

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
August 12-14, 2021

THURSDAY, AUGUST 12, 2021

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, August 12, 2021, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed amendments to 21 NCAC 16O .0402. 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 Rule Making Hearing was adjourned.

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Clemons

A. Call to Order

Dr. Edward Clemons, President of the Board, called the business meeting to order at 6:38 p.m., Thursday, August 12, 2021, at the Board's offices in Morrisville, North Carolina. Dr. Clemons 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. The members present at the Board office included Dr. Edward Clemons, Dr. Raleigh Wright, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins, 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, Mr. Douglas Bocker and Ms. Dauna Bartley, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Clemons declared a quorum for the purposes of conducting a Formal Hearing and the business of the Board.

At 6:40 p.m. the Board remained in open session to conduct a formal hearing involving Dr. Santa McKibbins. Mr. Douglas Bocker and Ms. Dauna Bartley served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. James Hairston and Mr. Bryan Sumner served as legal counsel for Dr. McKibbins. A court reporter was present to transcribe the proceedings. The public hearing recessed for the day at 7:30 p.m. at which time the Board remained in open session to conduct Board business.

II. APPROVAL & ORDER OF AGENDA

Dr. Clemons

Ms. St. Onge moved, which was seconded by Dr. Watkins, to accept the agenda as presented with permission for the President to take items out of order to facilitate business. The motion passed by general consent.

At 7:40 p.m., 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 discuss and rule on a Hearing Panel Decision [Item #23] of the agenda. The motion was seconded by Dr. Wright and passed by general consent. Dr. Mark Austin and his attorney, Alan Schneider signed a waiver of limited ex parte communication allowing the Investigative Panel to discuss the proposed Consent Order of Permanent Surrender signed by Dr. Mark Austin. Following deliberations, the Hearing Panel approved the Consent Order for Permanent Surrender after which Dr. Lanier made a motion to move into open session. Dr. Litaker seconded the motion. The motion carried. While in open session, at 8:45 p.m., Dr. Clemons recessed the meeting for the day.

FRIDAY, AUGUST 13, 2021

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Friday, August 13, 2021, at the Board's office in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Santa McKibbins. Dr. Clemons presided over the hearing and all members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Investigations Coordinator, Ms. Amanda Carver, Investigator and Jamie Rivera, Paralegal. Mr. Douglas Bocker and Ms. Dauna Bartley served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. James Hairston and Mr. Bryan Sumner served as legal counsel for Dr. McKibbins. A court reporter was present to transcribe the proceedings. The Hearing Panel recessed for lunch at 12:15. The hearing resumed at 1:00 p.m. The hearing recessed for the day at 6:30 p.m.

SATURDAY, AUGUST 14, 2021

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Saturday, August 14, 2021, at the Board's office in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Santa McKibbins. Dr. Clemons presided over the hearing and all members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, and Betty Sines, Investigations Coordinator. Mr. Douglas Bocker and Ms. Dauna Bartley served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. James Hairston and Mr. Bryan Sumner served as legal counsel for Dr. McKibbins. A court reporter was present to transcribe the proceedings. The Hearing Panel recessed for lunch at 12:00. The hearing resumed at 1:00 p.m. The hearing adjourned at 1:43 p.m. at which time the Hearing Panel deliberated. Following deliberations, the Board resumed to conduct Board business at 3:00 p.m.

III. APPROVAL OF MINUTES

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| A. | Minutes of July 9, 2021
[Postponed] | [Item #1] | Dr. Clemons |
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IV. REPORT FROM PRESIDENT

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| | [None] | | Dr. Clemons |
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V. REPORT FROM CHIEF EXECUTIVE OFFICER

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| A. | Financial Report (July)
[Postponed] | [Item #2] | Mr. White |
| B. | Personnel Matters
[None] | | |
| C. | Miscellaneous | | |



VI. REPORTS OF STANDING COMMITTEES

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| A. | Executive Committee
[No Report] |
| B. | Finance Committee
[No Report] |
| C. | Sedation/General Anesthesia Committee
[No Report] |

VII. OLD BUSINESS

- | | |
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| | [None] |
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VIII. NEW BUSINESS

- A. 2022 Meeting Dates **[Item #3] Dr. Clemons**
Ms. Goode presented the Board with a proposed Board meeting schedule for 2022. Dr. Litaker made a motion to approve the schedule as amended. Dr. Lanier seconded the motion. The motion carried.
- B. Radiology Instructor's Course Updated **[Item #4] Ms. Goode**
Prior to teaching a radiology course for dental assistants in North Carolina, the instructor must complete the Radiology Instructor's Course at UNC. UNC submitted a modified version of the instructor's course for Board approval. Ms. St. Onge made a motion to approve the modified course. Dr. Johnson seconded the motion. The motion carried.
- C. Approval to Utilize Limited Supervision RDHs **[Item #5] Mr. White**
Mr. Randy Jordan, the Chief Executive Officer of the NC Association of Free & Charitable Clinics, requested Board approval of several clinics as qualified non-profits to have the ability to utilize limited supervision hygienists in their clinics. The 12 clinics are: ABCCM Medical Ministry, Blue Ridge Free Dental Clinic, Broad Street Clinic Foundation, Cary Community Clinic, Community Care Center of Forsyth County, Community Care Clinic of Rowan County, Lake Norman Community Health Clinic, Matthews Free Medical Clinic, MERCI Clinic, Moore Free and Charitable Clinic, New Hope Clinic and New Stories Group Health and Wellness Center. Dr. Litaker made a motion to approve the request. Dr. Lanier seconded the motion. The motion carried.
- D. Approve Radiology Course - Kannapolis **[Item #6] Ms. Goode**
[Postponed]
- E. Approve Rotation Sites – FTCC **[Item #7] Ms. Goode**
Fayetteville Technical Community College (FTCC) requested Board approval of the Veterans Administration Hospital and Ft. Bragg Dental Clinic #5 as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at FTCC. Upon review of the documentation, Ms. St. Onge made a motion to approve the proposed rotation sites. Dr. Johnson seconded the motion. The motion carried.
- F. Orofacial Myofunctional Therapy **[Item #8] Mr. White**
[Postponed]
- G. Approve NC MOM Participation – CCCC **[Item #9] Ms. Goode**
Coastal Carolina Community College (CCCC) requested permission for currently enrolled dental hygiene students to participate in the NC MOM Clinic on November 11-13, 2021. Upon review of the documentation, Dr. Johnson made a motion to approve the participation. Dr. Lanier seconded the motion. The motion carried.
- H. Approve Nitrous Oxide Instructor **[Item #10] Ms. Goode**
[Postponed]

- I. Approve Nitrous and Radiology Instructor [Item #11] Ms. Goode
[Postponed]
- J. Approve Radiology Course – Rocky Mountain [Item #12] Ms. Goode
[Postponed]
- K. Approve Radiology Course – Greensboro [Item #13] Ms. Goode
[Postponed]
- L. Approve Radiology Course – DAS [Item #14] Ms. Goode
[Postponed]
- M. ADEX Meeting Update Dr. Litaker
[Postponed]
- N. NCDHA Annual Meeting Ms. St. Onge
Dr. Wright made a motion to approve expenses for Ms. St. Onge to attend the NCDHA Annual Meeting in Charlotte on September 17-18, 2021. Dr. Litaker seconded the motion. The motion carried.
- O. Board Approval of Non-Profit Clinic [Item #15] Ms. Goode
Ms. Karla-Maria Santiago, the Executive Director of Local Start Dental, requested Board approval as a qualified non-profit to have the ability to utilize limited supervision hygienists in their clinics. Dr. Wright made a motion to approve Local Start Dental as a non-profit. Dr. Lanier seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements [Item #16] Ms. Goode
[Postponed]
- B. Examinations
[No Report]

X. REPORT FROM LEGAL COUNSEL

- A. General Anesthesia/Sedation [Item #17] Mr. Brocker/Mr. White
[Postponed]
- B. Sponsorship Advertising [Item #18]
[Postponed]
- C. Provisional Licenses – General Anesthesia Permits
[Postponed]

- D. Local Anesthetic Rules **[Item #19]**
Dr. Wright made a motion to approve the temporary adoption of 21 NCAC 16G .0109, which outlines the certification process for a dental hygienist to administer local anesthetics. Ms. St. Onge seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (July) **[Item #20] Dr. Lanier**
[Postponed]
- B. Hearing Panel Decisions
- a. Log #20-005 **[Item #21] Dr. Litaker**
[Postponed]
- b. Log #17-186 and 17-269 **[Item #22] Dr. Litaker**
[Postponed]
- c. Log #20-142 **[Item #23] Dr. Lanier**
[Closed Session Minutes]
- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin at 6:30 p.m. on Thursday, September 9, 2021 and will be held at the Board's offices in Morrisville, North Carolina to conduct a rulemaking hearing and for the consideration of routine business.

XIII. ADJOURNMENT

Dr. Lanier made a motion to adjourn the meeting and to consider remaining Agenda items at the September 9, 2021, Board Meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 4:02 p.m.

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

Date of Approval: September 10, 2021

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MEMBERS OF THE BOARD

Dr. Edward Clemons, Jr., President

Dr. Karen Lanier, Secretary-Treasurer

Dr. Raleigh Wright, III

Dr. William Litaker

Dr. Mark Johnson

Dr. Catherine Watkins

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

Mr. Dominic Totman, Esq., Consumer Member