

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
July 15, 2022

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Lanier

A. Call to Order

Dr. Karen Lanier, Secretary-Treasurer of the Board, called the business meeting to order at 8:40 a.m., Friday, July 15, 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

Six members of the Board were present at the meeting. The members present at the Board office included Dr. Raleigh Wright, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins, and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Investigations Coordinator, Jamie Rivera, Investigator/Paralegal, Rick Hetzel, Inspector/Investigator, and Mr. Douglas Bocker Legal Counsel for the Board were also present. Absent members included Dr. Edward Clemons and Ms. Nancy St. Onge.

C. Declaration of Quorum

With six members of the Board present, Dr. Lanier declared a quorum for the purposes of conducting a Formal Hearing and the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Lanier

Dr. Litaker moved, which was seconded by Dr. Watkins, to accept the agenda with permission for the presiding officer to take items out of order to facilitate business. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of June 23-24, 2022

[Item #1] Dr. Lanier

Following a review of the May 18-19, 2022, Minutes, Dr. Litaker moved to approve the Minutes as amended to include an additional personnel matter. Dr. Watkins seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

[None]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (June)

[Item #2]

Following a review of the June 2022 Financial Report, Dr. Litaker moved to accept the report for informational purposes. Dr. Wright seconded the motion which passed by general consent.

B. Personnel Matters

Mr. White announced that we are fully staffed. Precious Lee officially accepted a full-time position as the Board's Executive Assistant effective July 11, 2022.

C. Miscellaneous

- ❖ Mr. White informed the Board that ballots for the run-off election between Dr. Allison and Dr. Hardesty were mailed on July 12, 2022 and are due on July 28, 2022. They will be counted on July 29, 2022, at the Board office.
- ❖ Senate Bill 580 – An Act revising the Dental Practice Act to allow manikin examinations for licensure eligibility, to change requirements for the holders of instructor's licenses with respect to credentialing eligibility, and to make health information exchange participation voluntary for dentists. Mr. White reminded the Board that the State of Emergency is currently set to end on August 15, 2022, which means we will be back to live patient exams starting December 15, 2022, since SB 580 did not get signed into law. Hannah Nye was present and addressed the Board and explained the political timing of this last legislative session.

At 9:10 a.m., the Board met with Ms. Patricia Glidewell, of Bernard Robinson & Company, L.L.P. Ms. Glidewell presented the results of the Board's financial audit for the years ended December 31, 2021, and 2020. It was the auditor's opinion that the financial statements of the Board fairly and accurately presented the Board's financial position. The following deficiencies were noted: recording of expenses in the proper year, retirement contribution forfeitures, and timeliness of deposits.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

[None]

C. Sedation/General Anesthesia Committee

Moderate Pediatric and Moderate Sedation and GA subcommittees have all met. The committees hope to make some recommendations to the Board at the September meeting.

Bobby requested to retain legal counsel to review potential FTC issues related to requiring an MD to follow Dental Board guidelines when acting as anesthesiologists. Dr. Wright made a motion to allow Bobby to retain legal counsel. Dr. Litaker seconded the motion. The motion carried.

Recent summary suspensions of moderate sedation permit holders state they may not use propofol. CRNAs are questioning this restriction since they are trained to use propofol. The Board voted not to deviate from our current Consent Order language.

At 10:20 a.m., Dr. Todd Watkins made a presentation to the Board regarding current trends in dental schools. In an attempt to ensure that East Carolina School of Dental Medicine (ECU) is graduating competent clinicians, ECU is rethinking daily grading rubrics and will no longer grade students on a pass/fail basis. His presentation ended at 11:30 a.m. at which time the Board recessed for lunch.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

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| A. | Approve Radiology Instructor Course
[Postponed] | [Item #3] Ms. Goode |
| B. | Election of Officers
[Postponed] | Dr. Lanier |
| C. | Public Health Hygienists
Mr. White reported that he recently met with Dr. Sarah Tomlinson regarding a potential recognized specialty in public health hygiene. This program is in its infancy and being talked about at the Department of Health and Human Services. The Board received this report for informational purposes. | Mr. White |

IX. LICENSURE MATTERS

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| A. | Approval of Licenses/Permits/Reinstatements
Dr. Wright 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. | [Item #4] Ms. Goode |
| B. | Examinations
[No Report] | |

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

A. Letter of Warning

[Item #5] Mr. White

At the June Board Meeting, Mr. White requested approval to add another level of action in disciplinary cases when a technical unintentional violation of the Board Rules has occurred, however the conduct does not warrant disciplinary action. The Letter of Warning will not be considered disciplinary action; however, the letter will be maintained in the Board's files for consideration in future investigations. Mr. White presented a draft Letter of Warning for the Board's approval. Dr. Litaker made a motion to approve the letter as drafted, Dr. Wright seconded the motion. The motion carried.

B. Rules for Permanent Adoption

[Item #6] Mr. Brocker

The comment period for proposed rules 16I .0206 and 16R .0206 does not end until 5:00 p.m. on July 15, 2022; therefore, these rules will be considered at the August Board Meeting.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (June)

[Item #7] Dr. Lanier

The Board reviewed investigative statistics for the month of June, as well as year to date. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions

[None]

C. Settlement Conferences

[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, August 12, 2022, at 8:30 a.m. and will be held at the Board's offices in Morrisville, North Carolina for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Litaker made a motion to adjourn the meeting. Dr. Wright seconded the motion, which passed by general consent. The meeting adjourned at 11:43 a.m.

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

Date of Approval: August 12, 2022

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