

GEORGIA STATE BOARD OF DENTISTRY
Board Meeting
January 4, 2013
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
9:30 a.m.

The following Board members were present:

Dr. Barry Stacey
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Becky Carlon
Dr. Randy Daniel
Ms. Connie Engel
Dr. Tom Godfrey
Dr. Isaac Hadley
Dr. Steve Holcomb (departed at 2:20 p.m.)
Dr. Logan Nalley
Dr. Bert Yeargan

Staff present:

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

Visitors:

Melana McClatchey, GDA

Open Session

Dr. Stacey established that a quorum was present and called the meeting to order at 9:43 a.m.

Introduction of Visitors

Dr. Stacey welcomed the visitors. The Board thanked Dr. Andrews for his years of service and welcomed Dr. Yeargan to the Board.

Approval of Minutes

Mr. Dean stated that a correction needed to be made to the Executive Session minutes. Dr. Nalley made a motion to approve the Public and Executive Session minutes as amended. Dr. Hadley seconded and the Board voted unanimously in favor of the motion.

Dr. Holcomb commended staff on the formatting of the electronic board packets.

Ms. Battle indicated that this improvement was thanks to Ms. Howell. She also stated that applications were current and commended Ms. Howell for her diligence and efficiency.

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.

Petition for Rule Variance - Arturo J. Lopez, Jr.

Dr. Carlon made a motion to deny the rule variance petition. Dr. Nalley seconded and the Board voted in favor of the motion.

Petition for Rule Waiver – Nancy S. Greenbarg

Dr. Carlon made a motion to deny the rule waiver petition. Dr. Godfrey seconded and the Board voted in favor of the motion.

Correspondence from Ronald W. Jackson

The Board reviewed correspondence that was for informational purposes only.

Correspondence from Dr. Mark Sayeg

The Board considered this correspondence and directed staff to send a response to Dr. Sayeg that it is the Board's position that interactive webinars are considered to be online courses that would qualify for continuing education. Such seminars would not meet the "on-site" requirement.

Correspondence from Kim Sawyer

The Board considered this correspondence and directed staff to refer Ms. Sawyer to Board Rule 150-14-.04(j), which states that a dentist shall not delegate the administration of an injectable pharmacologic.

Correspondence from Dr. John Jacquot

The Board considered this correspondence and directed staff to send a response to Dr. Jacquot stating that at this time neither the law, nor board rules, address or prevent a properly trained person from starting IVs or drawing blood. Dr. Holcomb suggested this matter be referred to the Rules Committee.

General – Dr. Barry Stacey

Dr. Stacey stated that he has been asked by GDA to make a presentation at its House of Delegates. He asked if he needed Board approval to do so. Ms. Battle indicated the Board previously discussed attendance at such being at the discretion of the Chair. Dr. Stacey indicated that he plans on attending the meeting.

Dr. Stacey stated that he is currently working on new committee assignments. The Credentials Committee previously had five members, but he feels that four members are sufficient. He added that he will take over as Chair of the Sedation Committee. He stated that he would like to appoint Dr. Daniel to the Sedation Committee and Dr. Godfrey to the Rules Committee.

CE Audit Committee Report – Dr. Barry Stacey

No report.

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

No report.

Credentialing Committee Report – Dr. Becky Carlon

Dr. Carlon had nothing to report. Dr. Holcomb stated that one of the items discussed was the intent of credentialing not translating completely in the rule. Specifically, the requirement of an applicant practicing in a jurisdiction for five years, needed to be clarified. Dr. Holcomb indicated that such practice should be in a specific jurisdiction (specific state), not multiple jurisdictions. Dr. Holcomb requested that the Rules Committee review these requirements for credentialing. Dr. Stacey asked if the Credentials Committee would look at this matter first and make a recommendation to the Rules Committee. Dr. Carlon responded by stating that she would like this issue reviewed by Rules and would make the recommendation.

Dr. Nalley stated that at last month's meeting he volunteered to do some research on Puerto Rico's credentialing law. He stated that he has been unsuccessful in finding a website containing licensing information for Puerto Rico, but will continue to research and report back to the Board.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

Ms. Bynum discussed the guidelines that the Dental Hygiene Committee drafted. Anyone who has not been in practice for 3-5 years may be required to take a one week course, at the Board's discretion, along with submitting a letter of competency. If the period without practicing has been greater than five years, the individual may be required remediation and reassessment of skills, at the Board's discretion, along with a letter of competency and, at the Board's discretion, sit for the CRDTS examination. A motion was made by Dr. Nalley to apply this policy to the reinstatement of dentists as well. Dr. Holcomb seconded. Discussion was held by Dr. Godfrey. With no further discussion, the Board voted unanimously in favor of the motion. Dr. Stacey suspended discussion regarding this matter to entertain a motion for Executive Session to accommodate a scheduled appearance.

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

Executive Session

Appearance Before the Board

- R.E.G.

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

Rule Hearing 11:19 a.m.

Dr. Stacey called the rules hearing to order at 11:19 a.m.

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

No written responses were received.

The hearing was adjourned at 11:20 a.m.

Open Session

Dr. Stacey declared Open Session at 11:21 a.m.

Dr. Holcomb made a motion to adopt the proposed Rule 150-9-.01 General Duties of Dental Assistants. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

At this time the Board resumed its discussion concerning guidelines for reinstatement.

A motion was made by Dr. Hadley to amend the current policy regarding reinstatement to include the following guidelines for both dentists and dental hygienists. This amended reinstatement policy will also be added to the reinstatement applications. Dr. Nalley seconded the motion.

For any reinstatement application citing problems, (not having CE during last biennial renewal period, convictions, disciplinary action in other states, impairment, etc.) the licensee will be

scheduled to a meeting with the Licensure Overview Committee and the following guidelines may apply:

Guidelines for Reinstatement

No Clinical Practice	Reassessment of Skills (1 week)	Remediation and Reassessment of Skills	Letter of Competency	CRDTS Exam
3 – <5 yrs	X (discretion permitted at 3 yrs)		X (discretion permitted at 3 yrs)	
5 yrs - <10 yrs	X	X (may be applied at discretion in place of Reassessment only)	X	X (discretion permitted)
10 yrs - +		X	X	X

For licensees that state that they **have not been practicing** without a license since the date that the license lapsed are reinstated without a consent order. However, the following guidelines may apply:

Guidelines for Reinstatement

No Clinical Practice	Reassessment of Skills (1 week)	Remediation and Reassessment of Skills	Letter of Competency	CRDTS Exam
3 – <5 yrs	X (discretion permitted at 3 yrs)		X (discretion permitted at 3 yrs)	
5 yrs - <10 yrs	X	X (may be applied at discretion in place of Reassessment only)	X	X (discretion permitted)
10 yrs - +		X	X	X

Examination Committee Report – Dr. Logan Nalley

No report.

Investigative Committee Report – Dr. Logan Nalley

Dr. Nalley stated that at the last meeting there was discussion regarding board members submitting names of individuals they would recommend as consultants for the Investigative Committee. He stated to please email any recommendations to him. The Board discussed using Dr. Clyde Andrews as a consultant for the Investigative Committee.

Discussion was held concerning a letter from NERB in regards to an applicant’s exam scores. The letter states that the individual participated in the ADEX Dental Examination administered by the North East Regional Board of Dental Examiners in 1986. Dr. Nalley stated that this examination was not in existence in 1986 and thinks the Board should write a letter to NERB stating this is misleading and false information. Dr. Stacey responded by stating that since Dr. Nalley is on the CRDTS Steering Committee to please draft a letter and submit it to Ms. Battle. Ms. Battle will then send it to the Board to review. The Rules Committee will discuss the language in Board Rule 150-3-.01(7)(c) at its next meeting.

Legislative Committee Report – Dr. Steve Holcomb

Dr. Stacey discussed the letter sent to the Board by Senator Mike Crane. Dr. Holcomb drafted a letter in response to Senator Crane’s correspondence. It read as follows:

Dear Senator Crane:

The Georgia Board of Dentistry is in receipt of your letter dated 11 December 2012 and we appreciate the opportunity to address several of the questions and concerns that you raised.

As you know, Board performance through regulation, although necessary, can become burdened with the bureaucracy that continues to build on itself as time goes on. Periodically, it is necessary to revisit the protocols to see if they continue to serve the current needs or are they “carry-overs” from previous administrations, board members or staff. Yes, there are many areas of board duties that could be streamlined by proper delegation and oversight. The time required for the issuing of licenses has been improved by specialized staffing. However, the support staff needed to expedite the other phases of licensure has suffered at the hands of budget cuts. Lack of adequate staff has long been the lament of the licensing boards. The current executive director has taken many corrective actions, addressing as many of the concerns of the Board as within her purview.

One area of your inquiry was “to extend the length of the terms of ... licensing”. If I understand correctly, you are referring to the possibility of lengthening the relicensure cycles from the current two year (biennial) renewal to a longer period, for example five years. OCGA 43-11-46 (a) mandates in statute and describes the biennial period of the renewal cycle. Further, OCGA 43-11-11 authorizes the Board to conduct and maintain an accurate census of practicing dentists and hygienists licensed in the state (which is done at the biennial renewal cycle). With the increased mobility of the profession among group practices and relocations, lists over two years old are inherent with inaccuracies and outdated information. Even though licensees are required to maintain current contact information with the Board, it is frequently overlooked by the licensees thereby negating the success of self-regulation. Once again, budget shortfalls prohibit appropriate follow-up by the Board and the support staff to maintain a current and accurate census, thereby compromising compliance with OCGA 43-11-11.

Similarly, your suggestion to reduce the amount of required continuing education. As you know, the Board works within the framework of the Dental Practice Act (OCGA 43-11) as provided by the legislative and executive branches. OCGA 43-11-46.1 (a) requires persons seeking licensure renewal to provide the board with a specific number of hours of approved continuing education (40-dental, 22-dental hygiene). The statute provides very little interpretive leeway in this regard with the exception of certain hardships, disability or illness. With the constantly changing and evolving nature of dental practice, methodologies of treatment and current trends, continuing education is a nationally recognized effective tool for aiding in competency maintenance. It has been the position of the Board that these minimum numbers of hours are necessary in order for the public to have a reasonable level of assurance that licensees are maintaining continued competency. In order to assist the licensee in finding acceptable venues for education, the Board has approved a number of nationally-recognized providers of continuing education. Needless to say, the costs of the courses can range from no costs to the high end, depending on the length of the course, location, and faculty required to deliver the coursework. It is not the purview of the Board to dictate or review the free market costs of private entities for delivering continuing education. On occasion, the Board will mandate a specific course and content as a component of disciplinary actions. There are no more than four different Board mandated courses, (again, used primarily for disciplinary actions), assigned to licensees. These are used in less than approximately 20% of all disciplinary actions of the Board. That would translate to less than thirty cases per year from over 12,000 licensees under oversight by the Board.

As previously mentioned, the Board needs adequate support staff and the necessary funds for Board members to interact with other Boards on the national level. The use of shared information of

protocols, policies, remediation trends and reasonable sanction outcomes would be a tremendous asset to the Board. This is only learned by attendance and interaction at the national level with other dental regulatory boards through meetings and forums. Since the budget cuts and restrictions of travel, most board members fund these efforts themselves, bearing the expenses in order to better serve the public and the licensees.

Thank you for taking the time to ask our opinion and for any assistance that you could provide in helping the Board members to perform their sworn duties as efficiently as possible. I would be pleased to provide any additional information at your convenience.

Dr. Godfrey made a motion to send the response to Senator Crane. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Licensure Overview Committee – Dr. Isaac Hadley

No report.

Rules Committee Report – Dr. Barry Stacey

Dr. Stacey reported that the Rules Committee met earlier that morning with the Injectable Pharmacologics Committee and discussed the Guidelines for Regulation of the Administration of Injectable Pharmacologics. The Injectable Pharmacologics Committee is able to approve courses using the guidelines set forth in Board Rule 150-14-.04. The issue is whether or not the Committee has discretion regarding the Injectable Pharmacologics Registry. The guidelines require an application, whereas the rule does not ask for an application. The question is whether or not the Board has the authority to require an application.

Dr. Holcomb stated that O.C.G.A. § 43-11-7 reads in part, “*The board shall have the power and authority to promulgate rules and regulations to carry out the performance of its duties as set forth in this chapter.*” He feels that the Board does have the authority. Mr. Dean responded by stating that when this issue was previously brought to the Board, he expressed his concern about the Board not having the authority. He still has the same legal concerns. Dr. Carlon stated that she feels this is limiting someone’s practice to a certain degree. Dr. Godfrey stated that he would like to point out that he disagrees with counsel’s opinion. Discussion ensued.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey stated that there has been no word on Dr. Driscoll’s replacement. She is expected to hold that office until summer.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb discussed revisiting proposed legislative changes considered last year, specifically, the autonomy of the Dental Board. If such legislation would pass, the Board would be placed under Georgia Department of Community Health. This change would have significant bearing on long range planning. Dr. Stacey indicated his understanding was the legislation would be introduced early in the legislative session.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley discussed the CRDTS Annual School’s Report.

Injectable Pharmacologics Committee – Dr. Richard Bennett

No report.

Executive Director’s Report – Open Session

Ms. Battle presented the following voluntary cease and desist orders for acceptance:

- Nahum Garcia Artica
- Gloria Argentina Gonzalez de Garcia
- Manuel Enrique Gonzalez Bueso
- Grey L. Baidal-Franco

Dr. Godfrey made a motion accept the above mentioned orders. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Attorney General’s Report Open Session – Open Session

No report.

Dr. Logan Nalley made a motion and Dr. Richard Bennett 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, Ms. Becky Bynum, Dr. Becky Carlon, Dr. Randy Daniel, Ms. Connie Engel, Dr. Tom Godfrey, Dr. Isaac Hadley, Dr. Steve Holcomb, Dr. Logan Nalley and Dr. Bert Yeargan.

Executive Session

The Board discussed the following:

Licensure Over Committee Appointments/Discussion Cases

- T.S.
- R.E.
- D.N.
- J.W.R.
- C.C.
- T.A.
- G.D.B.
- L.H.R.

Applications

- N.S.G.
- J.S.D.
- J.W.B.
- K.A.K.
- P.M.K.
- L.L.B.
- R.T.H.
- J.W.N.
- V.J.M.
- B.C.
- A.M.U.
- E.M.R.
- I.R.M.
- J.N.P.
- Z.B.K.

Correspondences

- Correspondence from Mark Farrell, CRDTS concerning B.F.
- S.T.F.

Investigative Committee Report

Report presented:

- DENT120196
- DENT120190
- DENT120152
- DENT120045
- DENT120115
- DENT110025
- DENT110085

Attorney General's Report – Mr. Reagan Dean

Mr. Dean discussed the following individuals:

- M.W.
- K.M.

Mr. Dean presented the following consent orders for acceptance:

- A.Z. – Public Consent Order
- M.B. – Public Consent Order

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

OPEN SESSION

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

Appearance

- R.E.G. Denied Dental Exam Applicant: Denial upheld.

Licensure Overview Committee Appointments/Discussion Cases

- T.S. Dental Hygiene Exam Applicant: Approved application.
- R.E. Dental Reinstatement Applicant: Approved application.
- D.N. Dental Credentials Applicant: Approved application.
- J.W.R. Request to terminate probation: Approved the request.
- C.C. Dental Exam Applicant: Approved application.
- T.A. Dental Faculty Applicant: Denied application.
- G.D.B. Request to terminate probation: Approved the request.
- L.H.R. Request to terminate probation: Approved the request.

Applications

- N.S.G. Dental Exam Applicant: Denied application.
- J.S.D. Dental Hygiene Reinstatement Applicant: Approved application.
- J.W.B. Dental Hygiene Reinstatement Applicant: Approved application.

- K.A.K. Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.
- P.M.K. Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.
- L.L.B. Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.
- R.T.H. Dental Reinstatement Applicant: Approve with CE consent order and consent order for unlicensed practice.
- J.W.N. Dental Credentials Applicant: Denied application.
- V.J.M. Dental Faculty Applicant: Approved to meet with Licensure Overview Committee.
- B.C. Dental Reinstatement Applicant: Denied application.
- A.M.U. Dental Hygiene Reinstatement Applicant: Tabled pending receipt of additional information.
- E.M.R. Enteral/Inhalation Conscious Sedation Applicant: Denied additional site and refer to Attorney General’s office for summary suspension for current permit.
- I.R.M. Enteral/Inhalation Conscious Sedation Applicant: Denied additional site and refer to Attorney General’s office for summary suspension for current permit.
- J.N.P. Inactive Status Applicant: Approved application.
- Z.B.K. Dental Faculty Applicant: Approved application.

Correspondences

- Correspondence from Mark Farrell, CRDTS concerning B.F.: Contact CRDTS for SSN of individual and flag in the system.
- S.T.F. Dental Hygiene Licensee: Mr. Dean will contact the licensee and give the option of signing the standard CE consent order. If the individual refuses to sign the order, the license status is to be changed to “lapsed.”

Investigative Committee Report

Recommendations made by the Investigative Committee on December 7, 2012:

Complaint	Allegations	Findings	Recommendations
DENT120196	Knowledge of ULP occurring in the dental practice where he was a contracted employee	Confirmed	Immediate suspension & revocation
DENT120190	Unprofessional Conduct	Conduct confirmed	MPE with additional recommendations to be made after results from MPE can be reviewed
DENT120152	Quality of Care	Confirmed	Referral to AG to combine with DENT090115 and Public Consent order for QOC and CE
DENT120045	Improper delegation of duties and allowing for ULP to occur during while he is away from the practice location	Confirmed	Referral to AG for Public CO
DENT120115	MMPR	Confirmed	Closed
DENT110025	Licensing questions	Resolved	Closed
DENT110085	Licensing questions	Resolved	Closed

Attorney General's Report

- M.W. Dental Licensee: Proceed with revocation hearing.
- K.M. Dental Hygiene Exam Applicant: Approved application.
- A.Z. – Public Consent Order accepted.
- M.B. – Public Consent Order accepted.

Dr. Hadley seconded the motion and the Board voted in favor of the motion. Dr. Godfrey abstained from the vote of applicant T.A.

Conflicts with some of the 2013 meeting dates were discussed. Dr. Nalley made a motion to combine the May and June meetings into one and reschedule for May 31, 2013. Dr. Carlon seconded the motion and the Board voted unanimously in favor of the motion. In the same motion, the Board voted unanimously to cancel the meeting previously scheduled for March 8, 2013 and reschedule for March 15, 2013.

The next scheduled meeting of the Georgia Board of Dentistry will be on Friday, February 8, 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.

The Board meeting adjourned at 2:53 p.m.

Minutes recorded by Brandi P. Howell, Licensure Analyst
Minutes edited by Tanja D. Battle, Executive Director