conscious sedation; and

~~(BA) On and after July 1, 1988, to~~ To any dentist who meets the requirements of paragraph (1) of subsection (b) of this Code section.

(2) A provisional permit issued under this subsection shall expire six months after its issuance or upon the board's determination by site visit that the requirements of paragraph (2) or (3) of subsection (b) of this Code section have not been met, whichever occurs earlier. The provisional permit may be renewed once, at the discretion of the board, for a period not to exceed six months following the original expiration date.

~~(g f)~~ A dentist holding a current, valid permit to administer general anesthesia as provided in this chapter shall not be required to obtain a permit under this Code section in order to administer conscious sedation.

~~(h g)~~ A permit issued under this Code section may be revoked or not renewed if the board determines that the dentist holding such permit no longer meets any requirement of subsection (b) of this Code section. The board shall provide notice and opportunity for hearing under Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," in any case in which it revokes or refuses to renew a permit, provided that summary action regarding such permit shall be authorized under Code Section 50-13-18.

~~(ih)~~(1) This Code section shall not prohibit a person who is duly licensed to practice medicine in this state and who is a member of the anesthesiology staff of an institution classified as a hospital and issued a permit as an institution under Code Section 31-7-1 from administering conscious sedation in a dental facility, except that such anesthesiologist shall remain on the premises of the dental facility until any patient given conscious sedation by such anesthesiologist is stabilized and has regained consciousness.

(2) This Code section shall not prohibit a person who is duly licensed as a certified registered nurse anesthetist in this state from administering conscious sedation in a dental facility, provided that such sedation is administered under the direction and responsibility of a dentist duly permitted under this Code section and that such nurse anesthetist shall remain on the premises of the dental facility until any patient given conscious sedation by such nurse anesthetist is stabilized and has regained consciousness.

- O.C.G.A. §43-11-40 Qualifications Of Applicants: Grant Of License - Dr. Broadfoot made a motion, Dr. Walker seconded and the Board voted to **approve** the revision.

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

(a)(1) Applicants for a license to practice dentistry must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree

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from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) successor agency, if any, and approved by the Board. Those applicants who have received a doctoral degree in dentistry

from a dental school not so accredited must comply with the following requirements in order to submit an application for licensure:

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

(B) Successful completion at an ADA accredited dental school approved by the Board of a two year program in Advanced Education for General Dentists (AEGD) and.

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

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

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

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

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

- O.C.G.A. §43-11-41 Conditional Licenses – Dr. Cook made a motion, Dr. Carroll seconded and the Board voted to **approve** the revision.

**43-11-41. Conditional licenses. To be titled Qualifications for Licensure By Credentials. (Approved by the Board 11/14/03) (11/21/03 – Under review by A. Krause)**

(a)(1) Applicants to obtain a license to practice dentistry by credentials must have received a doctor of dental surgery (D.D.S.) degree or a doctor of dental medicine (D.M.D.) degree from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency, if any, and approved by the Board. Applicants must have been in full time clinical practice, as defined by Board rule and regulation, full time faculty, as

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defined by Board rule and regulation, or a combination of both for the last five preceding years and hold an active dental license in good standing from another state. Those applicants who have received a doctoral degree in dentistry from a

dental school not so accredited must comply with the following requirements in order to submit an application for licensure:

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

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

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

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

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

(5) Add criminal background check language. **(UNDER REVIEW BY BOARD ATTORNEY)**

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

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

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

- O.C.G.A. §43-11-42 Reciprocity – Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve** the revision.

**43-11-42. Reciprocity. Teachers Licenses; Public Health Licenses.**  
**(Approved at 11/14/03 Board meeting)**

(a) The board may issue, in its discretion, without examination, teachers' or instructors' licenses to dentists holding a dental license from another state and to dental hygienists holding a dental hygienist license from another



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state. A teacher's or instructor's license shall only be issued to a dentist or dental hygienist who has graduated from a school or college accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, if any, and approved by the Board for the sole purpose of teaching or instructing, in an accredited dental college or training clinic or accredited dental hygiene school in this state, those procedures and services recognized in this state to be within the scope of practice of such person's professional license.

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

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

(B) Successful completion at an ADA accredited dental school of a two year Advanced Education program accredited by the ADA in one of the dental specialties recognized by the ADA or in General Dentistry as approved by the Board; and

(C) Certification by the dean or program director of the accredited dental program where such supplementary program was taken that the candidate has successfully completed the program.

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

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

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

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

~~(d) The board may also, in its discretion, enter into an agreement with any similar board of any other state to the effect that each party to such agreement, under the conditions therein stipulated, will grant licenses to practicing dentists on the basis of a license having been granted by the other party to the agreement.~~

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(e d) Any license issued under this Code section shall be subject to the disciplinary standards and procedures set forth in Code Section 43-11-47.

- O.C.G.A. §43-11-51 Practicing Dentistry Under Another's License – Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve** the revision.

**43-11-51. Practicing dentistry under another's license. (Approved at 11/14/03 Board meeting)**

Any person, firm, partnership, corporation, or other entity who practices dentistry or performs any dental operation under the protection of another's license shall be guilty of a ~~misdemeanor~~ felony and upon conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than \$1000.00 or by imprisonment from two to five years, or both.

- O.C.G.A. §43-11-52 Georgia Volunteers In Dentistry Act – Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve** the revision.

**43-11-52. Georgia Volunteers in Dentistry Act. (Approved at 11/14/03 Board meeting)**

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

(b) Notwithstanding any other provision of law, the board may issue a special license to qualifying dentists under the terms and conditions set forth in this Code section and pursuant to requirements which may be set forth in the rules and regulations of the Georgia Board of Dentistry. The special license may only be issued to a person who is retired from the practice of dentistry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing in dentistry in ~~this~~ any state.

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

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

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

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

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

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

- O.C.G.A. §43-11-70 Examination Requirements; Issuance Of License; Posting License - Ms. Anday made a motion, Dr. McFarland seconded and the Board voted to **approve** the revision.

**43-11-70. Examination requirements; issuance of license; posting license.**  
**(Approved at 11/14/03 Board meeting)**

No person shall practice as a dental hygienist in this state until such person has passed a written and a clinical examination conducted or approved by the Georgia Board of Dentistry. The fee for such examination shall be paid to the division director and shall be in an amount established by the board. The board shall issue licenses and license certificates as dental hygienists to those persons who have passed the examination in a manner satisfactory to the board, which license certificate shall be posted and displayed in the place in which the hygienist is employed.

- O.C.G.A. §43-11-71.1 Qualifications For Licensure By Credentials For Dental Hygienists - Dr. Walker made a motion, Ms. Anday seconded and the Board voted to **approve** the revision.

**Proposed 43-11-71.1 Qualifications for Licensure By Credentials for Dental Hygienists.** (Revision approved by the Board 11/14/03) (11/21/03 - Under review by A. Krause)

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

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

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

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

(5) Add criminal background check information. **(UNDER REVIEW BY BOARD ATTORNEY)**

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

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

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

- O.C.G.A. §43-11-72 Sanctioning Licenses - Refusal To Grant Or Revocation Of Licenses; Disciplining Licenses - Ms. Anday made a motion, Mr. McDougald seconded and the Board voted to **approve** the revision.

**43-11-71. Sanctioning licenses. Refusal to grant or revocation of licenses; disciplining licenses.** (Approved at 11/14/03 Board meeting)

The board shall have the authority to refuse to grant a license to an applicant, or to revoke the license of a dental hygienist licensed by the board, ~~sanction~~ or to discipline the license of any licensed dental hygienist in this state based upon any ground or violation enumerated in Code Section 43-11-47, in accordance with the sanctions, standards, and procedures set forth in that Code section, or for violation of Code Section 43-11-74 or any other law or rule relating to the practice of dental hygiene, in accordance with the sanctions, standards, and procedures set forth in Code Section 43-11-47.

**Licensure Overview Committee:** Dr. Walker made a motion, Mr. McDougald seconded and the Board voted to **approve** the proposed CE plan submitted by Jayanthia Fisher, D.M.D.

**Rules Committee:** Dr. Peter Trager

- 150-8-.01 Unprofessional Conduct - New CDC guidelines are under review and rule revision will be necessary. Dr. Carroll made a motion, Dr. Trager seconded and the Board voted to **approve** Dr. McFarland to draft a revision for the Board for review at the January meeting.

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- The Executive Director will research other state Boards to see if they are following the CDC guidelines, or if other guidelines exist.
- Based upon discussion in the Audit Committee Report, Dr. McFarland will work on developing a new rule to allow CE for IC committee participation, SRTA participation (17 hours per year), and adjunct faculty (10 hours per biennium).

**GENERAL:**

**Correspondence from Ashley Locke regarding expanded duties course from University of North Carolina:** Dr. Wolff made a motion, Dr. Walker seconded and the Board voted to **approve** the expanded duties certificate.

**Correspondence from Michael Silverman, DMD regarding controversy surrounding enteral conscious sedation for adults:** Viewed as **informational only**.

**Correspondence from Amy Kerby regarding dental hygienist practice issues:** Dr. Wolff made a motion, Dr. Walker seconded and the Board voted to notify Ms. Kerby that the Board **does not issue legal advice** or opinions, or offer legal interpretations of the Georgia Laws and Rules.

**Correspondence from Michel Binns, D.D.S. regarding the naming of a practice:** Dr. Andrews made a motion, Dr. Carroll seconded and the Board voted to **refer Dr. Binns to O.C.G.A. § 43-11-17 and Board Rules 150-10-.01(1) and 150-10-.01(6)(b)**.

**Correspondence from Michelle B. Ridgeway, President of Dental Recruitment Services, Inc., regarding Dental Assistants:** The Board requested that Ms. Ridgeway be notified that the Board **does not issue legal advice** or opinions, or offer legal interpretations of the Georgia Laws and Rules, refer to Board Rule 150-9-.02.

**Correspondence from ADA regarding 2004 Accreditation Site Visit for the Medical College of Georgia:** **Dr. Clyde Andrews** is the designee to serve as the Board representative at the Dental Accreditation's 2004 on-site evaluation of the School of Dentistry, Medical College of Georgia on November 30 through December 2, 2004.

**2004 Examiner Assignments:** Revisions were provided to Dr. McFarland

**Executive Director's Open Session:** Ms. Anita Martin

- The 2004 meeting schedule was reviewed by the Board
- Presented monthly statistical information
- Provided update on the license renewal process
- Provided the Board members with staff contact information.

**Attorney General's Report:**

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

- **Dr. Henry Salama** - **Initial decision becomes final decision** due to being past the 30 day limit for other action to be taken
- **Dr Mark Dravis** - Dr. Carroll made a motion, Dr. Cook seconded and the Board voted to **approve accepting the Initial Decision** on Dr. Dravis.
- **Dr. Felix Sibley** - Continued until December 22, 2003

**MISCELLANEOUS:**

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**Funding for travel:** Dr. Walker expressed concerns regarding the lack of funding for travel.

**Letter to Representative Hinson Mosley regarding Dental Hygiene:** Dr Wolff made a motion, Dr. Carroll seconded and the Board voted to **approve** the letter drafted by Dr. McFarland to be sent to Representative Mosley.

**Correspondence from GDHA regarding access to oral health services, viewed as informational only at the 10/10/03 meeting:** The Board requested that Dr. Nalley prepare a response to GDHA for the Board to review and consider approval at the next meeting.

**Consider suspension of license on the following due to borrower default on repayment of student loan as notified by Georgia Higher Education Assistance Corporation:**

- Ponethia L. McCord, DH006798
- Sean K. Cochran, DN012086

Dr. Walker made a motion that the Board **suspend** Ponethia L. McCord's license to practice as a Dental Hygienist, license number DH006798, and Sean K. Cochran's license to practice as a Dentist, license number DN012086, for failure to repay a student loan, and further moved that this suspension will cease upon receipt by the Joint Secretary of a "Notice of Release" from the Georgia Higher Education Assistance Corporation. The motion was seconded by Ms. Anday and was **approved** by the Board.

**AG's advice regarding background checks of applicants:** The Board requested that a referral be made to the Board Attorney to draft a revision to Code Section 43-11-40 to require background checks on applicants.

**Letter to Cathy Cox, Secretary of State regarding their concerns with the impact of restructuring on the dental board's ability to carry out its responsibility to protect the public:**

Dr. Walker made a motion to approve the draft of a letter with corrections to Cathy Cox, Secretary of State, with copies going to the Governor Sonny Perdue, Speaker of the House Terry Coleman, Lt. Governor Mark Taylor, Speaker Pro Tem Eric Johnson and each Board member. The motion was seconded by Dr. Carroll and was **approved** by the Board.

**Correspondence from DeWeise Collins-Wright regarding expanded duties:** The Board requested that a response be sent to Ms. Collins-Wright that the Board upholds its former decision from the October 10, 2003 meeting that appropriate documentation is required before a decision is made regarding her request for approval of expanded duties.

Dr. Walker made a motion, Dr. McFarland 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. Wolff, Dr. Broadfoot, Dr. Trager, Dr. Cook, and Mr. McDougald. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

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**Appearances Before the Board:**

- C.K.L., D.M.D. - Appeal of denial of reinstatement - **rescheduled** for January meeting
- E.L.T., D.M.D. - Modification of consent order **denied**

**Licensure Overview Committee Report:**

Dr. Walker made a motion, Dr. Cook seconded and the Board voted to **approve** the following recommendations made by the Licensure Overview Committee.

- **G.W.P., D.D.S.:** Terminate probation
- **J.A.D., D.M.D.:** Terminate probation
- **S.R.D., D.D.S.:** Require 20 hours of Board approved continuing education in case development and treatment plans in a hands-on format.

**Ratify Licensee Candidates:** Dr. McFarland made a motion, Dr. Walker seconded and the Board voted to **ratify** the following list of applications for licensure issued through October 30, 2003:

Lic No	Name	Lic Type
DN012853	Poindexter, Samuel	Dentist
DN012854	Ogueri, Udo P.	Dentist
DN012855	Obeid, Fadi	Dentist
DH009099	Beck, Jessica H	Dental Hygienist
DH009100	Hobbs, Amy J	Dental Hygienist
DH009101	Jones, Chalis A	Dental Hygienist
DH009102	Thursby, Sheri Amanda	Dental Hygienist
DH009103	Baker, Janet Lagasca	Dental Hygienist
DH009104	Norwood, Leslee D	Dental Hygienist
DH009105	Hughes, Crystal D	Dental Hygienist
DH009106	Vazquez, Jeannette	Dental Hygienist
DH009107	Cote, Christine L	Dental Hygienist
DNF000318	Mims, Airiga J	Dental Faculty
DNGA000179	Anderson, Paul Edward	General Anesthesia Permit
DNCS000187	Faler, Ragan Lowery	Conscious Sedation Permit
DNCS000188	Carner, Aaron B	Conscious Sedation Permit

**Applications/Licensure:**

Ms. Anday made a motion, Dr. McFarland seconded and the Board voted to **approve** the recommendations regarding the following applications for licensure:

- S.J.N., Dental Applicant                      Approve licensure
- C.A.C., Dental Applicant                      Approve licensure
- D.C.L., Dental Applicant                      Approve licensure
- J.H.J., Dental Applicant                      Approve licensure
- A.C.S., Dental Applicant                      Approve licensure once file is complete
- N.Z.R.B., Dental Applicant                      Approve to sit for SRTA for 4<sup>th</sup> time upon

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| ➤ T.W.L.M., Dental Applicant | successful completion of remedial course (20 hours in hands-on Restorative Dentistry)<br>Approve to sit for SRTA for 4 <sup>th</sup> time upon successful completion of remedial course (20 hours in hands-on Restorative Dentistry) |
| ➤ D.S., Dental Applicant     | Approve licensure under standard Private impairment Consent Order  |
| ➤ N.F.P., Dental Applicant   | Must pass Part 2 of National Boards. Upon successful completion, schedule to meet with Licensure Overview Committee  |

**Attorney General's Report:** Ms. Allyson Krause, Esq.

- Provided update on cases in her office

The next Board meeting is scheduled for December 12, 2003 at 12:00 Noon by Conference Call.

There being no further business to come before the Board, the meeting was adjourned at 2:25 P.M.

**Minutes recorded by:** Susan S. Hewett, Board Secretary

**Minutes edited by:** Anita O. Martin, Executive Director