

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
January 19-22, 2023

THURSDAY, JANUARY 19, 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 6:27 p.m., Thursday, January 19, 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

All 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, Ms. Nancy St. Onge, RDH and 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, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, and Mr. Douglas Bocker and Ms. Whitney Waldenberg, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Lanier declared a quorum for the purposes of conducting a disciplinary hearing and the business of the Board.

At 6:30 p.m. the Board remained in open session to conduct a formal hearing involving Dr. Christian Anderson. Dr. Catherine Watkins presided over the hearing and all members of the Board were present. Mr. Douglas Bocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Kenneth Jones served as legal counsel for Dr. Anderson. A court reporter was present to transcribe the proceedings. The public hearing recessed for the day at 7:24 p.m.

FRIDAY, JANUARY 20, 2023

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Friday, January 20, 2023, at the Board's office in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Christian Anderson. Dr. Watkins 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, Assistant Director of Investigations, Dirk German, Investigator, Rick Hetzel, Investigator and Jamie Rivera, Investigator/Paralegal. Mr. Douglas Bocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Kenneth Jones served as legal counsel for Dr. Anderson. A court reporter was present to transcribe the proceedings. The Hearing Panel recessed for lunch at 12:31. The hearing resumed at 1:15 p.m. The hearing recessed for the day at 8:00 p.m.

SATURDAY, JANUARY 21, 2023

The North Carolina State Board of Dental Examiners reconvened at 8:32 a.m., Saturday, January 21, 2023, at the Board's office in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Christian Anderson. Dr. Watkins 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, Assistant Director of Investigations, Dirk German, Investigator, and Jamie Rivera, Investigator/Paralegal. Mr. Douglas Bocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Kenneth Jones served as legal counsel for Dr. Anderson. A court reporter was present to transcribe the proceedings. The Hearing Panel recessed for lunch at 12:27. At which time, the Board remained in open session to conduct Board business. Dr. Watkins presided over the meeting. Board business concluded at 1:32 p.m., at which time the hearing resumed. The hearing recessed for the day at 7:53 p.m.

II. APPROVAL & ORDER OF AGENDA

Dr. Lanier

Dr. Hardesty moved, which was seconded by Ms. St. Onge, 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 December 16, 2022

[Item #1] Dr. Lanier

Following a review of the December 16, 2022 Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Hardesty seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

[None]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (December) **[Item #2]**
- B. Following a review of the December Financial Report, Dr. Johnson moved to accept the report for informational purposes. Dr. Clemons seconded the motion which passed by general consent.
- B. Personnel Matters
[None]
- C. Miscellaneous
 - ❖ Audit Bid **[Item #3]**
Mr. White reported that it was time for the Board's annual audit. A request for bids was sent out; however, only one bid had been received. That bid was from Bernard Robinson & Company, which is the company who has performed our audit for the past several years. Dr. Clemons made a motion to approve Bernard Robinson & Company to conduct the annual audit. Dr. Johnson seconded the motion. The motion carried.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[No Report]
- C. Sedation/General Anesthesia Committee
Mr. White reported that the Rules Review Commission of the General Assembly approved our proposed General Anesthesia/Sedation rules on January 19, 2023. At least ten (10) objections were timely filed, therefore the rules are now subject to review by the NC General Assembly. The Administrative Procedure Act (APA) states that the legislative review will occur during the next General Assembly session that begins at least 25 days after 10 objections are received. The General Assembly was already in session when the 10 objections were received. Therefore, if the General Assembly follows the APA, they will take up the rules in the next General Assembly session which will be the short session starting in the Spring of 2024.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

[None]

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #4] 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 Ms. St. Onge and passed by general consent.
- B. Examinations
[No Report]

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker

- A. Rules for Publication – 16I .0201 **[Item #5]**
Dr. Hardesty made a motion to approve for publication, the proposed amendments to 16I .0201, which establishes two retirement classifications for dental hygienists. Dr. Litaker seconded the motion. The motion carried.
- B. Rules for Publication – 16H .0105 **[Item #6]**
Dr. Hardesty made a motion to approve 16H .0105 for publication. This proposed new rule establishes dental radiology course requirements. Dr. Litaker seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (December) **[Item #7] Dr. Watkins**
The Board reviewed investigative statistics for the month of December. 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. Log #21-237 **[Item #8] Dr. Lanier**
- b. Log #21-080 **[Item #9] Dr. Clemons**

Following its discussion of investigative matters, Dr. Hardesty made a motion to move back into open session to resume the Formal Hearing involving Dr. Christian Anderson. Dr. Johnson seconded the motion, which passed by general consent.

- C. Settlement Conferences
[None]

SUNDAY, JANUARY 22, 2023

The North Carolina State Board of Dental Examiners reconvened at 8:00 a.m., Sunday, January 22, 2023, at the Board's office in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Christian Anderson. Dr. Watkins presided over the hearing and all members of the Board were present except for Mr. Totman, who joined the meeting at 9:00 a.m. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Assistant Director of Investigations, Dirk German, Investigator, and Jamie Rivera, Investigator/Paralegal. Mr. Douglas Bocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Kenneth Jones served as legal counsel for Dr. Anderson. A court reporter was present to transcribe the proceedings. The Hearing Panel recessed for lunch at 11:50. The hearing resumed at 12:23 p.m. The hearing concluded and was adjourned at 2:03 p.m., at which time the Hearing Panel retired to chambers to discuss the case.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, February 10, 2023, at 8:30 a.m. and will be held at the Board's offices in Morrisville, North Carolina to conduct disciplinary hearings and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Clemons made a motion to adjourn the meeting. Dr. Hardesty seconded the motion, which passed by general consent. The meeting adjourned at 2:34 p.m.

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

Date of Approval: February 10, 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