

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
December 16, 2022

FRIDAY, DECEMBER 16, 2022

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 8:32 a.m., Friday, December 16, 2022, 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 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 Ms. Nancy St. Onge, RDH. Absent was Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Dirk German, Investigator, Tyler Henderson, Investigator, Betty Sines, Investigations Coordinator, Jamie Rivera, Investigator/Paralegal, and Mr. Douglas Bocker and Ms. Dauna Bartley, 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 disciplinary conferences and 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 November 17-18, 2022

[Item #1]

Dr. Lanier

Following a review of the November 17-18, 2022, Minutes, Dr. Johnson moved to approve the Minutes as presented. Dr. Hardesty seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Lanier thanked her fellow Board Members and Board staff for a productive 2022 and wished everyone a prosperous new year.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (November)

[Item #2]

Following a review of the November Financial Report, Dr. Hardesty moved to accept the report for informational purposes. Dr. Litaker seconded the motion which passed by general consent.

B. Personnel Matters

Dr. Hardesty made a motion, which was seconded by Ms. St. Onge, to move into closed session, pursuant to NCGS §143-318.11(a)(6), in order to discuss performance and fitness of current employees. The motion carried.

Following the discussion of personnel matters, Dr. Litaker made a motion to move back into open session in order to continue with the consideration of Board business. Dr. Clemons seconded the motion. The motion carried.

C. Miscellaneous

❖ **Legislative Update**

Dr. Litaker summarized the North Carolina Dental Society's 2023 Legislative Priorities, which include: Increase Medicaid Reimbursement Rates, Eliminate Health Information Exchange Mandate for Dentists, Dental Practice Act Revision – Faculty Licensure and Manikin Exam Option, Increase the number of hygienists that a dentist may supervise to four, Allow dental students in out of state dental schools to perform clinical services as interns/externs, Allow dentists working in multiple offices to display the license in only one office, but display the renewal certificate in every office, Provide authority to compel medical/mental health/substance abuse examinations when there is probable cause and, oppose the dental and dental hygiene licensure compact in its present form.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

a. 2023 Budget

[Handout] Mr. White

Upon review of the proposed budget for 2023, Dr. Litaker made a motion to approve the budget. Dr. Hardesty seconded the motion. The motion passed.

- C. Sedation/General Anesthesia Committee
[None]

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

- A. 2023 AADB Mid-Year Meeting – April 20-22, 2023 **Ms. Goode**
Dr. Litaker moved to approve any expenses for Board Members and necessary staff to attend the upcoming AADB Mid-Year Meeting held on April 20-22, 2023. The meeting will be virtual. Dr. Watkins seconded; motion carried.
- B. SCDDE Annual Meeting – January 27-29, 2023 **Ms. Goode**
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 Southern Conference of Deans and Dental Examiners Meeting held on January 27-29, 2023, in Knoxville, Tennessee. Dr. Hardesty seconded; motion carried.
- C. Approve Radiology Course **[Item #3] Ms. St. Onge**
Dr. Nikki Hicks, from Catawba Valley Community College, requested approval of a radiology course that she would like to teach with Taiasha McCoy-Stewart through their new company, Aspira LLC. Ms. St. Onge made a motion to approve the course and Dr. Hicks and Ms. McCoy-Stewart as instructors. Dr. Hardesty seconded the motion. The motion carried.
- D. Antibiotic Prophylaxis **Ms. Goode**
The Board received an inquiry regarding a dentist prescribing antibiotic prophylaxis prior to a dental appointment for patients who have joint replacements. Following a discussion, the Board opined that the physician that performed the joint replacement surgery should provide antibiotic prophylaxis if he/she thinks it is necessary.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #4] Ms. Goode**
Dr. Johnson 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. Hardesty and passed by general consent.

B. Examinations

Carlos Eduardo Gonzalez-Espinoza, DDS was approved to practice with an instructor's license with Mountain Area Health Education Center (MAHEC). MAHEC is an approved instructor's license site

Dr. Litaker reported on the CITA final annual meeting and thanked Drs. Kinlaw and Hardesty for their role in developing the CITA exam. Dr. Clemons thanked Dr. Litaker for his early involvement in CITA.

Dr. Watkins notified the Board that she is currently serving on the Council on Dental Education and Licensure. She confirmed that the Board's position is that clinical examinations are necessary and the DLOSCE is not sufficient to test clinical competency.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

A. Rules for Permanent Adoption – 16Q

[Item #5]

Mr. Brocker

Dr. Johnson made a motion to approve for permanent adoption the following rules as published and without further amendments: 16Q .0103, .0104, .0202, .0302, .0405 and .0703. Dr. Hardesty seconded the motion. The motion carried.

B. Proposed Annual Rule Changes

[Item #6]

Ms. Bartley

Ms. St. Onge made a motion to move forward with adding language to 16I .0201 incorporating a semi-retired status for dental hygienists. Watkins seconded the motion. The motion carried.

Dr. Hardesty made a motion to approve amendments to 16B .0101, 16B .0501, 16B .0502, 16C .0501 and 16R .0204. Dr. Johnson seconded the motion. The motion carried.

C. Anxiolysis Interpretive Statement

Mr. Brocker

Dr. Lanier will lead a committee to discuss proposed language for an interpretive statement to clarify anxiolysis. The committee will include Drs. Lanier, Clemons, Hardesty and Watkins and Dr. Paul Byerly and Dr. Maggie Fetner. Dr. Lanier will report back at a future Board meeting.

D. Authority for injunction against indefinitely suspended RDH

Ms. Bartley

Ms. Bartley informed the Board of an ongoing investigation into a former licensee whose license was suspended and eventually expired, who was practicing dental hygiene under a forged renewal certificate. Dr. Hardesty made a motion to allow the investigative panel to initiate a lawsuit through the NC Court System. Ms. St. Onge seconded the motion. The motion carried.

E. CDT Code D9130

[Item #7]

Mr. White

The Board received an inquiry from a licensee regarding the use of CDT Code D9130 and which dental team members are allowed to perform this type of therapy. D9130 is defined as temporomandibular joint dysfunction – non-invasive physical therapies. Staff was

directed to see what is being taught with respect to this therapy in dental schools, dental hygiene schools and dental assisting programs and report back at a future meeting.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (November) **[Item #8] Dr. Watkins**
The Board reviewed investigative statistics for the month of November. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
During open session, and without conducting other business, Dr. Hardesty made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Watkins and passed by general consent.
- a. Log #21-136 **[Item #9] Dr. Litaker**
- b. Pre-determination Request **[Item #10]**
- c. Log #21-246 and 22-098 **[Item #11] Dr. Lanier**
- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, January 19, 2023, at 6:30 p.m. and will be held at the Board's offices in Morrisville, North Carolina to conduct a Formal Hearing involving Dr. Christian Anderson.

XIII. ADJOURNMENT

There being no further business, Dr. Johnson made a motion to adjourn the meeting. Dr. Hardesty seconded the motion, which passed by general consent. The meeting adjourned at 11:31 a.m.

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

Date of Approval: January 21, 2023

Minutes

December 15-16, 2022

Page 6

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