MINUTES

NC STATE BOARD OF DENTAL EXAMINERS BOARD MEETING

Morrisville, North Carolina July 9, 2021

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Wester

A. Call to Order

Dr. Millard "Buddy" Wester, President of the Board, called the business meeting to order at 1:00 p.m., Friday, July 9, 2021, at the Board's offices in Morrisville, North Carolina. Dr. Wester 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 Board office. The members present at the Board office included Dr. Millard Wester, III, Dr. Edward Clemons, Dr. Raleigh Wright, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Ms. Nancy St. Onge, RDH and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Amanda Carver, Investigator, Betty Sines, Investigations Coordinator, Dirk German, Investigator, Ms. Jamie Rivera, Paralegal and Ms. Dauna Bartley, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Wester declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Wester

Dr. Litaker moved, which was seconded by Dr. Clemons, to accept the agenda as amended. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of June 18, 2021

[Item #1] Dr. Wester

Following a review of the June 18, 2021 Minutes, Dr. Litaker moved to approve the Minutes as presented. Ms. St. Onge seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Wester

Dr. Wester thanked everyone for helping to make his year as President successful. He expressed special gratitude for the opportunity to serve along side of and work with the Board and its staff for the last six years. He commended the Board and the Board staff for their hard work and views this Board as one of the best in the nation.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (June)

[Item #2]

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

The June Financial Report revealed that an unusually large number of dental hygienists did not renew for 2021. Dr. Wright suggested that Board staff email all dental hygienists that did not renew and inform them about the reinstatement process and let them know that after 5 years without an active license, they must retake the clinical exam to be considered for reinstatement.

B. Personnel Matters

None

- C. Miscellaneous
 - Licensure Portal Update

Mr. White informed the Board that staff will be meeting with our database programmer, Vincent Miranda, next week to discuss the implementation of the new licensure portal that will allow applicants for licensure to access information regarding the status of their applications.

♣ AADB Meeting

Dr. Litaker moved to approve the expenses for all Board members and necessary staff to attend the American Association of Dental Boards' annual meeting in San Antonio, Texas on October 30-31, 2021. Dr. Wright seconded the motion, which passed by general consent.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

None

C. Sedation/General Anesthesia Committee

Dr. Lanier reported that the subcommittees are meeting separately to discuss potential changes to the general anesthesia and sedation rules and will have recommendations to present to the Board at the August Board Meeting.

VII. OLD BUSINESS

At the June 18, 2021, Board Meeting, Ms. Shannon Patterson with Bentson Copple and Associates, addressed the Board and among other things, questioned Mr. Totman's role as the Board's Consumer Member. Mr. Totman took a moment to address Ms. Patterson's comments regarding potential conflicts of interest as well as comments made pertaining to Board staff. Dr. Wester supported Mr. Totman's response and expressed his support for Mr. Totman as well as Board staff.

VIII. NEW BUSINESS

A. Election of Officers

Dr. Wester

Dr. Wester, representing the Executive Committee, presented the following nominations as officers to the North Carolina State Board of Dental Examiners for the upcoming 2021-2022 term: Dr. Edward Clemons as President; Dr. Karen Lanier as Secretary-Treasurer; and Ms. Nancy St. Onge as Member at Large.

Ms. St. Onge and Dr. Wright placed their names in consideration for the Secretary-Treasurer position. As there were no other nominations put forward, Dr. Litaker made a motion to close nominations and put the matter forward for a vote by written ballot. Dr. Johnson seconded the motion. The motion carried.

The voting results were as follows:

Dr. Karen Lanier received a total of five votes from Dr. Edward Clemons, Dr. Mark Johnson, Dr. Karen Lanier, Dr. William Litaker and Dr. Buddy Wester. Ms. Nancy St. Onge received two votes from Ms. Nancy St. Onge and Mr. Dominic Totman. Dr. Raleigh Wright received one vote from Dr. Raleigh Wright. Following the results of the vote, Dr. Litaker made a motion to approve Dr. Clemons as President and Dr. Lanier as Secretary-Treasurer. Dr. Wright seconded the motion. The motion carried.

- B. Radiology Instructor's Course [Item #3] Ms. Goode
 Prior to teaching a radiology course for dental assistants in North Carolina, the instructor must complete the Radiology Instructor's Course at UNC. Registration for this course is limited and a request for alternative courses was received from Ms. Emily Jenks with Accelerated Dental. Following a discussion, the Board directed staff to contact UNC to determine if the course could be offered more often. If other courses of this nature exist, the courses can be submitted for Board approval at any time.
- C. Approval to Utilize Limited Supervision RDHs [Item #4] Ms. Goode
 Dr. Kasee Metcalf, the Chief Dental Officer at Western NC Community Health Services, requested Board approval as a qualified non-profit to have the ability to utilize limited supervision hygienists in their clinics. Dr. Johnson made a motion to approve the request. Ms. St. Onge seconded the motion. The motion carried.

IX. LICENSURE MATTERS

A. Approval of Licenses/Permits/Reinstatements [Item #5] Ms. Goode

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Dr. Lanier 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

Dr. Wester announced that live patient examinations will resume 120 days after the conclusion of the state of emergency.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

A. Foreign Corporations

[Item #6]

The Board received two inquiries regarding foreign corporations. The first inquiry from J.P. Morgan with Spectrum Advisers and was regarding a proposed arrangement for a North Carolina licensed dentist to register a foreign limited liability company to provide dental services in North Carolina. Dr. Wright made a motion to approve the drafted follow up letter as corrected to obtain additional information. Dr. Litaker seconded the motion. The motion carried.

The second inquiry was regarding a proposed arrangement for a multi-state dental corporation to provide dental services in North Carolina. Based on the information, it appears that the Foreign PC proposes to perform dental services in North Carolina while being owned, at least in part, by persons who are not licensed in North Carolina. Therefore, the arrangement would not be permissible under the Dental Practice Act. Dr. Litaker made a motion to approve the drafted correspondence conveying the Board's position. Dr. Lanier seconded the motion. The motion carried.

B. Failure to Respond

Dr. Wright made a motion to allow staff to draft a procedure for addressing dentists and dental hygienists who fail to appropriately respond to a Board inquiry in a timely manner. Dr. Clemons seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (June) [Item #7] Dr. Clemons
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 Thursday, August 12, 2021 and will be held at the Board's offices in Morrisville, North Carolina to conduct a rulemaking hearing, to conduct a Formal Hearing regarding Dr. Santa McKibbins and for the consideration of routine business.

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XIII. ADJOURNMENT

There being no further business, Dr. Johnson made a motion to adjourn the meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 3:00 p.m.

Reported by: Casie S. Goode

Deputy Operations Officer

Date of Approval: 5eptember 10, 2021

MEMBERS OF THE BOARD

Dr. Millard W. Wester, III, President

Dr. Edward Clemons, Jr., Secretary-Treasurer

Dr. Karen Lanier

Dr. Raleigh Wright, III

Dr. William Litaker

Dr. Mark Johnson

Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member

Mr. Dominic Totman, Esq., Consumer Member