GEORGIA BOARD OF DENTISTRY Board Meeting May 31, 2013 Professional Licensing Boards 237 Coliseum Drive, Macon, GA 9:30 a.m.

The following Board members were present:

Dr. Barry Stacey (departed @ 4:40 p.m.) Ms. Becky Bynum Dr. Becky Carlon Dr. Randy Daniel Ms. Connie Engel (departed @ 2:37 p.m.) Dr. Tracy Gay Dr. Tom Godfrey Dr. Steve Holcomb Dr. Bert Yeargan

Staff present:

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

Visitors:

Dr. Clyde Andrews Meg Robinson, GDA Dr. John Bowman, GDA Dr. Carol Wooden, AGD

Open Session

Dr. Stacey established that a quorum was present and called the meeting to order at 9:45 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

Ms. Engel made a motion to approve the Public and Executive Session minutes for the April 12, 2013 full Board Conference Call. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Ratifications

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

Correspondence from Adam Telanoff, Viva Referral System

The Board viewed correspondence that was for informational purposes only.

Correspondence from Dr. Nelson Clements, DMD

The Board considered this correspondence. Dr. Holcomb made a motion to release a memorandum from the Department of Law dated March 7, 2005 regarding prescribing sleep apnea appliances to Dr. Clements. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

Correspondence from Dr. Steven R. Echols, DMD

The Board considered this correspondence and directed staff to refer Dr. Echols to the appropriate code section and state that, unless under the supervision of a licensed dentist, the Dental Assistant cannot take radiographs on an inmate.

In addition, Dr. Holcomb requested that the Rules Committee consider what level of supervision should be allotted for Dental Assistants in the settings of Public Health, Corrections, etc.

Correspondence from Angelina Malavenda, EMS Safety Services, Inc.

The Board considered this correspondence. Dr. Holcomb made a motion to approve EMS Safety Services, Inc. as a CPR provider for dentists and dental hygienists. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

In addition, Dr. Holcomb requested that the Rules Committee amend Board Rules 150-3-.08 and 150-5-.04 to add EMS Safety Services as an approved CPR provider for dentists and dental hygienists.

Correspondence from ReKina Pullen

The Board considered this correspondence and directed staff to respond to Ms. Pullen by referring her to Board Rule 150-5-.02(2), which states that all applicants must show passage of all sections with a score of 75 or higher on a clinical exam. Further, the Board feels that an independent third party assessment of competency is a requirement of licensure.

Correspondence from Stacey Wathen, Healthcare Data Solutions

The Board considered this correspondence and directed Mr. Dean to respond to Stacey Wathen regarding this matter.

Correspondence from Sue Ward, Georgia Regents University

The Board considered this correspondence from Ms. Ward concerning an online continuing education ethics course and directed the Dental Hygiene Committee to contact Ms. Ward and ask her to submit the curriculum to the Board for review.

Correspondence from Denise McCance, FISH Dental

The Board considered this correspondence and directed staff to advise Ms. McCance that the matter has been tabled pending further discussion.

Correspondence from Nancy DeMott, Bartow Give a Kid a Chance

The Board considered this dental screening request and directed staff to request additional information from Ms. DeMott regarding the event.

Correspondence from Penny Ruda

The Board considered this correspondence and directed staff to respond to Ms. Ruda by stating that she may submit a complaint through the Professional Licensing Board's office and provide her with information on how to do so.

Dr. Steve Holcomb made a motion and Dr. Tom Godfrey 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, Ms. Becky Bynum, Dr. Becky Carlon, Dr. Randy Daniel, Ms. Connie Engel, Dr. Tracy Gay, Dr. Tom Godfrey, Dr. Steve Holcomb, and Dr. Bert Yeargan.

Executive Session

Appearances

- E.A.
- D.V.K.
- A.A.N.

Applications

- C.L.B.
- W.M.W.
- H.M.S.
- W.C.
- C.E.J.

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

Open Session

Officer Elections

Dr. Holcomb made a motion to elect Dr. Richard Bennett as President and Dr. Logan Nalley as Vice-President of the full Board. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

<u>General – Dr. Barry Stacey</u>

Dr. Stacey reported that Ms. Battle, along with Brandi Howell, will be moving with the Board to the Department of Community Health (DCH). He also stated that the money appropriated for the Board will stay with the Professional Licensing Boards in Macon. The Office of Planning & Budget (OPB) has allocated \$400,000 towards operating expenses. The Georgia Board of Pharmacy has raised fees for its portion of the expenses not covered by OPB. Dr. Stacey acknowledged that the Board of Dentistry will need to do the same. Dr. Stacey stated that the Transition Team, which includes himself along with Dr. Bennett and Dr. Holcomb, will make recommendations regarding increases to the full board via conference call prior to July 1, 2013.

Dr. Daniel stated that committee members and board staff are spending a lot of effort on licensure by credentials. He suggested that the credentials fee be revisited because of the time and effort in reviewing these types of applications. Dr. Holcomb responded by stating that the Board has gathered information from states within the Board's region and that Georgia's current fees seem to align with such.

Ms. Battle stated that she will present the Board with an updated spreadsheet regarding the budget. However, as per O.C.G.A. § 50-14-3, staff salaries will be discussed in Executive Session as that information is confidential by law.

Ms. Battle reported that the Secretary of State's office had ten (10) resignations with a two week period. All of these employees are coming to work for the Department of Community Health. Eric Lacefield has been appointed as Deputy Executive Director. There will be four licensing analysts and two complaint/compliance personnel. Ms. Battle explained that the both boards will each have one complaint/compliance person assigned. Ms. Battle also reported that a Chief Investigator, experienced with the Secretary of State's office has also been appointed.

Ms. Battle stated that Brandi Howell will be providing administrative support for both boards. Ms. Howell will also continue to process applications for the Board of Dentistry. Another licensing analyst will be assisting Ms. Howell in processing the dental applications. Ms. Battle further stated that she is in the process of hiring an in-house attorney who will handle items such as open records requests, rule promulgation, etc., and will be a resource for the Board. Mr. Dean will continue to represent the Board as he currently does.

Ms. Battle stated that some staff started with DCH on June 3rd. Ms. Battle will begin on June 17th; Ms. Howell and several other staff will begin on July 1st.

Ms. Battle reported that, while some staff will be teleworking, she will be working in the Atlanta office on a daily basis. She has been working diligently with the Secretary of State's office, including IT, attorneys, etc., regarding the database. They are trying to make certain that there is not a disruption in service. Secretary Kemp has advised that he will work with DCH to make it a smooth transition.

Clyde L. Reese will be the new Commissioner of DCH. The former Commissioner, David Cook, will be the Secretary of the Senate.

Dr. Holcomb stated that several board members travel from south Georgia and may have to spend the night prior to the Board meetings. He asked if the board would be authorized state rated hotels or any reimbursement for such as it would certainly be beneficial. He also stated that unless you have a government issued credit card, most hotels will not give you the state rate.

CE Audit Committee Report – Dr. Barry Stacey

No report.

<u>Conscious Sedation/General Anesthesia Committee Report – Dr. Barry Stacey</u> No report.

Credentialing Committee Report – Dr. Becky Carlon

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

<u>Gwinnett Newton & Rockdale County Health Department – Protocol for Dental Hygienists</u> The Board considered the protocol submitted. Dr. Holcomb made a motion to send a letter requesting additional information. Dr. Godfrey seconded the motion and the Board voted unanimously in favor of the motion.

Examination Committee Report – Dr. Logan Nalley

Dr. Holcomb reported that they are near the end of the dental exam cycle. He further reported that there is a dental examination coming up in June at Meharry Medical College.

Investigative Committee Report - Dr. Logan Nalley

No report.

Legislative Committee Report – Dr. Steve Holcomb No report.

Licensure Overview Committee Report – Dr. Becky Carlon

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey made a motion to post Rule 150-13-.03 Renewal of Conscious Sedation and Deep Sedation/General Anesthesia Permits as amended. Dr. Daniel seconded the motion and the Board voted unanimously in favor of the motion.

150-13-.03 Renewal of Conscious Sedation and Deep Sedation/ General Anesthesia Permits

(1) Conscious sedation and deep sedation/general anesthesia permits shall be renewable biennially, on

or prior to December 31st of all odd-numbered years, and upon payment of the renewal fee as provided in Rule 150-12-.01. The permit shall be administratively revoked for failure to renew on July 1st of the following even-numbered year. Permits, which have been administratively revoked, shall be reinstated only in the discretion of the Board, upon completion of a reinstatement application. The former permit holder may also be subject to an on-site inspection prior to renewal of the permit.

(2) The dentist must be certified in cardiopulmonary resuscitation at the basic and advanced levels and all support personnel who provide direct hands-on patient care must be certified in cardiopulmonary resuscitation at the basic life support level given by a board approved provider with an update not to exceed two years.

(3) The dentist must take four (4) hours of continuing education every 2 years to stay current in pharmacology, anesthesia, emergency management or sedation, as part of the 40 hour requirement for license renewal, to maintain certification for the Deep Sedation/General Anesthesia, Enteral and/or Parenteral Conscious Sedation permits. Certification of this CE must be submitted at license renewal. on sedation/general anesthesia techniques, patient risk assessment courses, new medications, improved monitoring devices, and any other developing trends to insure that current knowledge and competency are maintained so that sedation/general anesthesia can be most safely provided. These four hours will be part of the total forty (40) hour CE requirement.

(4) CPR, ACLS, and PALS are required to rescue patients from untoward events and do count toward the total of forty (40) CE hours every two years, but do not satisfy the four (4) hour CE requirement referenced in subsection (3) above.

A motion was made by Dr. Godfrey, seconded by Dr. Daniel, and the Board voted that the formulation and adoption of these rules 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 O.C.G.A §§ 43-11-1, 43-11-7, 43-11-8, 43-11-21, 43-11-21.1, 43-11-46 and 43-11-46.1.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-11-1, 43-11-7, 43-11-8, 43-11-21, 43-11-21.1, 43-11-46 and 43-11-46.1 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.

Dr. Godfrey made a motion to post Rule 150-3-.07 Inactive Licensure Status. Amended. as amended. Dr. Holcomb seconded the motion and the Board voted unanimously in favor of the motion.

150-3-.07 Inactive Licensure Status. Amended.

In accordance with Chapter 295-15 of the Rules and Regulations of the Joint Secretary regarding Inactive Status Licensing, a licensee may apply for inactive licensure status under the following conditions:

(a) A dentist or dental hygienist <u>who holds an active license</u> licensed in the state of Georgia may apply to the Board for inactive status by submitting the required form and paying the proper fee, where the licensee has either:

1. reached the age of 60 and is retired from the active practice of dentistry or dental hygiene; or

2. has become disabled and unable to practice dentistry or dental hygiene.

(b) A licensee granted inactive status is exempt from the payment of the biennial renewal fee and continuing education requirement.

(c) A person holding an inactive license may not practice dentistry or dental hygiene in this state.

(d) A <u>dentist or dental hygienist holding an inactive license may apply for reinstatement</u> licensee may, in the discretion of the Board, have any inactive license restored by <u>following the reinstatement</u> <u>policy found on the Board's website</u>.

1. filing the required application and paying the proper fee;

2. providing documentation from a physician or physicians licensed in the State of Georgia that establishes to the satisfaction of the Board that the applicant is able to practice with reasonable skill and safety to patients;

3. providing documentation demonstrating current Cardiopulmonary Resuscitation ("CPR") certification;

4. fulfilling any remedial requirements deemed necessary by the Board as a condition precedent to the licensee resuming his or her practice of dentistry or dental hygiene; and

5. appearing before a Committee of the Board upon request.

(e) In considering any application for restoration under this Rule, the Board may require that an applicant for restoration of an active license execute releases necessary to obtain documentation of the applicant's complete medical history; the Board may also require the applicant, at his or her own expense, to undergo further examination by physicians designated by the Board.

(f) As a condition precedent to a license being restored, after 5 years have passed without the applicant being actively engaged in the practice of dentistry or dental hygiene, the

Board, in its discretion, may require passage of an examination administered by the Georgia Board of Dentistry or a Regional Testing Agency designated and approved by the Board.

A motion was made by Dr. Godfrey, seconded by Dr. Holcomb, and the Board voted that the formulation and adoption of this new 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 O.C.G.A §§ 43-11-22, 43-11-7, 43-11-8, 43-11-40 and 43-11-47.

In the same motion, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A §§ 43-11-22, 43-11-7, 43-11-8, 43-11-40 and 43-11-47 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.

The Board discussed the fee schedule and will vote to adopt new fees in June.

Education Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that Dr. Drisko has about 30 days left as Dean. A new Dean has not been named at this time.

Long Range Planning Committee Report – Dr. Steve Holcomb

No report.

CRDTS Steering Committee – Dr. Logan Nalley

Dr. Holcomb reported that the Steering Committee met in March and is not scheduled to meet again until August. Dr. Holcomb stated that he hopes everyone will be in attendance for the annual meeting scheduled for August in Kansas City, Missouri.

Dr. Holcomb reported that CRDTS just completed a national occupational analysis for both dental and dental hygiene. What the analysis determines is what procedures are most frequently done, what procedures are most life critical, etc. Once results are compiled, they are able to discern what the content of the examination should be.

Dr. Holcomb discussed an upcoming meeting with CITA, which represents North Carolina, Alabama, Louisiana and Puerto Rico. He stated that there may be a recommendation that CITA joins CRDTS.

Injectable Pharmacologics Committee – Dr. Richard Bennett

Dr. Holcomb reported that the Committee recently met via conference call on May 23, 2013 and voted to approve 32 applications for the registry. The Committee also voted to deny two courses, which were DentaSpa and The Art & Science of Botox and Dermal Fillers in Dentistry. Dr. Holcomb made a motion to accept the recommendations made by the Injectable Pharmacologics Committee. Dr. Yeargan seconded and the Board voted unanimously in favor of the motion.

Executive Director's Report – Ms. Tanja Battle

Ms. Battle reported that she observed the dental examination in Augusta and stated that she appreciates being allowed to observe. Dr. Holcomb added that it would be equally important for Ms. Battle to also observe a dental hygiene examination.

Ms. Battle stated that several staff members from the Secretary of State's office have started with the Department Community Health as of June 3rd. These staff members will be training at the Professional Licensing Boards (PLB) office. Dr. Godfrey made a motion to allow those employees to have access to the applications located at the PLB office. Dr. Daniel seconded the motion and the Board voted unanimously in favor of the motion.

<u> Attorney General's Report – Mr. Reagan Dean</u>

No report.

Dr. Steve Holcomb made a motion and Dr. Tom Godfrey 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

- K.N.L.
- A.S.
- V.J.M.
- A.H.R.
- A.M.
- N.G.
- C.B.B.

Correspondences

- K.S.F.
- T.J.S.
- L.S.
- J.L.C.

Licensure Overview Committee Appointments/Discussion Cases

- S.M.G.
- D.A.

- L.K.R.
- T.M.T.
- R.L.
- D.E.O.
- R.A.M.
- M.P.W.
- S.W.S.
- E.W.K.
- A.L.L.
- L.F.
- L.D.
- S.S.
- B.A.F.
- D.G.S.
- M.H.
- J.D.W.
- S.C.

Investigative Committee Report

Report presented:

- DENT090221
- DENT120052
- DENT120177
- DENT120090
- DENT130141
- DENT120157
- DENT130030
- DENT120187
- DENT120190
- DENT130047
- DENT120202
- DENT120073
- DENT120206
- DENT130060
- DENT130061
- DENT130074
- DENT130075
- DENT130112
- DENT120132
- DENT130035
- DENT130138
- DENT130026

Executive Director's Report – Ms. Tanja Battle

- Proposed budget
- Correspondence regarding D.B.J.

<u> Attorney General's Report – Mr. Reagan Dean</u>

• Correspondence regarding C.A. and C.E.

Mr. Dean presented the following consent orders for acceptance:

- P.E.A.
- K.M.F.
- J.M.
- C.P.H.

Mr. Dean discussed the following individual:

• A.M.U.

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

OPEN SESSION

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

Appearances

- E.A. Denied Dental Credentials Applicant: Denial upheld; however, the Board will reconsider the application upon receipt of additional information.
- D.V.K. Denied Dental Reinstatement Applicant: Denial upheld.
- A.A.N. Denied Dental Credentials Applicant: Denial upheld based upon the failure to meet the qualifications for licensure under O.C.G.A. Sections 43-11-41 and 43-11-47(a)(1), (3), (4), (5), (6), and (10).

Applications

- C.L.B. Dental Hygiene Reinstatement Applicant: Reinstate under standard consent order for unlicensed practice and send letter of concern to applicant's employer.
- W.M.W. Dental Hygiene Reinstatement Applicant: Reinstate under standard consent order for unlicensed practice and send letter of concern to applicant's employer.
- H.M.S. Dental Hygiene Reinstatement Applicant: Approved application.
- W.C. Dental Credentials Applicant: Approve pending completion of time period.
- C.E.J. Dental Credentials Applicant: Tabled pending receipt of additional information.
- K.N.L. Dental Hygiene Credentials Applicant: Approved to meet with Licensure Overview Committee.
- A.S. Dental Credentials Applicant: Approved to meet with Licensure Overview Committee.
- V.J.M. Dental Faculty Applicant: Denied application.
- A.H.R. Dental Volunteer Applicant: Approved application.
- A.M. Conscious Sedation Applicant: Approved request for facility evaluation to be conducted.
- N.S.G. Dental Exam Applicant: Approve for licensure pending receipt of a current application. Waive application fee and resubmission of support documents.
- C.B.B. Dental Reinstatement Applicant: Approved application.

Correspondences

- K.S.F. Dental Hygiene Licensee: Approved for renewal.
- T.J.S. Dental Hygiene Licensee: Table pending receipt of additional information.
- L.S.: Send response stating that a program of remediation needs to be pre-approved by the Board before it is taken.

• J.L.C. Dental Hygiene Reinstatement Applicant: Approved request for an extension of application until December 31, 2013.

Licensure Overview Committee Appointments/Discussion Cases

- S.M.G. Dental Credentials Applicant: Tabled for further review.
- D.A. Request to lift probation: Approved the request.
- L.K.R. Dental Hygiene Reinstatement Applicant: Table pending receipt of additional information.
- T.M.T. Request to lift probation: Approved the request.
- R.L. Request to lift probation: Approved the request.
- D.E.O. Request to lift probation: Approve under consent order.
- R.A.M. Dental Faculty Applicant: Approved application.
- M.P.W. Dental Reinstatement Applicant: Denied application.
- S.W.S. Request to lift suspension: Approve under consent order.
- E.W.K. Request for waivers of reinstatement fee and continuing education requirement: Approved request; however applicant must complete a formal remediation course to include reassessment of hygiene skills by an accredited hygiene teaching facility.
- A.L.L. Dental Hygiene Credentials Applicant: Approved application.
- L.F. Request to lift probation: Approved the request.
- L.D. Request to lift probation: Approved the request.
- S.S. Request to lift probation: Approved the request.
- B.A.F. Dental Hygiene Exam Applicant: Approved application.
- D.G.S. Review of documents for C.O. completion: Approved
- M.H. Review of documents for C.O. completion: Approved pending receipt of additional information.
- J.D.W. Review of documents for C.O. completion: Approved
- S.C. Request to terminate probation: Approved the request.

Investigative Committee Report

Recommendations made by the Investigative Committee on April 19, 2013 and May 17, 2013:

Complaint Number DENT090221	Allegations Patient abuse	Recommendations Close w/Letter of Concern
DENT120052	Standard of Care	Close
DENT120177	Standard of Care	Refer to AG for Public C.O.
DENT120090	Financial Matter	Close
DENT130141	Licensure issues	Refer to AG for Hearing
DENT120157	Standard of Care	Close
DENT130030	Standard of Care	Close
DENT120187	Business Practice	Close
DENT120190	Business Practice Issues and Rx	Mitigating circumstances letter
DENT130047	Unprofessional conduct of dental support staff	Close
DENT120202	MMPR	Close
DENT120073	MMPR	Close

DENT120206	Standard of Care	Close
DENT130060	Patient Abandonment	Close
DENT130061	Patient Abandonment	Close
DENT130074	Standard of Care	Close
DENT130075	MMPR	Close
DENT130112	Aiding & abetting ULP	Letter of Concern
DENT120132	Patient Mortality	Close
DENT130035	QOC, improper billing and Business practice	Refer to AG for hearing
DENT130138	Illegal activities	Refer to AG for hearing
DENT130026	Drug Diversion	Refer to AG for summary suspension

Executive Director's Report – Ms. Tanja Battle

• Correspondence regarding D.B.J.: The Board recommended releasing the complaint information to the Department of Justice.

Attorney General's Report - Mr. Reagan Dean

• Correspondence regarding C.A. and C.E.: The Board recommended denying the request to make the consent order private.

Mr. Dean presented the following consent orders for acceptance:

- P.E.A. Public Consent Order accepted.
- K.M.F. Public Consent Order accepted.
- J.M. Public Consent Order to be accepted and signed with express permission upon receipt.
- C.P.H. Public Consent Order accepted.

Mr. Dean discussed the following individual:

• A.M.U. Dental Hygiene Reinstatement Applicant: The Board recommending denying the applicant's request to be allowed to attend another course instead of LEAP.

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

Dr. Holcomb made a motion to appoint Ms. Tanja Battle as the Executive Director for the Georgia Board of Dentistry and accept the proposed salaries presented to the Board in Executive Session. Dr. Godfrey seconded and the Board voted unanimously in favor of the motion.

The next scheduled meeting of the Georgia Board of Dentistry is scheduled for Friday, July 12, 2013, 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 4:54 p.m.

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