

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
July 14, 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 8:30 a.m., Friday, January 14, 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

The members present included Dr. Stan Hardesty, Dr. Mark Johnson, Dr. Catherine Watkins, Dr. Karen Lanier, Dr. Edward Clemons, Dr. William Litaker, and Ms. Nancy St. Onge, RDH. Mr. Dominic Totman, Consumer Member, was absent due to illness. Mr. Bobby D. White, Chief Executive Officer, Ms. Betty Sines, Assistant Director of Administration and Investigations, Ms. Jamie Rivera, Investigator, Mr. Tyler Henderson, Investigator, Mr. Dirk German, Investigator, and Mr. Douglas Brocker, 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 a settlement conference and the business of the Board.

At 8:45 a.m., Dr. Hardesty made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Litaker seconded the motion. The motion carried. The conference concluded at 9:24 a.m. At 9:41 a.m., Dr. Hardesty made the motion to move into open session to resume Board business. Dr. Watkins seconded the motion, and the motion passed.

At 9:56 a.m., Dr. Hardesty made a motion to move back into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Litaker seconded the motion. The motion carried. The conference concluded at 11:24 a.m. At 12:40 p.m., Dr. Hardesty made the motion to move into open session to resume Board business. Ms. St. Onge seconded the motion, and the motion passed.

II. APPROVAL & ORDER OF AGENDA

Dr. Lanier

Dr. Litaker moved, which was seconded by Dr. Clemons, 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 June 9, 2023

[Item #1] Dr. Lanier

Following a review of the June 9, 2023, Minutes, Ms. St. Onge moved to approve the Minutes as presented. Dr. Litaker seconded the motion which was passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Lanier took a moment to thank both Board members and staff for their support during her time as president.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (June)

[Item #2]

Following a review of the June 2023 Financial Report, Dr. Litaker moved to accept the report for informational purposes. Dr. Hardesty seconded the motion which passed by general consent.

B. Personnel Matters

Mr. White announced that Board staff is currently conducting interviews in the search to secure Mr. Dirk German's replacement as he has announced his resignation/retirement effective September 1, 2023

C. Miscellaneous

❖ SCDDE – January 19-21, 2024 – Charleston, South Carolina

Mr. White announced that the SCDDE will be held January 19-21, 2024, in Charleston, SC, and historically the Board has paid for members to attend. Dr. Hardesty made a motion for the Board to cover the expenses associated for any Board Member who wished to attend the conference. Dr. Litaker seconded the motion. The motion carried.

❖ Military Spouse Licensing Relief Act

[Item #3]

The Military Spouse Licensing Relief Act was reviewed by the Board. It is the Board's intention to begin issuing a military permit, similar to intern permits, that allow military spouses and active-duty military personnel to practice in North Carolina while under military orders.

❖ Federal Subpoena

The Board received a subpoena for a federal investigation concerning opioid prescriptions from Harris Teeter and Kroger in Durham County, NC. After discussions with legal counsel, the Board has agreed to provide public documents on cases that involve opioid use. Upon production of these documents, Counsel for Kroger and Harris Teeter will no longer pursue depositions of Board staff.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[None]

B. Finance Committee
[None]

C. Sedation/General Anesthesia Committee
Dr. Johnson asked to create a subcommittee of the Sedation/General Anesthesia Committee designated to evaluate and review proposed sedation courses. As a result, Dr. Hardesty moved to create a subcommittee including a designated staff member as well as a checklist to be utilized to evaluate proposed sedation courses. Dr. Litaker seconded the motion. The motion passed by general consent.

VII. OLD BUSINESS

In light of the newly created subcommittee designated to review proposed sedation courses, Dr. Hardesty made a motion, which Dr. Watkins seconded, for a committee to be formed which should include a Board staff member as well as a checklist to be utilized to evaluate proposed radiology courses. The motion carried.

A. Approve Radiology Course – Dental Concepts **[Item #4] Ms. Rivera**
Ms. Marcela Alvarado, a Director of a Dental Assisting Program, requested approval of a radiology course, taught by Dr. Courtney Williams, that she would like to offer if her dental assisting training program is approved by the State Board of Proprietary Schools. It was determined that the proposed program did not meet the current radiology requirements. The Board requested that staff send the new rules to Ms. Alvarado. Ms. St. Onge made a motion to request Ms. Alvarado resubmit once the necessary revisions have been made. Dr. Watkins seconded the motion. Motion carried.

B. Approve Radiology Course – Summit Dental **[Item #5] Ms. Rivera**
Summit Dental Assisting Academy requested approval of a radiology course taught by Dr. Patricia Stainback and Horace Stainback, R.D.H. It was determined that the proposed program did not meet the current radiology requirements. The Board requested that staff send the new rules to the program directors. Ms. St. Onge made a motion to request Dr. Stainback and Mr. Stainback resubmit once the necessary revisions have been made. Dr. Watkins seconded the motion. Motion carried.

VIII. NEW BUSINESS

- A. Approve Moderate Sedation Course – Dr. Moorhead **[Item #6] Dr. Lanier**
Dr. William Moorhead requested approval of a moderate sedation course. The course was developed by IV Sedation Training for Dentists, LLC and will be taught by Dr. Moorhead and Dr. Darren Greenwell. Because the Board decided to create a subcommittee to review sedation courses, it was decided the requested course would be reviewed by this committee to determine its compliance with current rules.
- B. Approve Moderate Sedation Course - Colorado **[Item #7] Dr. Lanier**
Chris Richards, Executive Director of Colorado Surgical Institute, requested approval of a moderate sedation course. The course was developed by the Colorado Surgical Institute and will be taught by Dr. Taizoon Dhoon. Because the Board decided to create a subcommittee to review sedation courses, it was decided the requested course would be reviewed by this committee to determine its compliance with current rules.
- C. Approve Minimal Sedation Course **[Item #8] Dr. Lanier**
The Board received a request for approval of a minimal sedation course titled “Mastering Adult Minimal Oral Sedation”. The course was developed and is taught by Drs. Mark Donaldson and Jason Goodchild. Because the Board decided to create a subcommittee to review sedation courses, it was decided the requested course would be reviewed by this committee to determine its compliance with current rules.
- D. Approve Nitrous Oxide Course – Dr. Sery **[Item #9] Ms. Rivera**
Amazing Grace Dental Assisting Academy of Gastonia requested approval of a Nitrous Oxide Course to be taught by Dr. Sery. The Board asked Ms. Rivera to request the following information: course length and a list of instructors with their credentials. Once submitted, the Board will make a determination as to whether the course should be approved.
- E. Minimal Sedation Courses via Webinar **[Item #10] Dr. Lanier**
A request was made to determine if approved minimal sedation courses could be offered via webinar. Because the Board decided to create a subcommittee to review sedation courses, it was decided the request would be reviewed by the committee to determine its compliance with current rules.
- F. January - June 2024 Meeting Dates **[Item #11] Ms. Rivera**
Proposed meeting dates for January – June 2024 were reviewed. The dates were approved with the exception of February which was revised to February 23-24, 2024.
- G. Previously Approved Radiology Courses **Mr. White**
Mr. White asked how the previously approved radiology courses should be handled due to the recent rule changes. It was decided that Board staff should notify the radiology course instructors of the rule changes and give them the opportunity to revise their courses to meet the requirements by January 15, 2024.

- H. Military Endorsement/Certification – DAII **[Item #12] Mr. White**
Dr. Frederick Smith asked if a military certified DAII would be considered a DAII under the Board's standards and rules. It was determined that the military training necessary to serve as a DA in the armed forces was sufficient to qualify the person as a DAII under NC Rules. Additionally, Dr. Hardesty made a motion for the Board's legal counsel to draft proposed rules amendments to allow for individuals certified through the military to be considered DAIIs. Dr. Johnson seconded the motion.
- I. Election of Officers **Dr. Lanier**
The Executive Committee nominated Dr. Catherine Watkins as Board president and Dr. Mark Johnson as secretary/treasurer. Dr. Hardesty moved to accept the slate of officers as nominated. Ms. St. Onge seconded the motion. The motion carried.
- J. AADB Annual Meeting October 19-21, 2023 – Hollywood, CA
Dr. Litaker requested the Board cover the expenses of any member who wished to attend the AADB meeting in October in California. Dr. Hardesty made a motion that the Board cover the expenses for anyone who wants to attend the AADB Annual Meeting in October. Dr. Johnson seconded. Motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #13] Ms. Rivera**
- B. 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.
- C. Examinations
Dr. Litaker announced that ADEX is meeting the week of July 17, 2023 and CDCA-WREB-CITA the week after.

X. REPORT FROM LEGAL COUNSEL

- A. Predetermination Process **[Item #14] Mr. Brocker/Mr. White**
Mr. White
Mr. White requested the Board create a predetermination committee to review and decide predetermination requests. Dr. Hardesty moved that the Executive Committee also act as the predetermination committee. Dr. Watkins seconded the motion. Motion carried.
- B. Draft Position Statement – Staggering RDH **[Item #15] Mr. White**
The Board was asked if a dental office can stagger dental hygiene appointments to avoid cancellations while still complying with the statute that states a dentist cannot supervise no more than two hygienists at one time. Mr. White put this before the Board for discussion along with a proposed statement on the issue. Dr. Hardesty made a motion for Mr. White to reply on the Board's behalf and advise that offices cannot stagger hygiene appointments and remain in compliance with the Board's rules. Dr. Clemons seconded. Motion carried.

- C. Request for Rulemaking – Coronal Polishing **[Item #16] Mr. Bocker**
The Board was asked to consider amending the requirements for those eligible to complete a coronal polishing course. Dr. Litaker made a motion to amend the rules to remove the restriction on the DAII waiting 3,000 hours and instead can take it under the discretion of his/her employing dentist. Dr. Hardesty seconded the motion and the motion carried by general consent.
- D. Cosmetic Procedures **[Item #17] Mr. White**
Dr. Jeremiah Davis requested this item be delayed until the next meeting when he can be in attendance.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (June) **[Item #18] Dr. Watkins**
The Board reviewed investigative statistics for the month of June. The statistics were accepted for informational purposes. The Board requested that Letter of Warnings issued be added to the statistics each month.
- 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 #21-120 **[Item #19] Dr. Clemons**

Following the Hearing Panel deliberations, Dr. Watkins made a motion to move back into open session to continue with Board business. Dr. Johnson seconded the motion, which passed by general consent.

- C. Settlement Conferences
The Board conducted two (2) settlement conferences throughout the meeting. Mr. Douglas Bocker and Ms. Crystal Carlisle represented the Board's Investigative Panel in those matters. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, August 18, 2023, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Litaker made a motion to adjourn the meeting. Dr. Watkins seconded the motion, which was passed by general consent. The meeting adjourned at 2:15 pm.

Reported by: Jamie L. Rivera
Jamie L. Rivera
Paralegal/Investigator

Date of Approval: 8/18/2023

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