

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
ZOOM MEETING
Morrisville, North Carolina
February 19, 2024

MONDAY, FEBRUARY 19, 2024

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 6:03 p.m., Monday, February 19, 2024 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 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 attended the meeting virtually with the exception of Mr. Dominic Totman, Esq. The members that participated virtually included Dr. Edward Clemons, Dr. Stan Hardesty, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins and Ms. Lori Hendrick. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Jamie Rivera, Investigator/Paralegal, and Mr. Douglas Brocker, Legal Counsel for the Board were also present at the Board office.

C. Declaration of Quorum

With seven 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. Clemons, to accept the agenda with permission for the President to take items out of order to facilitate business. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of January 25-27, 2024

[Item #1] Dr. Watkins

Following a review of the January 25-27, 2024, Minutes, Dr. Hardesty moved to approve the Minutes as presented. Dr. Lanier seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (January) **[Item #2]**
Following a review of the January 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
Mr. White announced that Madeline Richardson will be leaving her employment at the Board to attend law school in the Fall. He congratulated Ms. Richardson on her acceptance and expressed appreciation for the excellent work she has provided during her employment.
- C. Miscellaneous
Mr. White informed that Board that he has received an official petition from Dr. F. Vincent Allison, III, to run for a position on the Board.

Dr. Allison also requested clarification regarding what functions may be performed in a dental office without the dentist being present. Following a discussion, the Board determined that all delegable functions must be supervised; however, seating the patient and data collection such as updating health history and other paperwork does not require supervision. Taking blood pressure, pulse and temperature are delegable functions and must be supervised.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[No Report]
- C. Sedation/General Anesthesia Committee
Dr. Johnson reported that he recently conducted a general anesthesia evaluation and he and several other colleagues have expressed concerns with the ambiguity of some of the questions on the current written examination to obtain a general anesthesia permit. As a result of the concerns, the Board requested that the General Anesthesia and Sedation Committee re-evaluate the test questions and make recommendations for the Board to consider at a future Board Meeting.
- D. Radiology Committee
- a. Approve Radiology Courses **[Item #3] 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: UNC AHEC, Royal Dental Assistant Academy, Hands on Dental Assistant Training, Athena Dental Solutions, LLC, Lakeside Dental Assisting School, and the National Institute of Dental Assisting (NIDA). Dr. Litaker seconded the motion. The motion passed.

Let the record show that Ms. Lori Hendrick recused herself from voting on the approval of the Athena Dental Solutions, LLC course, because it is a course that she developed and teaches.

- b. Radiology Courses and Live Patients
While reviewing the updated course submitted by Dental Assistant Training Centers, Inc. (DATC), the committee raised concerns that the students were taking a full mouth series of radiographs on a live patient. The Board's current rules do not allow students to take radiographs on live patients and the Board directed the radiology committee to advise DATC that they must comply with the current rule for the course to be approved.

VII. OLD BUSINESS

- A. Dental/Dental Hygiene Compact **[Item #4] Mr. White**
Dr. Hardesty made a motion to approve the drafted position statement regarding a dentist and dental hygienist compact with amendments to explain reasons why implementing a compact in North Carolina is not necessary based on the current ease of licensure that already exists. Dr. Litaker seconded the motion, the motion carried.

VIII. NEW BUSINESS

- A. Hydroxyapatite Regeneration Medicament **[Item #5] Ms. Goode**
[Tabled]
- B. Radiology – Lead Apron **[Item #6] Mr. White**
Mr. White will coordinate with Ms. Denise Cloninger, the Director of NC Radiation Protection Division, to inquire about the Board's role in the upcoming changes to rules/policies regarding the use of lead aprons.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #7] Ms. Goode**
Dr. Hardesty moved to approve all provisional licenses, licenses issued by credentials, military licenses, 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. Bocker/Mr. White

- A. Nitrous Oxide Administration – RDH **[Item #8] Mr. White**
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. At its December meeting, the Board voted to deny the request. After being notified of the Board's decision, Dr. Martin followed up by requesting the Board's opinion of a specific scenario whereby the dental hygienist acts as an extension of the dentist, facilitating the administration of nitrous oxide, but does not make independent decisions regarding the administration of nitrous. Following a discussion, it was the Board's opinion that this scenario would not be compliant with the current rules.
- B. Teledentistry Model **[Item #9] Mr. Bocker/Mr. White**
[Tabled]
- C. Cosmetic Procedures and Devices **[Item #10] Mr. Bocker/Mr. White**
The Board consistently receives inquiries regarding whether a dentist may utilize treatment modalities, devices or cosmetic drugs for elective cosmetic procedures. Following a discussion, the Board did not alter its current policy, which is clear that performing procedures solely for cosmetic and facial enhancements is not within the scope of dentistry. These treatment modalities, devices or medicaments may only be utilized to treat dental conditions.
- D. Immigration – H1B Visa **Mr. White**
H1B Visa is a nonimmigrant Visa which is designed to allow U.S. employers to employ foreign nationals with appropriate educational and specialty training on a temporary basis. Dr. Hardesty made a motion to approve collecting proof of employment prior to issuing a dental or dental hygiene license to applicants who are in the U.S. with an H1B Visa (This mirrors the process required of H1B Visa holders seeking an instructor's license). Dr. Litaker seconded the motion, the motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (January) **[Item #11] Dr. Johnson**
The Board reviewed investigative statistics for the month of January. 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. Clemons and passed by general consent.
- a. Potential Injunction – Log #24-042
Mr. Bocker informed the Board of an ongoing investigation into the unlicensed practice of dentistry. 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. Log #22-151 [Item #12] Dr. Watkins
- c. Approving Lifting Restrictions of Consent Orders
Dr. Hardesty made a motion to allow the presiding officer to approve petitions removing certain restrictions set forth in disciplinary actions in scenarios where the Respondent completes probationary requirements in stages, and the Investigative Panel does not object. Dr. Litaker seconded the motion, the motion carried.
- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, March 15, 2024, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences 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 8:14 p.m.

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

Date of Approval: March 15, 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