

MINUTES

NC STATE BOARD OF DENTAL EXAMINERS

BOARD MEETING

Morrisville, North Carolina

December 7-8, 2023

THURSDAY, DECEMBER 7, 2023

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, December 7, 2024, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed amendments to 21 NCAC 16H .0104. A copy of the proposed rules is attached to the Minutes. The public hearing concluded at 6:33 p.m., at which time the Rule Making Hearing was adjourned.

FRIDAY, DECEMBER 8, 2023

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Watkins

A. Call to Order

Dr. Catherine Watkins, President of the Board, called the business meeting to order at 8:58 a.m., Friday, December 8, 2023, at the Board's offices in Morrisville, North Carolina. Dr. Watkins 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 the 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 meeting with the exception of Ms. Lori Hendrick, RDH and Mr. Dominic Totman, Esq. The members present at the Board office included Dr. Edward Clemons, Dr. Stan Hardesty, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, and Dr. Catherine Watkins. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Rick Hetzel, Investigator, Tyler Henderson, Investigator, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, Kevin Snead, Investigator, and Mr. Douglas Brocker, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With six members of the Board present, Dr. Watkins declared a quorum for the purposes of conducting a disciplinary hearing and the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Watkins

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

At 9:30 a.m., and while in open session, Dr. William Claytor presented a one hour continuing education course regarding opioid prescribing and a one hour continuing education course covering mental health and substance abuse. The course was open to those physically and virtually present at no charge and continuing education credit was given to all attendees present at the Board office or watching virtually. Following the courses, representatives from the Central Regional Dental Testing Service (CRDTS) gave an informational presentation about the CRDTS agency. The CRDTS representatives present were, Richael Cobler, the Executive Director and Dr. Mark Edwards, the Director of Dental Examinations. Following the presentation and after a brief recess for lunch, the Board continued with its discussions of routine Board business.

Drs. Johnson and Claytor informed the Board that they are representing North Carolina as Dental Wellness Ambassadors to the American Dental Association.

III. APPROVAL OF MINUTES

A. Minutes of November 17, 2023

[Item #1] Dr. Watkins

Following a review of the November 17, 2023, Minutes, Dr. Hardesty moved to approve the Minutes as presented. Dr. Litaker seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Watkins gave an update regarding her participation and representation in the Council on Dental Education and Licensure (CDEL). Dr. Watkins will be attending a CDEL meeting in January 2024 in Chicago, Illinois, after which she will further update the Members of the Board.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (November)

[Item #2]

Following a review of the November Financial Report, Dr. Clemons 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 Dr. Lanier, 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

Dr. Buddy Wester was in attendance at the meeting and was available to answer any questions the Board Members had with regard to the current ADEX dental and dental hygiene examinations.

Mr. White offered words of encouragement and condolences to Dr. Clemons. He commended his courage and dedication for attending the meeting in light of the recent loss of his mother.

Mr. White acknowledged the recent passing of Ms. Hendrick's father and offered condolences on behalf of the Board and Board Staff.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[No Report]

B. Finance Committee

a. 2024 Budget

[Item #3] Mr. White

Upon review of the proposed budget for 2024, Dr. Litaker made a motion to approve the budget. Dr. Hardesty seconded the motion. The motion passed.

C. Sedation/General Anesthesia Committee

[No Report]

D. Radiology Committee

a. Approve Radiology Courses

[Item #4] Dr. Watkins

The Radiology Committee presented recommendations to approve several radiology courses that have been modified to meet the requirements of the new radiology rule which outlines minimum course requirements. Dr. Hardesty made a motion to approve the following courses: Accelerated Academy DA School, D.A. Academy of North Carolina, Kannapolis Dental Assisting Academy and The Dental Assisting Institute at Huntersville. Dr. Litaker seconded the motion. The motion passed.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

A. Local Anesthetic CE requirements - RDH

[Item #5] Mr. White

The University of North Carolina Adams School of Dentistry requested clarification regarding the continuing education required for dental hygienists who are certified to administer local anesthetics. Specifically, UNC asked if the course could be taught by a dental hygiene faculty member rather than a licensed dentist. Following a discussion, the Board agreed that any hands-on portions must be taught by a licensed dentist, however, any didactic portions may be taught by a qualified dental hygienist.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #6] 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. Litaker and passed by general consent.
- B. Examinations
[None]

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White
Mr. Brocker

- A. Potential Injunction – Log #23-345
Mr. Brocker informed the Board of an ongoing investigation into the unlicensed practice of dentistry. The individual is also offering training to other unlicensed participants and informing them that after completion of the training, they are legally able to perform the functions of a dentist. Dr. Hardesty made a motion to allow the investigative panel to initiate a lawsuit through the NC Court System. Dr. Litaker seconded the motion. The motion carried.
- B. Request for Rulemaking **[Item #7] Mr. Brocker**
Dr. Maja Martin, Chief Dental Officer of Village Dental Family and Sedation Care submitted a petition for a rulemaking hearing to amend Board rules to allow dental hygienists to administer nitrous oxide. Following a discussion, Dr. Hardesty made a motion to deny the request. The motion was seconded by Dr. Litaker. The motion carried.
- C. Proposed Annual Rule Changes **[Item #8] Mr. Brocker**
Dr. Hardesty made a motion to approve annual rule changes to: 16A .0101, 16A .0107, 16B .0303, 16C .0303, 16N .0202, 16N .0501, 16N .0502, 16N .0503, 16N .0504, and 16U .0104. Dr. Clemons seconded the motion. The motion carried.
- D. Myofunctional Therapy **[Item #9] Mr. Brocker**
The Board received an inquiry related to a licensed dental hygienist advertising and providing myofunctional therapy. It was the Board's opinion that the practice of myofunctional therapy does not cross the line into the unauthorized practice of dentistry or dental hygiene, however, advertising with dental hygiene credentials is a potential violation. Dr. Hardesty made a motion to notify the individual that she must remove her credentials related to dental hygiene (RDH and PHDH) from her advertising or she must add disclaimers making it clear that her practice of myofunctional therapy does not require nor does it relate to her dental hygiene credentials. Dr. Litaker second the motion. The motion carried.
- E. Use of CBD infused products **[Item #10] Mr. White**
The Board received an inquiry regarding the Board's opinion as it relates to dental practices offering CBD-derived products to their patients. Dr. Claytor and Mr. White will conduct additional research on the topic and draft a response for the Board's consideration at a future meeting.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (November) **[Item #11] Dr. Johnson**
The Board reviewed investigative statistics for the month of November, as well as the year to date. 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. Lanier and passed by general consent.
- a. Log #23-323 **[Item #12] Dr. Hardesty**
b. Log #23-140 **[Item #13] Dr. Watkins**
- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, January 25, 2024, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a formal hearing involving Dr. Andrew Kelly and to conduct routine Board business.

XIII. ADJOURNMENT

There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Litaker seconded the motion which passed by general consent. The meeting was adjourned at 4:06 p.m.

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

Date of Approval: January 26, 2024

MEMBERS OF THE BOARD

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