

GEORGIA BOARD OF DENTISTRY
Board Meeting
March 20, 2015
2 Peachtree St., N.W., 36th Floor
Atlanta, GA 30303
9:30 a.m.

The following Board members were present:

Dr. Logan Nalley
Dr. Stephen Holcomb
Ms. Becky Bynum
Dr. Randy Daniel
Dr. Tracy Gay
Dr. Greg Goggans
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Asst Attorney General
Anil Foreman, Legal Officer
Brandi Howell, Bus Operations Specialist

Visitors:

Donald Brown, GDA
Thomas J. Price, GAGD
James E. Barron, GDS
April Catlett, Public Health
George Catlett
Melana McClatchey, GDA
Wendy Blond, GDHA
Jeff Godwin, Shurett Dental

Open Session

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

Introduction of Visitors

Dr. Nalley welcomed the visitors.

Approval of Minutes

Dr. Yeargan made a motion to approve the Public and Executive Session minutes for the February 20, 2015 meeting. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Petition for Rule Variance – Shermnae Jones

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

Correspondence from Dr. Michele Claeys

The Board considered this correspondence from Dr. Claeys regarding patients that are referred to her office from Snyder Dental Clinic at Fort Gordon and whether or not it is Georgia law that she must conduct an examination on every patient seen. Dr. Holcomb made a motion to direct staff to respond to Dr. Claeys by referring her to Board Rule 150-8-.01(h) for more information. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Correspondence from Mike Long, Ambrosia Treatment Center

The Board considered this correspondence requesting Ambrosia Treatment Center be considered as a treatment provider for the Georgia Boards of Dentistry and Pharmacy. Dr. Holcomb made a motion to table pending receipt of additional information. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

General – Dr. Logan Nalley

Dr. Nalley provided information regarding the AADB mid-winter meeting and stated that the Board should have a liaison go to the meeting. Dr. Daniel made a motion to appoint Dr. Goggans as the AADB liaison. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

CE Audit Committee Report – Dr. Richard Bennett

No report.

Conscious Sedation/General Anesthesia Committee Report – Dr. Randy Daniel

No report.

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 the Dental Exam Committee and Calibration Committee will be meeting the second weekend of April.

Investigative Committee Report – Dr. Bert Yeargan

Dr. Yeargan thanked the IC Committee members and ad hoc members for helping catch up on the backlog of cases.

Legislative Committee Report – Dr. Greg Goggans

Dr. Goggans reported that the supplemental budget has been signed by the Governor. He stated that crossover day was last week. He reported that HB 537 is currently in the House. He stated that HB 350 did not pass. Lastly, he reported that HB268 will require healthcare providers to report suspected child abuse.

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

No report.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director’s Report – Ms. Tanja Battle

Dr. Goggans made a motion to post Chapter 150-25 Mobile Dentistry. Dr. Holcomb seconded and the Board voted unanimously in favor of the motion.

CHAPTER 150-25 MOBILE DENTISTRY

Rule 150-25-.01 APPLICABILITY

This chapter applies to a dentist with an active Georgia license who provides dental services at a mobile dental facility or portable dental operation. This chapter does not permit any person other than a dentist with an active license to practice in Georgia to provide dental services at a mobile dental facility or portable dental operation, excepting dental auxiliaries who are under the direct supervision of a licensed dentist and providing services within the appropriate scope of practice authorized by law or regulation. This chapter does not apply to any physically stationary office where dental services may be provided.

Rule 150-25-.02 DEFINITIONS

For the purposes of this chapter, the following words have the following meanings.

(a) “Dental Auxiliary” means a dental hygienist or dental assistant.

(b) “Mobile Dental Facility” means any self-contained facility in which dentistry or dental hygiene is practiced which may be moved, towed, or transported from one location to another, independent of whether the facility is used on a permanent or temporary basis at an out-of-office location such as a school, nursing home, or other institution.

(c) “Patient” means any person whom any treating dentist working at the mobile dental facility or portable dental operation has examined, treated, cared for, or otherwise consulted with during the previous one (1) year period.

(d) “Portable Dental Operation” means dental equipment utilized in the practice of dentistry or dental hygiene that is transported to and utilized on a temporary basis at an out-of-office location, including but not limited to patients’ homes, schools, nursing homes, or other institutions or locations. It shall also mean any equipment that is set up on-site to provide dental services outside of a mobile dental facility or a dental office and uses non-fixed dental equipment and independent plumbing.

(e) “Session” means any period of time during which a dentist and/or his/her auxiliary(ies) at mobile dental facility or portable dental operation are available to provide dental services at a particular location.

Rule 150-25-.03 REGISTRATION REQUIREMENT

(1) No dentist shall provide dental services at a mobile dental facility or portable dental operation unless the minimum standards of safe and acceptable practice set forth in this section are satisfied.

(2) A dentist may only provide dental services at a mobile dental facility or portable dental operation after informing the Board in writing that s/he intends to provide dental services at a mobile dental facility and/or portable dental operation. A dentist who has provided dental services at a mobile dental facility or portable dental operation in the past biennium must inform the Board in writing on or before December 31 of every odd-numbered year whether s/he intends to continue providing services at a mobile dental facility and/or portable dental operation.

(3) Prior to providing services at a mobile dental facility and/or portable dental operation, a dentist must provide a writing evincing intent to provide services at a mobile dental facility and/or portable dental operation that includes, without limitation, the following:

(a) The name, telephone number, home address, email address, and dental license number of the dentist;

(b) The trade or business name(s) used for the mobile dental facility or portable dental operation;

(c) The official business address of the mobile dental facility or portable dental operation for official notice or service of process and its telephone number;

(d) A copy of a written procedure for emergency follow-up care, which includes arrangements for treatment in a dental practice that is permanently established in the area within a 25-mile radius of where mobile services are provided, subject to a qualified dentist being located in the area and subject to the dentist agreeing to provide follow-up care.

1. A dentist providing services at a mobile dental facility or portable dental operation who either is unable to identify a qualified dentist in the area or is unable to arrange for emergency follow-up care for patients otherwise shall be obligated to provide the necessary follow-up care via the mobile dental facility or portable dental operation or the dentist may choose to provide the follow-up care at his/her established dental practice location in the State or at any other established dental practice in the State which agrees to accept the patient.

2. A dentist providing services at a mobile dental facility or portable dental operation who fails to arrange or provide follow-up care as required herein shall be considered to have abandoned the patient.

3. A dentist providing services at a mobile dental facility or portable dental operation shall notify the Board within ten (10) business days of any change in procedure for emergency follow-up care.

(4) The duty to inform the Board in writing under 150-25-.03(2) does not apply to an actively licensed dentist who does not have a mobile dental facility or portable dental operation who provides a dental service through the use of dental instruments, materials, and equipment taken out of a physically stationary dental office if the service is an isolated incident of providing emergency treatment for a patient of record.

RULE 150-25-.04: OPERATION OF A MOBILE DENTAL FACILITY

(1) Only a dentist actively licensed in Georgia can provide dental services at a mobile dental facility. No dentist actively licensed in Georgia shall provide dental services at a mobile dental facility unless the minimum standards of safe and acceptable practice set forth in this section are satisfied.

(2) A dentist who provides dental services at a mobile dental facility shall:

(a) Maintain all dental records for his/her patients;

(b) Ensure that informed consent is provided when treating patients;

(c) Comply with all applicable rules and regulations promulgated by the Occupational Safety and Health Administration, the federal Centers for Disease Control and Prevention, the Georgia Department of Public Health, any local Departments of Health, and all applicable federal, state, or local laws, regulations, or ordinances including, but not limited, those relating to radiographic equipment, flammability, construction, sanitation, medical waste transportation, zoning, and prevention of transmission of infection and disease, including but not limited to:

1. Providing appropriate access if services are provided to disabled persons.

2. Having access to a properly functioning sterilization system.

3. Having access to an adequate supply of potable water, including hot water, after September 1, 2015.

4. Having access to toilet facilities.

5. Having a covered galvanized, stainless steel, or other non-corrosive metal container for the deposit of refuse and waste materials

(d) Ensure that all dental auxiliaries that assist him/her in the provision of dental services at a mobile dental facility are authorized by law or regulation to provide these services;

(e) Provide direct supervision of any dental auxiliaries as provided by law and regulation;

(f) Maintain a written or electronic record, which shall be available to the Board within ten (10) business days of a request, detailing each location where s/he performed dental services that includes at least all of the following information:

1. The street address of the service location;

2. The dates of each session;

3. The number of patients served;

4. The types of dental services provided and the quantity of each service provided;

(g) Ensure that any mobile dental facility at which s/he provides dental services contains the equipment necessary to perform dental procedures at or above the minimum standards of safe, acceptable, and prevailing dental practice, including, without limitation, possession of the following:

1. Equipment to treat medical emergencies;
2. Appropriate and sufficient dental instruments and infection control supplies;
3. Communication abilities that enable the dentist to contact necessary parties in the event of a medical or dental emergency, that enable the patient or parent or guardian of the patient treated to contact the dentist for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the dentist and receive treatment information, including radiographs.

RULE 150-25-.05 PORTABLE DENTAL OPERATIONS

(1) Only a dentist actively licensed in Georgia can provide dental services at a portable dental operation. No dentist actively licensed in Georgia shall provide dental services at a portable dental operation unless the minimum standards of safe and acceptable practice set forth in this section are satisfied.

(2) A dentist who provides dental services at a mobile dental operation shall:

(a) Maintain all dental records for his/her patients;

(b) Ensure that informed consent is provided when treating patients;

(c) Comply with all applicable rules and regulations promulgated by the Occupational Safety and Health Administration, the federal Centers for Disease Control and Prevention, the Georgia Department of Public Health, any local Departments of Health, and all applicable federal, state, or local laws, regulations, or ordinances including, but not limited, those relating to sanitation, medical waste transportation, zoning, and prevention of transmission of infection and disease;

(d) Maintain a written or electronic record, which shall be available to the Board within ten (10) business days of a request, detailing each location where s/he performed dental services that includes at least all of the following information:

1. The street address of the service location;

2. The dates of each session;

3. The number of patients served;

4. The types of dental services provided and the quantity of each service provided;

(e) Ensure that all dental auxiliaries that assist him/her in the provision of dental services at a portable dental operation are authorized by law or regulation to provide these services;

(f) Provide direct supervision of any dental auxiliaries as provided by law and regulation;

(g) Ensure that any portable dental operation at which s/he provides dental services contains the equipment necessary to perform dental procedures at or above the minimum standards of safe, acceptable, and prevailing dental practice, including, without limitation, possession of the following:

1. Equipment to treat medical emergencies;

2. Appropriate and sufficient dental instruments and infection control supplies;

3. Communication abilities that enable the dentist to contact necessary parties in the event of a medical or dental emergency, that enable the patient or parent or guardian of the patient treated to contact the dentist for emergency care, follow-up care, or information about treatment received, and that enable the provider who renders follow-up care to contact the dentist and receive treatment information, including radiographs.

RULE 150-25-.06 CLOSING OF OPERATIONS

(1) Upon discontinuing practice at a mobile dental facility or portable dental operation, a dentist shall notify the Board in writing within thirty (30) calendar days.

(2) Upon discontinuing services in a community or permanent closure of the mobile dental facility or portable dental operation, a dentist who provided dental services at a mobile dental facility or portable dental operation shall:

(a) Provide notice of closure to all patients that s/he treated by publication. The dentist shall notify patients of the closing of the mobile dental facility or portable dental operation by publication once a week for four (4) consecutive weeks in a newspaper of general circulation in each community where the mobile dental facility or portable dental operation operated.

(b) Provide individual notice of closure to all patients via mail. At a minimum, the notice mailed to the patients shall state the following:

1. That the dentist intends to discontinue providing services at the mobile dental facility or portable dental operation in the community;
2. the date that the closure becomes effective, and the date on which the dentist/patient relationship may resume, if applicable, should the dentist continue to practice at a fixed location in the community;
3. a location at which a patient may receive emergency dental care for at least thirty (30) days following the closure of the mobile dental facility or portable dental operation;
4. a statement of further dental treatment required, if any; and
5. a means for the patient to obtain a copy of his/her dental records.

(3) The dentist shall make reasonable arrangements with the patients that s/he treated at the mobile dental facility or portable dental operation for the transfer of the records, including radiographs or copies thereof, to the succeeding practitioner or, at the written request of the patient, to the patient.

A motion was made by Ms. Bynum, seconded by Dr. Holcomb, and the Board voted that the formulation and adoption of the proposed rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Dentistry.

Dr. Gay made a motion to post Rule 150-8-.04 Animals. Dr. Goggans seconded and the Board voted unanimously in favor of the motion.

RULE 150-8-.04 ANIMALS

(1) A licensee:

(a) shall not permit animals or pets in any area of a dental office or operation in which dental procedures are performed, or in any location where tools, instruments, patient charts, medications, or other items regularly moved into and out of areas in which dental procedures are performed are stored.

(b) shall not permit animals or pets in any other area of a dental office or operation unless physically restrained in a manner that ensures the animals or pets cannot access the areas described in the preceding paragraph, and unless maintained within a fully enclosed tank or similar enclosure that ensures hair, dander, fecal particulates, or other similar contaminants, whether airborne or otherwise, cannot be transmitted or transported to the areas described in the preceding paragraph. An air filter or filtration system is to be used when animals or pets other than fish are maintained in such an enclosure. The detection of odor from any animals so maintained shall raise the presumption that the subject animal enclosure does not meet the requirements of this paragraph.

(2) The restrictions of this Rule shall not apply to guide dogs and service dogs as permitted by Title 30 of the Official Code of Georgia or to service animals as permitted under the Americans with Disabilities Act (42 U.S.C. §§12101, et. seq.).

A motion was made by Ms. Bynum, seconded by Dr. Holcomb, and the Board voted that the formulation and adoption of this proposed rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the relevant code sections.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of the relevant code sections to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-

4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Dentistry.

Correspondence from Dr. Stephen Leafe: Ms. Battle discussed correspondence received from Dr. Leafe requesting clarification on the ability to order a home sleep test. The Board recommended tabling this matter until later in the meeting.

ProTrainings CPR Course Submission: Dr. Holcomb made a motion to approve ProCPR as a board-approved CPR certification course. Dr. Gay seconded and the Board voted unanimously in favor of the motion.

Correspondence from Kelly Hughes: Ms. Battle discussed correspondence received from Dr. Hughes requesting to utilize an anesthesia group's services for their patients. Dr. Yeargan made a motion to direct staff to respond to Dr. Hughes by referring her to O.C.G.A. § 43-11-21.1(d)(1) for more information.

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

No report.

Ms. Becky Bynum made a motion and Dr. Bert Yeargan 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. Logan Nalley, Dr. Steve Holcomb, Ms. Becky Bynum, Dr. Randy Daniel, Dr. Tracy Gay, Dr. Greg Goggans, and Dr. Bert Yeargan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- S.M.Z.
- K.M.T.
- W.B.K.

Applications

- A.K.M.

Investigative Committee Report

Report presented:

- DENT110155
- DENT120032
- DENT140005
- DENT140009
- DENT140014
- DENT140024
- DENT140079
- DENT140131
- DENT140142
- DENT140149
- DENT140151

- DENT140165
- DENT140166
- DENT140191
- DENT140216
- DENT150004
- DENT150031
- DENT150033
- DENT150050
- DENT150092
- DENT150103
- DENT150104
- DENT150111
- DENT150117
- DENT150122
- DENT150127
- DENT150131
- DENT150132
- DENT150162
- DENT150175
- DENT150213
- DENT150231
- S.W.S.

Miscellaneous

- J.Z.R.

Correspondences

- Correspondence from E.T.M.

Executive Director's Report – Ms. Tanja Battle

- Legal advice regarding citizenship/US residency requirements for international applicants

Attorney General's Report – Mr. Bryon Thernes

- Discussion held regarding sleep apnea appliances.

Mr. Thernes discussed the following cases:

- R.L.
- G.A.

Legal Services – Ms. Anil Foreman

- M.I.S.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- S.M.Z. Dental Exam Applicant Approved application
- K.M.T. Dental Hygiene Reinstatement Table pending receipt of additional info
- W.B.K. Request to terminate consent order Request approved

Applications

- A.K.M. Dental Faculty Application Approved application

Investigative Committee Report

Report presented:

Complaint number	Allegations	Recommendations
DENT110155	Over Prescribing and Treatment Plan	Close
DENT120032	Unlicensed Practice	Close
DENT140005	Over Prescribing and Treatment Plan	Refer to A G's Office
DENT140009	Quality of Care/Substandard Practice	Close
DENT140014	Quality of Care/Substandard Practice	Refer to A G's Office
DENT140024	Quality of Care/Substandard Practice	Refer to A G's Office
DENT140079	Quality of Care/Substandard Practice	Refer to A G's Office
DENT140131	Quality of Care/Substandard Practice	Close
DENT140142	Quality of Care/Substandard Practice	Refer to A G's Office
DENT140149	Unsanitary Conditions	Close
DENT140151	Quality of Care/Substandard Practice	Close
DENT140165	Quality of Care/Substandard Practice	Close
DENT140166	Quality of Care/Substandard Practice	Refer to A G's Office
DENT140191	Quality of Care/Substandard Practice	Close with Letter of Concern
DENT140216	Malpractice Report	Close
DENT150004	Unlicensed Practice	Close
DENT150031	Quality of Care/Substandard Practice	Close
DENT150033	Quality of Care/Substandard Practice	Close
DENT150050	Records Release	Close
DENT150092	Quality of Care/Substandard Practice	Close
DENT150103	Malpractice Report	Close
DENT150104	Unprofessional Conduct	Close
DENT150111	Quality of Care/Substandard Practice	Close
DENT150117	Quality of Care/Substandard Practice	Close
DENT150122	Other	Close
DENT150127	Quality of Care/Substandard Practice	Close
DENT150131	Lack of Qualifications	Close
DENT150132	Advertising Violation	Close
DENT150162	Advertising Violation	Close
DENT150175	Impaired/Other	Close
DENT150213	Unsanitary Conditions	Close
DENT150231	Quality of Care/Substandard Practice	Close with Letter of Concern
S.W.S.	Failure to comply with Consent Order	Suspension

Miscellaneous

- J.Z.R. Dental Sedation Applicant Table pending receipt of additional information

Correspondences

- Correspondence from E.T.M.: Denied request for waiver of reinstatement fee and request to be allowed to submit only proof of continuing education, malpractice insurance information and current CPR in lieu of a completed reinstatement application.

Executive Director's Report – Ms. Tanja Battle

- Legal advice regarding citizenship/US residency requirements for international applicants.

Attorney General's Report – Mr. Bryon Thernes

- Discussion held regarding sleep apnea appliances. The Board recommended referring this matter to the Attorney General's office for advice.

Mr. Thernes discussed the following cases:

- R.L. No action taken
- G.A. No action taken

Legal Services – Ms. Anil Foreman

- M.I.S. Approved request to release application file to the Drug Enforcement Agency.

Dr. Daniel 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, April 10, 2015, 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.

The Board meeting adjourned at 12:22 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director