

GEORGIA BOARD OF DENTISTRY
Board Meeting
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
January 22, 2016
9:30 a.m.

The following Board members were present:

Dr. Steve Holcomb, President
Dr. Bert Yeargan, Vice-President
Dr. Richard Bennett
Ms. Becky Bynum
Dr. Tracy Gay
Dr. Tom Godfrey
Dr. Greg Goggans
Dr. Logan Nalley
Dr. Antwan Treadway

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Asst Attorney General
Ryan McNeal, Chief Investigator
Anil Foreman, Legal Officer
Brandi Howell, Business Operation Spec

Visitors:

Ryan Loke, PDS
Carole Hanes, DCG
Frank Caughman, DCG
Carol Lefebvre, DCG
Grant Loo, DCG
Kate Robinson, DCG
Jonathan Dubin, DCG
James E. Barron, GDS
Darrell Gentry, DCG
Philip J. Hanes, DCG
Chip Mohme, Hinman, DCG, GDA
Stephanie Lotti, GDA
Margie Coggins Miller, DCG
Shaun Daugherty, Coles, Barton, LLP
Thomas J. Price, AGD
Carol A. Wooden, AGD
Misty Mattingly, GDHA
Anita LaTourette, GDHA
Erica Michell, GDHA
Chris Melcher, DCG
Frank Capaldo, GDA
Michael E. Pruett, DCG
Andrew Shoemaker, DCG

Open Session

Dr. Holcomb established that a quorum was present and called the meeting to order at 9:34 a.m.

Introduction of Visitors

Dr. Holcomb welcomed the visitors.

Public Hearing

Dr. Holcomb called the public hearing to order at 9:36 a.m.

Rule 150-3-.09 Continuing Education for Dentists

No comments or written responses were received.

Rule 150-3-.10 Continuing Education for Volunteer Licenses

Public comments from Anita LaTourette were received. Ms. LaTourette commented that section (2) of this rule states in part “*Official documentation of course attendance must be maintained by a dentist for at least three (3) years following the end of the biennium during which the course as taken.*” She stated that this particular section of the rule pertains to dental hygiene; therefore, the word “dentist” needed to be changed to reflect “dental hygiene”. Dr. Godfrey responded that the Board can take that as an editorial change. No further comments were received.

No written responses were received.

Rule 150-5-.05 Requirements for Continuing Education for Dental Hygienists

No comments or written responses were received.

Rule 150-7-.03 Volunteers in Dentistry

Public comments from Anita LaTourette were received. Ms. LaTourette thanked the Board for adding language that states a hygienist may complete up to fifteen (15) hours of continuing education in Board Rule 150-3-10(2)(b). However, she stated that she would like to point out a missed opportunity to increased access to services by not amending section (c) of Board Rule 150-7-.03 concerning direct supervision. Dr. Holcomb thanked Ms. LaTourette for her comments. No further comments were received.

No written responses were received.

Dr. Godfrey made a motion to adopt Rules 150-3-.09 Continuing Education for Dentists, 150-3-.10 Continuing Education for Volunteer Licenses (with editorial change), 150-5-.05 Requirements for Continuing Education for Dental Hygienists, and 150-7-.03 Volunteers in Dentistry. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Ms. Battle stated that she would like the minutes to reflect that the Board considered the economic impact statement at the time of notice.

Rule 150-7-.04 Dental Provisional Licensure by Credentials

Public comments from Dr. Carol Lefebvre were received. Dr. Lefebvre commented that the proposed changes to Rule 150-7-.04 could cause severe and unintentional consequences. Dr. Lefebvre gave the Board a background on the dental college. In 2011, the DCG took occupancy of a new \$112M state of the art facility. The class size at the time of occupancy of the new facility was 80 dental students per class and 53 total residents. Class size is incrementally increasing until there are 100 dental students per class and 72 residents. She commented that the vast majority of students are Georgia residents. She stated that implementing this rule change will have a catastrophic impact on the college. Dr. Holcomb responded by asking if she could be specific on what portion of the rule impacts the college and in what specific way. Dr. Lefebvre stated of the 80 students, 43 have a dental faculty license and the rule change would not allow the pathway for its U.S. trained dentists to obtain an unrestricted dental license. Dr. Godfrey responded that the Board does not see it that way and asked how will the rule change impact existing faculty license holders. Dr. Lefebvre stated faculty will not be able to treat in faculty practice. Dr. Bennett commented that the rule change will effect new applicants applying for licensure by credentials and has nothing to do with current faculty holders. He explained that this will be the new criteria for meeting the qualifications for obtaining licensure by credentials. Dr. Nalley commented that anyone who applies for licensure by credentials must have been in full time clinical practice for five years. He stated that being in a residency or

education program would not count. Dr. Lefebvre commented that it does affect those faculty who want to obtain licensure by credentials as half of the school's faculty could not practice in the College of Dental Medicine. She asked that the Board not adopt the rule today to allow for additional time for the Board to work on the language. Dr. Nalley made a motion to table any further discussion on this rule until after the Investigative Committee meeting which will be held later in the morning. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

The hearing adjourned at 9:55 a.m.

Open Session

Approval of Minutes

Dr. Bennett made a motion to approve the Public and Executive Session minutes for the December 11, 2015 conference call. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Licenses to Ratify

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

Petition for Rule Waiver from Tiara Avril, DH-T000107

Dr. Goggans made a motion to grant the rule waiver petition and allow an extension until April 2016. Dr. Treadway seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Waiver from Kevin M. Pfeiffer

Dr. Bennett made a motion to deny the rule waiver petition. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Petition for Rule Variance from Bahareh Sabzehei

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

Correspondence from Holly Litt, DH011257

The Board considered this request from Ms. Litt asking for consideration of being a dental hygiene examiner for the Central Regional Testing Services, Inc. ("CRDTS"). Dr. Godfrey made a motion to direct staff to respond to Ms. Litt by stating that the Board appreciates her willingness to serve; however, CRDTS is not accepting deputy examiners from Georgia at this time. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence from Terri L. James, DH009731

The Board considered this request from Ms. James asking for consideration of being a dental hygiene examiner for the Central Regional Testing Services, Inc. ("CRDTS"). Dr. Godfrey made a motion to direct staff to respond to Ms. James by stating that the Board appreciates her willingness to serve; however, CRDTS is not accepting deputy examiners from Georgia at this time. Dr. Nalley seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Randy L. Kluender, MHMC

The Board viewed this correspondence for informational purposes only.

Correspondence from Daniel Helm

The Board considered this correspondence asking if \$30.00 is a reasonable fee for a digital copy of a single radiograph. Dr. Nalley made a motion to direct staff to respond to Mr. Helm by stating that

\$30.00 would be considered a reasonable fee. Dr. Bennett seconded and the Board voted unanimously in favor of the motion.

General – Dr. Steve Holcomb

No report.

CE Audit Committee Report – Dr. Richard Bennett

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway

Dr. Treadway reported that the Sedation Committee met earlier that morning. Dr. Holcomb commented that Dr. Treadway has been appointed as Chair of the Sedation Committee.

Credentialing Committee Report – Dr. Greg Goggans

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that ERC met the weekend before last.

Investigative Committee Report – Dr. Bert Yeargan

No report.

Legislative Committee Report – Dr. Greg Goggans

Dr. Goggans stated he had nothing specific to report at this time. He stated he sent an email to the full Board concerning a summary judgment from Texas and asked the members to review it when time permitted.

Licensure Overview Committee Report – Dr. Tracy Gay

No report.

Rules Committee Report – Dr. Tom Godfrey

No report.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Nalley reported that the Steering Committee will meet on Saturday, January 23, 2016.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director’s Report – Ms. Tanja Battle

Ms. Battle reported a 93% successful renewal rate and commented that the Board is on target with the post-renewal audit as directed.

Attorney General’s Report Open Session – Mr. Bryon Thernes

No report.

Miscellaneous

Ms. Foreman commented on the rule petition submitted by Ms. Avril that was voted on by the Board earlier in the meeting. She stated that O.C.G.A. § 43-11-70.1 states in part: *“If the applicant fails the examination or fails to appear at the examination, the temporary license shall automatically become invalid. No such temporary license shall be issued more than one time nor shall a temporary license be issued to an applicant who has previously failed the examination.”* Dr. Godfrey made a motion to deny the rule waiver petition. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Dr. Richard Bennett 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 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. Richard Bennett Ms. Becky Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Dr. Holcomb declared the meeting back in open to hear additional comments rather than proceed with Executive.

Open Session

At this time the Board resumed discussion on Rule 150-7-.04 Dental Provisional Licensure by Credentials, which had been tabled at the Public Hearing.

Public comments from Dr. Andrew Shoemaker were received. Dr. Shoemaker requested the Board table this rule to allow for further discussion. He stated he is representing the students and faculty.

Public comments from Dr. Michael Pruett were received. Dr. Pruett commented that he would just like to speak on behalf of GDA and ask for a continuance because there seems to be confusion with the new language.

Public comments from Dr. Chip Mohme were received. Dr. Mohme stated he is speaking as a dental graduate of DCG from thirty-four years ago and feels this rule change would have a potential impact on the school. He feels that the issue needs to be investigated further and the Board and the school needs to collaborate more. He added that there is a misunderstanding and for the benefit of the students, faculty, residents and the Board’s own peace of mind, feels it allows potential for more cases to come before it from an ethical standpoint and asked that the Board allow a 30 day continuance.

Public comments from Dr. Frank Caughman were received. Dr. Caughman stated that this rule change could have consequences or actions that change the way the school recruits dental faculty. If the school cannot get highly qualified faculty, the rule can have catastrophic results.

Public comments from Dr. Grant Loo were received. Dr. Loo stated he has been practicing in Augusta and from a personal standpoint, has a great relationship with the school. He added that the school has been an excellent source for knowledge and that he would hate to see anything come about

whether it be unintended or otherwise, and asked the Board to take the time to make the right decision as he wants the best for the State of Georgia.

No further comments were received.

Dr. Logan Nalley made a motion and Dr. Antwan Treadway 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. Richard Bennett Ms. Becky Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Appearance

- E.G.A.

At 10:45 a.m., Board members Dr. Nalley, Dr. Yeargan and Dr. Holcomb left the full Board meeting so that the Investigative Committee could convene.

Licensure Overview Committee Appointments/Discussion Cases

- T.C.G.
- H.M.
- K.B.
- T.M.H.
- B.L.C.

Applications

- A.E.B.
- M.V.P.
- T.M.B.
- R.R.P.
- S.J.S.
- D.P.B..
- L.A.O.
- L.G.S.
- T.M.R.

Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway

- S.N.C.
- L.A.H

Correspondences

- N.C.C.
- T.C.L.
- K.W.M.

Executive Director's Report – Ms. Tanja Battle

- SRTA Information

Attorney General’s Report – Mr. Bryon Thernes

No report.

Legal Services – Ms. Anil Foreman

S.F.

At 11:30 a.m. Board members Dr. Nalley, Dr. Yeargan and Dr. Holcomb returned to the full Board meeting as the Investigative Committee meeting adjourned.

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

Open Session

Dr. Tom Godfrey 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 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. Richard Bennett Ms. Becky Bynum, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Greg Goggans, Dr. Steve Holcomb, Dr. Logan Nalley, Dr. Antwan Treadway and Dr. Bert Yeargan.

Executive Session

Investigative Committee Report

- D.O.

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

Open Session

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

Appearance

- E.G.A. Denied Credentials Applicant Uphold denial

Licensure Overview Committee Appointments/Discussion Cases

- T.C.G. Renewal Approve pending receipt of additional information
- H.M. Renewal Refer to the Attorney General’s office
- K.B. Dental Exam Application Approved application
- T.M.H. Request to terminate probation Approved request and approve application for inactive status upon receipt
- B.L.C. Renewal Approved renewal

Applications

- A.E.B. Dental Credentials Applicant Approved application
- M.V.P. Dental Hygiene Credentials Denied application
- T.M.B. Denied Credentials Applicant Uphold denial
- R.R.P. Dental Hygiene Reinstatement Approve with public consent order
- S.J.S. Dental Hygiene Reinstatement Approve with public consent order

- D.P.B.. Sedation Applicant Table pending receipt of additional information
- L.A.O. Renewal Approve with public consent order
- L.G.S. Renewal Schedule to meet with the Licensure Overview Committee
- T.M.R. Renewal Approve with amended public consent order

Conscious Sedation/General Anesthesia Committee Report – Dr. Antwan Treadway

- S.N.C. Renewal Approve with private consent order
- L.A.H. Sedation Applicant Approved application

Correspondences

- N.C.C. Request for refund Request denied
- T.C.L. Request for refund Request denied
- K.W.M. Request for refund Request denied

Executive Director’s Report – Ms. Tanja Battle

- SRTA Information Viewed for informational purposes only

Attorney General’s Report – Mr. Bryon Thernes

No report.

Legal Services – Ms. Anil Foreman

S.F. Records request Request denied

Investigative Committee Report

- D.O. Refer to the Attorney General’s Office for revocation

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

Dr. Nalley made a motion to refer Rule 150-7-.04 Dental Provisional Licensure by Credentials back to the Rules Committee. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

With no further business, the Board meeting adjourned at 11:39 a.m.

The next scheduled meeting of the Georgia Board of Dentistry will be held on Friday, February 19, 2016, at 9:30 a.m. at the Department of Community Health’s office located at 2 Peachtree Street, N.W., 36th Floor, Atlanta, GA 30303.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director