

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
April 13-14, 2023

THURSDAY, APRIL 13, 2023

The North Carolina State Board of Dental Examiners convened at 6:31 p.m., Thursday, April 13, 2023, at the Board office in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed rule amendments to 21 NCAC 16B .0101, .0501, 16C .0501, 16I .0201 and 16R .0204 and adoption of 21 NCAC 16B .0502 and 16H .0105. A copy of the proposed rules is attached to the Minutes. Dr. Lanier, President of the Board, called the meeting to order. All members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer; Ms. Casie S. Goode, Deputy Operations Officer; and Mr. Douglas Brocker, the Board's Legal Counsel. The hearing concluded at 7:00 p.m., at which time the Board recessed for the day.

FRIDAY, APRIL 14, 2023

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Lanier

A. Call to Order

Dr. Karen Lanier, President of the Board, called the business meeting to order at 1:02 p.m., Friday, April 14, 2023, at the Board's offices in Morrisville, North Carolina. Dr. Lanier 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

Seven members of the Board were present at the Board office for the meeting. The members present at the Board office included Dr. Edward Clemons, Dr. Stan Hardesty, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins, and Mr. Dominic Totman. Ms. Nancy St. Onge was not present. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Dirk German, Investigator, Tyler Henderson, Investigator, Rick Hetzel, Investigator, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, and Mr. Douglas Brocker, Legal Counsel for the Board were also present.

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

II. APPROVAL & ORDER OF AGENDA

Dr. Lanier

Dr. Litaker moved, which was seconded by Dr. Hardesty, to accept the agenda with permission for the President to add items as necessary and take items out of order to facilitate business. The motion passed by general consent.

III. APPROVAL OF MINUTES

- A. Minutes of March 10, 2023 **[Item #1] Dr. Lanier**
Following a review of the March 10, 2023, Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Hardesty seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Lanier took a moment to thank Mr. White and the Members of the Executive Committee for their contribution and participation in the Tripartite meeting hosted by East Carolina University School of Dental Medicine at the offices of the North Carolina Dental Society in Cary, North Carolina, which was held earlier this morning.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (March) **[Item #2]**
Following a review of the March Financial Report, Dr. Litaker moved to accept the report for informational purposes. Dr. Johnson seconded the motion which passed by general consent.
- B. Personnel Matters
[None]
- C. Miscellaneous
 - a. Posting CE Courses
The Board will no longer post continuing education courses on our website unless the courses require specific Board approval. Continuing education providers desiring to advertise courses that do not require Board approval, will be advised to contact the North Carolina Dental Society.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[Not Report]

C. Sedation/General Anesthesia Committee

Dr. Lanier informed the Board that the Sedation Advisory Committee is currently drafting a pediatric anxiolysis interpretive statement and will present a draft for the Board's consideration at the May 2023 Board Meeting.

Mr. White discussed Senator Lee's latest Bill entitled "Henry's Law" (SB723), which addresses dental anesthesia and sedation issues. Mr. White and Ms. Goode will attend the meeting at the General Assembly scheduled for Wednesday, April 19, 2023, at 10:00 a.m.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

A. Local Anesthetic Question

[Item #3] Mr. White

Dr. Paul Kazmer submitted an inquiry to the Board asking if a dental hygienist properly trained and certified to administer local anesthetic, would be allowed to inject Exparel. Following a discussion, the Board opined that a dental hygienist who is properly trained and certified may inject Exparel under the direction of dentist the same as any other local anesthetic.

B. Supervision of Dental Hygienists

[Item #4] Mr. White

The Board received an inquiry regarding implementing a staggered hygiene approach whereby midway through a patient's treatment, the hygienist transitions from acting as a hygienist to acting as a dental assistant, therefore allowing another hygienist to begin hygiene duties so that the dentist to hygienist supervision ratio remains at two. The Board determined that offices cannot stagger duties under this scenario, once a hygienist begins a prophylaxis appointment, he/she is practicing as a hygienist for the entirety of that patient's appointment and may not transition from acting as a hygienist to a dental assistant mid-appointment. However, once the appointment is concluded, the hygienist may begin non-clinical duties allowing another hygienist to begin clinical duties and thereby maintain the appropriate supervision ratio.

C. Standard of Care Question

[Item #5] Mr. White

The Board received a question regarding the current standard of care for taking post-seating radiographs after the completion of every crown. Following a discussion, the Board opined that post-seating radiographs are not required for every crown procedure; however, an image should be taken if a clinical evaluation of the crown reveals questionable seating.

D. Approve Radiology Course

[Item #6] Ms. Goode

Dr. Laetitia Sery, a pediatric dentist from Gastonia, requested approval of a radiology course that she would like to teach if her dental assisting training program is approved by the State Board of Proprietary Schools. Dr. Litaker made a motion to approve the course and Dr. Sery as the instructor. Dr. Johnson seconded the motion. The motion carried.

- E. Approve Radiology Course **[Item #7] Ms. Goode**
Ms. Tammy Glover, RDH from Next Step Forward Dental Assisting Education and Training, LLC, requested approval of a radiology course that she would like to teach if her dental assisting training program is approved by the State Board of Proprietary Schools. Dr. Johnson made a motion to approve the course and Ms. Glover as the instructor. Dr. Watkins seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #8] Ms. Goode**
Dr. Hardesty 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. Watkins and passed by general consent.
- B. Examinations
Mr. White contacted CDCA-WREB-CITA requesting that current Board Members be assigned to North Carolina examinations when possible. There has been no response yet.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

Dr. Litaker made a motion to move into closed session, pursuant to NCGS §143-318.11(3), in order to receive the advice of legal counsel. Dr. Clemons seconded the motion, which passed by general consent. Following advice from legal counsel, Dr. Hardesty made a motion to move into open session in order to vote on how to proceed in this matter. Dr. Watkins seconded the motion, which passed by general consent.

- A. Approval of Injunction **Mr. Brocker**
Mr. Brocker informed the Board of two ongoing investigations into the unlicensed practice of dentistry. Dr. Hardesty made a motion to allow the investigative panel to initiate lawsuits through the NC Court System. Dr. Watkins seconded the motion. The motion carried.
- B. NCOEMS Position Statement **[Item #9] Mr. Brocker**
Dr. Hardesty made a motion to approve the Joint Position Statement of the North Carolina State Board of Dental Examiners and Office of Emergency Medical Services regarding EMS personnel function in dental offices. Dr. Johnson seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (March) **[Item #10] Dr. Watkins**
The Board reviewed investigative statistics for the month of March. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions

During open session, and without conducting other business, Dr. Litaker made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on several Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Johnson and passed by general consent.

- a. Log #22-151 [Item #11] Dr. Lanier
- b. Log #21-217 [Item #12] Dr. Lanier
- c. Log #18-089 [Item #13] Dr. Litaker
- d. Log #21-002 & #21-117 [Item #14] Dr. Watkins

Following the Hearing Panel deliberations, Dr. Clemons made a motion to move back into open session to continue with Board business. Dr. Hardesty seconded the motion, which passed by general consent.

C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Wednesday, May 17, 2023, and will be held at Thistle Golf Club in Sunset Beach, North Carolina, in conjunction with the North Carolina Dental Society's annual meeting. The Board will conduct disciplinary hearings and consider routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Johnson seconded the motion, which was passed by general consent. The meeting adjourned at 3:43 p.m.

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

Date of Approval: May 17, 2023

MEMBERS OF THE BOARD

Dr. Karen Lanier, President
Dr. Catherine Watkins, Secretary-Treasurer
Dr. Edward Clemons, Jr., Immediate Past President
Dr. William Litaker
Dr. Mark Johnson
Dr. W. Stan Hardesty
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member