

GEORGIA STATE BOARD OF DENTISTRY

April 12, 2013

Professional Licensing Boards

237 Coliseum Drive, Macon, GA

9:30 a.m.

The following Board members were present:

Dr. Barry Stacey

Dr. Becky Carlon

Dr. Randy Daniel

Ms. Connie Engel (joined via conference call @ 11:45 a.m.)

Dr. Tom Godfrey

Dr. Steve Holcomb

Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director

Reagan Dean, Board Attorney

Brandi Howell, Licensure Analyst

Visitors:

Melana McClatchey, GDA

Meg Robinson, GDA

Dr. John Bowman, GDA

Dr. Carol Wooden, AGD

Heather Sibley

Open Session

Dr. Stacey established that a quorum was present and called the meeting to order at 9:54 a.m.

Introduction of Visitors

Dr. Stacey welcomed the visitors. Dr. Stacey stated that if any of the visitors had any questions or would like to participate in any of the discussions to please advise.

Approval of Minutes

Dr. Holcomb made a motion to approve the Public and Executive Session minutes for the March 15, 2013 full Board Conference Call. Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the April 2, 2013 full Board Conference Call. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Petition for Rule Variance – Murgesh J. Loynes

Dr. Carlon made a motion to approve the rule variance petition. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance – Troy D. Davidson

Dr. Godfrey made a motion to deny the rule variance petition. Dr. Daniel seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance – John Ayre

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

Rule Hearing

Dr. Stacey called the Rules Hearing to order at 10:05 a.m.

Board Rule 150-3-.01 Examination for Dental Licensure

No comments or written responses were received.

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

No comments or written responses were received.

The hearing was adjourned at 10:07 a.m.

Open Session

Dr. Stacey declared Open Session at 10:08 a.m.

Ms. McClatchey asked the Board for clarification regarding the amendment to Rule 150-9-.01. As she gets calls from members regarding this matter, she wanted to ask about what is considered appropriate training. She understood that such is at the discretion of the supervising dentist to ensure that training is appropriate. The Board agreed.

Dr. Holcomb made a motion to adopt the proposed Rule 150-3-.01 Examination for Dental Licensure. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

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

Correspondence from Connie Sowers, Better Business Bureau

The Board considered this correspondence and stated that Ms. Sowers should be commended for contacting the Board regarding this matter and directed staff to inform her of the Board's position concerning teeth whitening. Dr. Stacey requested Dr. Holcomb draft a letter in response to Ms. Sowers' correspondence.

Correspondence from Whitney Matteson, DH006370

The Board considered this correspondence. Dr. Carlon made a motion to allow an additional 90 days for Ms. Matteson to pay her fine. Dr. Holcomb seconded the motion and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Mohd Majed Kachlan

The Board considered this correspondence and directed staff to respond to Dr. Kachlan by stating that the Board must comply with the current law. In addition, staff is to state that the elimination of the clinical examination as a requirement would require a legislative change for which the Board is not granted authority.

Correspondence from Dr. Steve Budnick

The Board considered this correspondence requesting clarification pertaining to the scope of practice of dentistry and particularly oral pathology. Discussion was held. Dr. Godfrey stated that his request is within the scope of practice. Dr. Stacey has asked that he assist the Board in upgrading the definition of this specialty in collaboration with Emory and Georgia Regents University. Dr. Stacey stated that he would relay this information to Dr. Budnick.

Correspondence from Solomon N. Cole, IV

The Board considered this correspondence and directed staff to respond to Mr. Cole by stating that the dentist will need to check with his/her local municipality to determine how amalgam is properly discarded and/or separated.

Correspondence from Raven Maria Blanco Foundation, Inc.

The Board considered this correspondence and directed staff to respond by stating that it will take this matter under advisement and to include a copy of the board rules that show CPR is required for all dentists and dental hygienists.

Correspondence from Dr. Michael O. Vernon, GDA

The Board considered this correspondence regarding a request for a waiver of certain requirements set forth in the application for a volunteer license for individuals from out of state who seek to provide oral health care for a two-day charitable program. Discussion was held. Ms. McClatchey stated that GDA would be happy to research and make sure that each person has an unrestricted license. The Board requested that Ms. McClatchey submit a list of names to Ms. Battle that will be considered by the Board.

Correspondence from Denise McCance, Faith in Serving Humanity

The Board considered this correspondence and directed staff to respond to Ms. McCance by referring her to Board Rule 150-5-.03(3)(b) and state that the facility mentioned does not appear to fall under the categories of Department of Public Health, County Boards of Health, or the Department of Corrections. As such, her request for the dental hygienists to perform services without the direct supervision of a dentist is denied.

Dr. Becky Carlon 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. Becky Carlon, Dr. Randy Daniel, Dr. Tom Godfrey, Dr. Steve Holcomb, and Dr. Bert Yeorgan.

Executive Session

Appearances

- A.M.U.
- S.L.S.

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

Open Session

General – Dr. Barry Stacey

Dr. Holcomb made a motion to appoint Dr. Michael K. Frazier as a consultant for the Investigative Committee. Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

CE Audit Committee Report – Dr. Barry Stacey

Correspondence concerning CE Requirements: The Board considered correspondence related to whether or not the hours obtained by taking the dental hygiene re-entry course for reinstatement could be applied towards the renewal of a license. The Board stated that the reinstatement policy reads that continuing education hours used for reinstatement cannot be used to meet the requirement for renewal. An additional 22 hours would be required for renewal.

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

No report.

Credentialing Committee Report – Dr. Becky Carlon

Dr. Carlon stated that she wanted to point out that there seems to be a trend among applicants of an expectation of automatic licensure by credentials. She further stated that the Committee is seeing more and more examples of individuals who think that if they fill out the application and pay the fee that licensure will be granted automatically. She wanted to commend the Board for sticking to what she feels is the original intent of the legislation which was to establish credentials licensure as an alternate pathway to licensure, but using very specific guidelines.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

Dr. Holcomb reported that CRDTS is offering approximately 50 hygiene exams at multiple states. CRDTS has expanded its base as a result of the many requests for such from various states. Currently, there is discussion regarding future testing in California.

Dr. Stacey requested that the Dental Hygiene Committee consider reaching out and inviting the leadership of Georgia Dental Hygiene Association (GDHA) to a hygiene committee meeting. He stated that the Board's relationship with GDHA, especially during the recent legislative session, seemed a bit more adversarial than had previously been the case. He further stated the purpose of the meeting would be to discuss what the Association's concerns are. Dr. Holcomb responded that GDHA normally has a representative present at the Board meetings. He thinks the committee should take Dr. Stacey's request under advisement. Dr. Holcomb, while understanding Dr. Stacey's intent, pointed out that the Dental Examination Committee does not meet separately with the GDA to discuss concerns and that members of each organization are respected and welcome to attend and participate in regularly scheduled Board meetings.

Examination Committee Report – Dr. Logan Nalley

No report.

Investigative Committee Report – Dr. Logan Nalley

No report.

Legislative Committee Report – Dr. Steve Holcomb

Dr. Holcomb discussed the passage of House Bill 132. At this time, the bill is pending the Governor's signature. He stated that everyone who worked to get the bill passed is to be commended. Dr. Stacey, on behalf of the Board, recognized the efforts of the GDA.

Ms. McClatchey discussed House Bill 209. Effective July 1, 2013, anyone who prescribes schedule II drugs will be able to use either tamper resistant paper approved by Centers for Medicare & Medicaid Services (CMS) or use the pharmacy paper that has been approved by the Georgia Board of Pharmacy with its seal on it. She further stated that until July 1st, the Georgia Board of Pharmacy has approved an extension of policy regarding such.

Dr. Stacey inquired as to the bill that allows out of state licensed practitioners to phone in prescriptions in the state of Georgia. Meg Robinson, GDA, responded that the bill did pass, but it has not been signed by the Governor. Dentists from out of state can phone in to pharmacies in the state of Georgia even though they do not have a Georgia license.

Licensure Overview Committee Report – Dr. Becky Carlon

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Stacey reported that the Rules Committee was unable to meet due to a lack of a quorum.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that GRU had its big reception at Hinman. The alumni weekend is the 25th through the 27th of April.

He also reported that he recently attended IDS (International Dental Show). He noted that a number of western European countries are no longer allowing amalgams. Also, as of November 2012, a lot of these countries have removed all fluoride from the public water supply and have outlawed it in toothpaste.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Holcomb reported that there was a steering committee meeting recently. It has voted to suspend implementation of the CSW exam. It was scheduled to go online in 2014. He further reported that CRDTS has authorized the Examination Review Committee to form a subcommittee to investigate the development of a computer based examination to fill the gaps that occupational analysis said they were not testing right now.

Also, Dr. Holcomb reported that there is an Exam Committee meeting coming up at the end of this month and they will be looking at a number of items. One item they will be looking at is a possibility of a re-grade procedure to avoid false positives.

Another meeting has been authorized with CITA. CRDTS is meeting with CITA in Chicago to discuss differences. If they are able to work out a common exam, it would add licensure for North Carolina, Louisiana, and Puerto Rico. The biggest difference right now is scoring. The impact that it might have for Georgia is regarding the collaborative effort to have a common exam and how the Board is will amend its rule regarding such.

Dr. Stacey asked to go back to the Education Committee Report as he wanted to discuss something that came up in the Licensure Overview Committee meeting earlier that morning. Dr. Stacey referred to the law concerning the ability to teach for the advancement of dentistry with a license in another state. He stated that GRU has a collaborative effort with an out-of-state person and the faculty of OMFS department concerning the replacement of computer guided implants. Discussion ensued. Dr. Godfrey stated that in a different advertisement, GRU will require them to be enrolled as students, which is what the Board required of them. Dr. Godfrey stated he will look into the matter and report back to the Board.

Injectable Pharmacologics Committee – Dr. Richard Bennett

No report.

Executive Director's Report – Open Session

No report.

Attorney General's Report – Open Session

No report.

Miscellaneous

Margaret Hopper, DH002110: Dr. Godfrey made a motion to rescind its previous vote of suspension regarding license #DH002110. Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

Margaret Hopper, DN010727: Dr. Godfrey made a motion to rescind its previous vote of suspension regarding license #DN010727. Dr. Carlon seconded and the Board voted unanimously in favor of the motion.

Dr. Stacey appointed Dr. Holcomb, Dr. Daniel and Dr. Yeargan to a nominating committee as the Board will need to elect a new president and vice president. The committee will report recommendations at the May 31st meeting.

Dr. Tom Godfrey 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. Becky Carlon, Dr. Randy Daniel, Ms. Connie Engel, Dr. Tom Godfrey, Dr. Steve Holcomb and Dr. Bert Yeargan.

Executive Session

Applications

- M.J.L.
- M.P.T.
- A.L.G.
- A.E.H.
- K.A.R.
- E.R.L.

Correspondences

- R.A.
- W.K.W.

Licensure Overview Committee Appointments/Discussion Cases

- S.K.K.
- J.R.S.
- K.C.
- K.W.H.
- D.F.B.
- V.J.M.
- K.P.
- P.M.B.

Investigative Committee Report

Report presented:

- DENT120172
- DENT120082
- DENT120113

- DENT120046
- DENT120111
- DENT130096
- DENT130001
- DENT130015
- DENT130024
- DENT130020
- DENT130011
- DENT120201
- DENT130010
- DENT130004

Attorney General’s Report – Mr. Reagan Dean

Mr. Dean presented the following consent orders for acceptance:

- K.W.
- J.M.P.
- J.W.N.

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

OPEN SESSION

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

Appearances

- A.M.U. Denied Dental Hygiene Reinstatement Applicant: Refer to the Attorney General’s office for disciplinary action.
- S.L.S. Denied Dental Credentials Applicant: Denial overturned and application approved.

Applications

- M.J.L. Dental Credentials Applicant: Approve pending receipt of additional information.
- M.P.T. Dental Credentials Applicant: Denied application.
- A.L.G. Dental Reinstatement: Approved application.
- A.E.H. Dental Hygiene Reinstatement: Approved application.
- K.A.R. Dental Hygiene Reinstatement: Approved application.
- E.R.L. Dental Exam Applicant: Denied application.

Correspondences

- R.A. Pending Sedation/IP Applicant: Send response stating that the matter is still pending.
- W.K.W. Dental Licensee: Send response stating that until an application is received, the Board cannot give a position on whether or not licensure will be granted.

Licensure Overview Committee Appointments/Discussion Cases

- S.K.K. Dental Exam Applicant: Approved application.
- J.R.S. Dental Credentials Applicant: Approved application.
- K.C. Dental Exam Applicant: Approved application.
- K.W.H. Dental Reinstatement Applicant: Approved application.
- D.F.B. Renewal Pending: Approved renewal.
- V.J.M. Dental Faculty Applicant: Tabled pending receipt of additional information.

- K.P. Requested a practice restriction be lifted: Approved the request.
- P.M.B. Request to terminate consent order: Approved the request.

Investigative Committee Report

Recommendations made by the Investigative Committee on March 15, 2013:

| Complaint Number | Allegations | Recommendations |
|-------------------------|----------------------------------|--|
| DENT120172 | Standard of Care | Refer to the AG office for Public Co |
| DENT120082 | Standard of Care | Closure pending the completion of tasks recommended in the mitigating circumstances letter |
| DENT120113 | Quality of Care | Closure pending the completion of tasks recommended in the mitigating circumstances letter |
| DENT120046 | Standard of Care | Close with letter of concern |
| DENT120111 | Standard of Care | Close |
| DENT130096 | Self report – alcohol | Refer to the AG office for private CO |
| DENT130001 | Skill and safety concerns | Close |
| DENT130015 | Quality of Care | Close with letter of concern |
| DENT130024 | Standard of Care | Close |
| DENT130020 | Professional conduct | Close |
| DENT130011 | Patient abandonment | Close |
| DENT120201 | Professional conduct | Close with letter of concern |
| DENT130010 | Failure to monitor | Close |
| DENT130004 | Diagnosis and treatment planning | Close |

Attorney General’s Report – Executive Session

Mr. Dean presented the following consent orders for acceptance:

- K.W. – Public Consent Order accepted.
- J.M.P. – Public Consent Order accepted.
- J.W.N. – Private Consent Order to be accepted and signed with express permission upon receipt.

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

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, May 31, 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 2:10 p.m.

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