

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
April 8-10, 2021

THURSDAY, APRIL 8, 2021

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, April 8, 2021, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed amendments to 21 NCAC 16Q .0206, .0207, .0305, .0407, .0504, .0505 and the adoption of 21 NCAC 16Q .0102, .0506 and .0507. At this Hearing, Dr. Wester gave notice that the Board is extending the comment period for an additional thirty (30) days and will continue this public Rule Making Hearing until May 19, 2021 at 11:30 a.m. to hear any remaining comments. Present at the Board office was Dr. Buddy Wester. Also present was Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Ms. Amanda Carver, Investigator and Mr. Douglas Brocker, the Board's legal counsel. The proceeding was recorded, and a copy of the proposed rules is attached to the Minutes. The public hearing concluded at 6:35 p.m., at which time the Hearing was continued.

FRIDAY, APRIL 9, 2021

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Wester

A. Call to Order

Dr. Millard "Buddy" Wester, President of the Board, called the business meeting to order at 8:30 a.m., Friday, April 9, 2021, at the Board's offices in Morrisville, North Carolina. Dr. Wester read the following statement regarding conflicts of interest as a reminder to all Board members:

In accordance with General Statute 138A-15(e), it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict.

Does any Board member have any known conflict of interest or appearance of conflict with respect to any matters coming before the Board today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

If, during the discussion, any Board member learns of a conflict or appearance of a conflict, he or she should notify the Chair and take appropriate action to recuse himself or herself.

B. Roll Call

All members of the Board were present at the Board office with the exception of Dr. Raleigh Wright. The members present at the Board office included Dr. Millard Wester, III, Dr. Edward Clemons, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Ms. Nancy St. Onge, RDH and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Amanda Carver, Investigator, Betty Sines, Investigations Coordinator, Dirk German, Investigator, Tyler Henderson, Investigator and Mr. Douglas Bocker and Ms. Crystal Carlisle, Legal Counsel for the Board were also present.

- C. Declaration of Quorum
With seven members of the Board present, Dr. Wester declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Wester

Dr. Litaker moved, which was seconded by Dr. Lanier, to accept the agenda as presented. The motion passed by general consent.

III. APPROVAL OF MINUTES

- A. Minutes of March 12, 2021 **[Item #1] Dr. Wester**
Following a review of the March 12, 2021 Minutes, Dr. Litaker moved to approve the Minutes as amended. Ms. St. Onge seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Wester

Dr. Wester reported that he met with the auditor yesterday and the preliminary results of the Board's financial audit for the year ending December 31, 2020 was presented. It was the auditor's opinion that the financial statements of the Board fairly and accurately presented the Board's financial position and cash flow for 2020 and that there were no issues or concerns. Mr. White commended Ms. Mary McCullough for all her work assisting with this year's audit.

Dr. Wester expressed condolences to Dr. Wright on the recent passing of his father.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (March) **[Item #2]**
B. Following a review of the March Financial Report, Dr. Litaker moved to accept the report for informational purposes. Dr. Lanier seconded the motion which passed by general consent.

B. Personnel Matters
[No Report]

C. Miscellaneous

Ratio of Dental Hygienists to Dentists in FQHCs **[Item #3]**
Dr. Kasee Metcalf, Chief Dental Officer for Western NC Community Health Services requested clarification on 90-233 (b), which states, “a dentist in private practice may not employ more than two dental hygienists at one and the same time who are employed in clinical dental hygiene positions.” Since FQHC’s are 501(c)(3) corporations and are not engaged in the private practice of dentistry the ratio is discretionary. However, the supervising dentist is responsible for any standard of care issues that may arise based on the number of hygienists that he/she is supervising.

Universal Licensure Recognition Act **[Item #4]**
Mr. White provided an update on Senate Bill 545, which was introduced on April 5, 2021. This Bill is an act to provide a universal recognition process for licensure, certification, or registration for individuals who establish residence in this state.

Attorney General Opinion
On August 14, 2015, the Board received an opinion from the Attorney General regarding whether licensed North Carolina dentists may perform procedures that are primarily designed to improve a patient’s appearance rather than the function or health of their teeth and jaws, without obtaining some additional license or training. The Attorney General concluded that North Carolina dentists should not be performing such procedures absent a medical license separate and apart from their dental license.

Since the time of that opinion, there have been peer reviewed articles indicating that Botox can be used to treat certain dental conditions. Mr. White will draft a response to the Attorney General’s office asking if this new information changes the original opinion. The Executive Committee will review and approve the response prior to his sending.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[None]

B. Finance Committee
[None]

C. Sedation/General Anesthesia Committee
Dr. Lanier announced that she is working with Board staff to schedule a meeting of the Sedation Advisory Committee in June 2021.

VII. OLD BUSINESS

[None]

At 9:35 a.m. the Board remained in open session to conduct a formal hearing involving Dr. Spurgeon Webber, III. Mr. Douglas Bocker and Ms. Crystal Carlisle served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Ms. Geraldine Sumter served as legal counsel for Dr. Webber. A court reporter was present to transcribe the proceedings. The public hearing concluded at 5:30 p.m. at which time the Board resumed routine Board business.

VIII. NEW BUSINESS

- A. Approval of Radiology Course and Instructor **[Item #5] Ms. Goode**
Ms. Crystal Adams, RDH from Catawba Valley Community College submitted information regarding CVCC's Dental Assisting Program. This program has not been CODA accredited, therefore, Ms. Adams is requesting Board approval of the radiology course. Further, Ms. Adams is requesting that Ms. Nikki Hicks be approved as a course instructor. Ms. Hicks has not completed the recommended UNC Radiology Instructor's Course; however, she has been teaching a similar version of this course to the students enrolled in CVCC's CODA accredited dental hygiene program for several years. Following a review of the documents, Dr. Litaker made a motion to approve the course and Ms. Hicks as an instructor of the course. Dr. Lanier seconded the motion. The motion carried.
- B. Approval of Nitrous Oxide Course and Instructors **[Item #6] Ms. Goode**
Dr. Cynthia Leigh of Lakeside Dental Assisting School, LLC, submitted a request for the approval of a nitrous oxide monitoring course and further requested the Board's approval for Dr. Leigh and Ms. Cynthia Sutton to serve as instructors of the course. Following a review of the documentation, Dr. Lanier made a motion to approve the course and Dr. Leigh and Ms. Sutton as instructors; with Dr. Leigh directly supervising the clinical portions of the course. Dr. Litaker seconded the motion. The motion carried.
- C. Board Photo Approval **[Item #7] Dr. Wester**
As a result of the COVID-19 pandemic, the Board's annual photo will consist of individual head shots rather than the typical group photo. After reviewing the options, Dr. Litaker made a motion to approve the first option after correcting credentials for each Board Member. Dr. Clemons seconded the motion, which passed by general consent.
- D. Dental Assistant II Requirements **Dr. Litaker**
Following a discussion, the Board opined that a foreign trained dentist qualifies to work as a DAII if the supervising dentist verifies his/her credentials.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements [Item #8] Ms. Goode
Dr. Litaker moved to approve all provisional licenses, licenses issued by credentials, intern permits, sedation permits, CE waivers and reinstatements issued since the last meeting. The motion was seconded by Dr. Johnson and passed by general consent.
- B. Examinations
Dr. Litaker moved to approve any expenses, including one travel day before the meeting and one travel day after the meeting, for Board Members and necessary staff to attend the upcoming CITA Annual Meeting held on October 8-9, 2021 in Orlando, Florida. Dr. Johnson seconded; motion carried.

X. REPORT FROM LEGAL COUNSEL

Mr. Bocker/Mr. White

- A. Rules for Permanent Adoption [Item #9]
Amendments to 21NCAC 16J .0101 and .0103, the sanitation rule, were presented at the March 12, 2021 Board Meeting for approval and permanent adoption. Prior to voting, the Board requested that Mr. Bocker and Ms. Bartley research organizations that are qualified to train and certify facility dogs and alter the current language according to the findings. As a result of that research, a technical change was made and placed before the Board for permanent adoption. Dr. Johnson made a motion to approve the rules as amended. Dr. Lanier seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (March) [Item #10] Dr. Clemons
The Board reviewed investigative statistics for the month of March. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
a. Log #18-257 [Item #11] Dr. Wester
- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Wednesday, May 19, 2021 and will be held at the Board's offices in Morrisville, North Carolina to conduct several disciplinary hearings, to conduct a rulemaking hearing and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Lanier made a motion to adjourn the meeting. Dr. Johnson seconded the motion, which passed by general consent. The meeting adjourned at 6:35 p.m.

Reported by: Casie S. Goode
Casie S. Goode
Deputy Operations Officer

Date of Approval: May 19, 2021

MEMBERS OF THE BOARD

Dr. Millard W. Wester, III, President

Dr. Edward Clemons, Jr., Secretary-Treasurer

Dr. Karen Lanier

Dr. Raleigh Wright, III

Dr. William Litaker

Dr. Mark Johnson

Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member

Mr. Dominic Totman, Esq., Consumer Member