

GEORGIA BOARD OF DENTISTRY
Board Meeting
November 1, 2013
2 Peachtree Street, N.W., 36th Floor
Atlanta, GA
9:30 a.m.

The following Board members were present:

Dr. Richard Bennett
Ms. Becky Bynum
Dr. Becky Carlon
Dr. Randy Daniel
Ms. Connie Engel
Dr. Tom Godfrey
Dr. Logan Nalley
Dr. Steve Holcomb
Dr. Barry Stacey
Dr. Bert Yeargan

Staff present:

Tanja Battle, Executive Director
Bryon Thernes, Board Attorney
Reagan Dean, Board Attorney
Brandi Howell, Business Operations Analyst

Visitors:

Melana McClatchey, GDA
Dr. Donnie Brown, GDA
Dr. Sara Baumrind, GAGD
Wendy Blond, GDHA
Gregory Leathers
Sidney Caldwell, Anthem College
Nadia Beers, Anthem College
Debra Rasouliyan, Anthem College

Open Session

Dr. Bennett established that a quorum was present and called the meeting to order at 9:30 a.m.

Introduction of Visitors

Dr. Bennett welcomed the visitors.

Rule Hearing

Dr. Bennett called the Rules Hearing to order at 9:35 a.m.

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

No comments or written responses were received.

The hearing was adjourned at 9:37 a.m.

Open Session

Dr. Bennett declared Open Session at 9:38 a.m.

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

Approval of Minutes

Dr. Nalley made a motion to approve the Public and Executive Session minutes for the October 4, 2013 full Board meeting.

Ratifications

The Board postponed approving the ratifications until after discussion in Executive Session.

Correspondence from Dr. Cleber Silva

The Board considered this correspondence and directed Mr. Thernes to draft a response and present it to the Board at its December conference call for review.

Correspondence from Jennifer A. Boudreau, DH004907

The Board considered this correspondence requesting to be allowed to obtain a portion of the continuing education required per her consent agreement online or through a live feed format. Dr. Nalley made a motion to deny this request. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Correspondence from Angela Cerminaro, DH010609

The Board considered this correspondence requesting an extension to obtain the 18 hours of continuing education required per her consent agreement. Dr. Nalley made a motion to grant Ms. Cerminaro a 12 month extension to obtain the 18 hours of continuing education in person required per her consent agreement and also allow her a 12 month extension to obtain the required continuing education hours for renewal of her dental hygiene license. Dr. Stacey seconded and the Board voted unanimously in favor of the motion.

Agency Review Hearing @ 10:00 a.m. for Dr. Marcia S. White, DN014201

The hearing was continued until January 17, 2014.

Correspondence from Aldona Urbantas, DH006551

The Board considered this correspondence requesting the Board reduce her probation or remove it completely. Dr. Nalley made a motion to deny this request. Ms. Bynum seconded and the Board voted unanimously in favor of the motion.

Appearance by Anthem College

Representatives from Anthem College appeared before the Board to request guidance concerning its Dental Assistant Technician, New Diploma Program. The representatives explained the program to the Board. Dr. Bennett stated that it is his understanding that Anthem College will offer two different pathways for Dental Assistants, which would be an associate degree or a diploma. Dr. Bennett stated that a more appropriate term for diploma would be "certificate". In addition, the Board suggested changing the name of the program from "Dental Assistant Technician" to "Dental Assistant". Dr. Bennett advised the representatives to make these corrections and to resubmit this information to the Board for consideration.

General – Dr. Richard Bennett

No report.

CE Audit Committee Report – Dr. Barry Stacey

Correspondence from Chelsey Jaramillo, DH010803: Dr. Stacey reviewed correspondence received from Ms. Jaramillo concerning whether or not the hours obtained in her nursing school program could be used towards the renewal of her dental hygiene license. Dr. Holcomb responded that issues like this would have to be considered by the Board on a case-by-case basis. The Board agreed and stated that this information would be acceptable continuing education.

Dental Residency as CE Credit: The Board discussed coursework taken during a residency and whether or not this can be used as continuing education towards licensure renewal. The Board stated that

coursework taken during a residency would be acceptable as long as it was taken during the current license renewal period as stated in the rule.

CE Audits: Dr. Bennett stated that the CE Audit Committee is actively working audits. He further stated that if any Board member is interested in assisting the Committee, they would welcome any assistance.

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

No report.

Credentialing Committee Report – Dr. Becky Carlon

No report.

Dental Hygiene Committee Report – Ms. Rebecca Bynum

No report.

Examination Committee Report – Dr. Logan Nalley

Dr. Nalley reported that everyone should have received their examiner availability online.

Investigative Committee Report – Dr. Logan Nalley

No report.

Legislative Committee Report – Dr. Steve Holcomb

Dr. Holcomb stated that although he did not have a report, he felt it was appropriate to ask the representatives from each of the associations present at the meeting if they had any comment on any pending legislative matters that might impact the duties of the Board. Ms. McClatchey, GDA, stated that she was not aware of anything at this time. Ms. Blond stated that she does not have an official report from GDHA, but commented that GDHA would love to see initiatives taken on behalf of the Board on moving things forward that would not take any necessary legislative action to the capitol. Dr. Bennett responded to Ms. Blond by asking her to draft any concerns/matters GDHA had and to submit it to Ms. Bynum. He further responded by stating that the Board would be more than happy to take any matters into consideration.

Licensure Overview Committee Report – Dr. Becky Carlon

No report.

Rules Committee Report – Dr. Tom Godfrey

Dr. Godfrey reported that the Committee is continuing to work on the proposed rule amendment for fee splitting. He asked the Board if there were any situations that the Board felt was not fee splitting that should be included in a list. Some examples he gave were an associate that was paid on commission; someone that is part of the practice such as a dental hygienist, dentist, independent contractor, etc. The Board agreed.

Dr. Godfrey reported that the Committee is continuing to work on a rule pertaining to mobile dentistry.

Dr. Godfrey discussed having a mechanism that would correctly track addresses for where licensees practice. He stated that there is currently licensees complete this information on the census form at renewal. Dr. Nalley responded by stating that the Board would at least want a primary practice location. Dr. Holcomb stated that this information is already gathered when the licensee completes the census form. Dr. Bennett stated that the Board would need to consider whether or not this was sufficient and after this renewal cycle review the census information to see if enough information was gathered.

Dr. Godfrey reported that the Committee was asked at the last meeting to revisit Rule 150-7-.02 for cleanup purposes. He stated that the Committee is working on that matter.

Lastly, Dr. Godfrey stated that a request came from the IC Committee for the Rules Committee to consider a rule pertaining to pets in the office. He reported that the Rules Committee discussed this matter at its meeting earlier that day work on the language for the rule.

Dr. Bennett stated that he appreciated all of the hard work that the Rules Committee is doing.

Education Committee Report – Dr. Tom Godfrey

No report.

Long Range Planning Committee Report – Dr. Steve Holcomb

Dr. Holcomb reported that he came up with a list of items that should be taken into consideration. Those items are:

1. Teledentistry
 - a. initially reconstruct the prior definition for review
 - b. surrounding states position
2. Update of Policy Manual
 - a. Review by Board members
 - b. Consolidation by ad hoc committee
3. Ownership of dental practice
 - a. Review of current Laws & Rules
 - b. What additional is needed to support the protection of the public
4. Educate Board members on the impact of Midlevel Providers
 - a. Minnesota Programs
 - b. Canadian Model
 - c. New Mexico Therapist
 - d. Alaska DHAT
 - e. Pending states – WA, CT, OR, KS
5. Review of Expanded Duties Rule
 - a. Does rule include the current procedures taught in the approved courses
 - b. As the practices expand are additional procedures needed to be included in training and rule

Dr. Bennett requested that a copy of the policy manual be forwarded to all Board members for independent review and at the next in person meeting of the Board, will request volunteers to serve on a committee to assist. Dr. Bennett appointed Dr. Gay as Chair of the committee.

CRDTS Steering Committee – Dr. Logan Nalley

No report.

IP Committee Report – Dr. Richard Bennett

No report.

Executive Director's Report Open Session – Ms. Tanja Battle

Ms. Battle reported that online renewals were functioning at this time. As of this date 1200 licenses have renewed. Currently, there is no internal mechanism to send out mass emails. The office will send out a notice today, through our software vendor, to those licensees that have not renewed thus far, which will drive up the volume of online renewals. The office currently has temps assisting with the processing of secure and verifiable documents. Ms. Battle further stated that the technology portion of

the transition has not gone as anticipated but she ensured the Board that staff is working diligently to make the process as smooth as possible for licensees.

Dr. Bennett asked the representatives of the associations present at the meeting to carry back to its membership that the Board is doing everything and then some to ensure a smooth renewal process.

Expanded Duties: Ms. Battle discussed an email she received requesting a list of things it is illegal for Expanded Duties Dental Assistants to perform in Georgia. The Board directed staff to refer the person to the rule pertaining to expanded duties as it is very clear about what duties are allowed.

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

No report.

Miscellaneous

Ms. Blond referred back to the correspondence pertaining to hours obtained from nursing school and asked the Board how these hours should be calculated. Dr. Bennett responded that it will be taken on a case by case basis. Mr. Leathers asked if it were possible to submit possible CE’s to the Board before hand. Dr. Stacey responded that CE needs to be submitted only in the event that the licensee is audited. Ms. Blond stated that it’s just not clear how to translate those hours and she has been working towards a degree and has never received anything clear on what could be counted towards continuing education for renewal purposes.

Dr. Logan Nalley made a motion and Dr. Randy Daniel 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. Becky Carlon, Dr. Randy Daniel, Ms. Connie Engel, Dr. Tom Godfrey, Dr. Steve Holcomb, Dr. Logan Nalley, Dr. Barry Stacy and Dr. Bert Yeagan.

Executive Session

Licensure Overview Committee Appointments/Discussion Cases

- B.L.H.
- J.C.H.
- A.D.C.
- A.M.B.
- H.A.S.
- D.J.L.
- M.I.S.

Applications

- B.D.H.
- A.R.V.
- J.C.C.
- T.M.R.
- D.L.S.
- R.L.S.

Investigative Committee Report

Report presented:

- DENT130116
- DENT130016
- DENT130101
- DENT130133
- DENT130019
- DENT120147
- DENT090290
- DENT100107
- DENT120076
- DENT130054
- DENT130090
- DENT130108
- DENT130233
- DENT130237
- DENT130111
- DENT120190
- S.B.M.

Correspondences

- Correspondence from J.T.
- Correspondence from R.T.H.
- Correspondence from M.J.B.
- Correspondence from D.P.

Executive Director's Report

- Y.M.
- E.A.H.

Attorney General's Report

Mr. Thernes presented the following consent order for acceptance:

- E.E.B.

Miscellaneous

- R.K.

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

Open Session

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

Licensure Overview Committee Appointments/Discussion Cases

- B.L.H. Dental Exam Applicant: Approved application
- J.C.H. Request to terminate probation: Approved request
- A.D.C. Dental Credentials Applicant: Approved application
- A.M.B. Dental Exam Applicant: Approved application
- H.A.S. Dental Hygiene Exam Applicant: Approved application

- D.J.L. Request confirmation that CE hours required per consent order have been met: Approved
- M.I.S. Dental Reinstatement Applicant: Table pending receipt of additional information

Applications

- B.D.H. Dental Hygiene Reinstatement Applicant: Approved application
- A.R.V. Dental Hygiene Reinstatement Applicant: Approved pending receipt of additional information
- J.C.C. Dental Hygiene Reinstatement Applicant: Approved under consent order
- T.M.R. Dental Reinstatement Applicant: Refer to the Investigative Committee
- D.L.S. Dental Credentials Applicant: Denied application
- R.L.S. Inactive Status Applicant: Approved application

Investigative Committee Report

Recommendations made by the Investigative Committee on October 18, 2013:

Complaint Number	Allegations	Recommendation
DENT130116	Quality of Care	Referral to AG
DENT130016	MMPR	Close
DENT130101	Substandard Work	Referral to AG
DENT130133	Quality of Care	Close
DENT130019	Quality of Care	Close with Letter of Concern
DENT120147	Quality of Care	Mitigating Circumstances Letter
DENT090290	Quality of Care	Close
DENT100107	Quality of Care	Close
DENT120076	Quality of Care	Close
DENT130054	Billing	Close with Letter of Concern
DENT130090	Quality of Care	Close
DENT130108	Other	Close
DENT130233	Over Px & Tx Plan	Close
DENT130237	Quality of Care	Close
DENT130111	ULP	Referral to AG
DENT120190	Prescribing Violation	Close

- S.B.M. Approved to release records to Georgia Medicaid Fraud Control Unit.

Correspondences

- Correspondence from J.T.: No action required.
- Correspondence from R.T.H. Request for 5 hour in person CE requirement for C.O. be dropped: Allow licensee to take 4 hour CE course online.
- Correspondence from M.J.B.: Respond by stating that she may submit a complaint through the Board office and provide her with information on how to do so.
- Correspondence from D.P.: Contact surrounding practices to see if they will take the records. If not, place an advertisement in the local newspaper for a week stating that records are available or they will be disposed of. If the records are unclaimed, dispose of properly.

Executive Director's Report

- Y.M. Dental Licensee: Approved for renewal of license
- E.A.H.: Voluntary Surrender accepted

Attorney General's Report

Mr. Thernes presented the following consent order for acceptance:

- E.E.B. Public Consent Order accepted

Miscellaneous

- R.K. Dental Exam Applicant: Approve to meet with Licensure Overview Committee

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

Ratifications

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

The next scheduled meeting of the Georgia Board of Dentistry will be held via conference call on Friday, December 6, 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 1:50 p.m.

Minutes recorded by Brandi P. Howell, Business Operations Specialist

Minutes edited by Tanja D. Battle, Executive Director