

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**March 10, 2017**

**FRIDAY, MARCH 10, 2017**

**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

**Dr. Litaker**

**A. Call to Order**

Dr. William Litaker, President of the Board, called the meeting to order at 8:30 a.m., Friday, March 10, 2017, at the Board's offices in Morrisville, North Carolina. Dr. Litaker 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 this weekend?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

If, as agenda items are discussed, 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 him or herself.

**B. Roll Call**

All members of the Board were present. The members included Dr. William M. Litaker, Jr., Dr. Merlin W. Young, Dr. Clifford O. Feingold, Dr. Stanley L. Allen, Dr. Millard W. Wester, III, Dr. Kenneth M. Sadler, Ms. Carla J. Stack, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Operations Officer; Ms. Terry W. Friddle, Deputy Operations Officer; Ms. Casie Goode, Assistant Director of Investigations; Mr. Line Dempsey Investigator for the Board; and Mr. Douglas Brocker, Legal Counsel for the Board, were also present.

**C. Declaration of Quorum**

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

**II. APPROVAL & ORDER OF AGENDA**

**Dr. Litaker**

Dr. Wester moved, which was seconded by Dr. Allen, to accept the agenda as presented and to allow the President of the Board to determine the order of business. The motion passed by general consent.

---

At 8:35 a.m., Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Sadler seconded the motion, which passed by general consent. The conference concluded at 10:25 a.m., at which time the Board moved into open session. Dr. Young made the motion to move into open session. Dr. Sadler seconded the motion, which passed by general consent.

---

### **III. APPROVAL OF MINUTES**

A. Minutes of February 9-11, 2017

**[Item #1] Dr. Litaker**

Following a review of the February 9-11, 2017 Minutes, Dr. Sadler moved to approve the Minutes as drafted. Dr. Feingold seconded the motion, which passed by general consent.

### **IV. REPORT FROM PRESIDENT**

**Dr. Litaker**

[No Report]

### **V. REPORT FROM CHIEF OPERATIONS OFFICER**

**Mr. White**

A. Financial Report (February)

**[Item #2]**

Mr. White gave the Board an update on the number of licensees who had yet to renew their licenses for 2017. Licensees who renew from February 1<sup>st</sup> through March 31<sup>st</sup> will be required to pay a late fee. Following a review of the February Financial Report, Dr. Allen moved to accept the report for informational purposes. Mr. Totman seconded the motion, which passed by general consent.

B. Personnel Matters

Mr. White reported that staff had narrowed the open Investigator position down to three candidates. An offer was extended to the top candidate and staff is waiting to hear if the offer will be accepted. Our office will be contacting a staffing agency next week to fill the Investigative Assistant position.

C. Miscellaneous

✚ NC Dental Society Annual Meeting

The Board elected to offer a one-hour continuing education course on record keeping at the annual Dental Society meeting this year.

- ⚡ Opioid Prescribing Course  
Dr. Wayne Holland will be presenting an opioid prescribing course at the Board office on April 7, 2017. This course will meet the 2018 renewal requirements for dentists who hold a Drug Enforcement Administration (DEA) Registration. The course will be open to anyone who wishes to attend, based on space available.

- ⚡ Tripartite Meeting **[Item #3]**  
Dr. Young, Mr. Totman and Mr. White will be representing the Board at the 2017 Tripartite meeting on March 31<sup>st</sup>. The Board's topics for discussion will be sedation, the Controlled Substances Reporting System (CSRS) and the Opioid continuing education course requirements.

- ⚡ Legislative Update **[Item #4]**  
HB 88 – An Act Updating and Modernizing the Nursing Act. This Act, in part, proposes to rewrite G.S. 90-29(b) (the Dental Practice Act) to allow a Certified Registered Nurse Anesthetist (CRNA) to administer an anesthetic in “collaboration” with a licensed dentist, instead of under the supervision and direction of a licensed dentist. Dr. Litaker reported that the North Carolina Dental Society planned to oppose this statutory change.

HB 142 – An Act to Increase Oversight of Occupational Licensing Boards. This Bill, in part, proposes to increase the Board member per diem from \$100 to \$200 per day; adds antitrust law and state action immunity training for Board members; changes the venue for occupational licensing boards seeking a court order for injunctive relief to the superior court of the county where the defendant resides or in the county where the occupational board has its principal place of business; and requires Boards to develop and implement an electronic complaint process.

Mr. White's miscellaneous report was accepted for informational purposes. No action was required by the Board.

## VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee  
[No Report]

- B. Finance Committee  
[No Report]

- C. Sedation/General Anesthesia Committee  
Dr. Allen gave the Board a report on his recent attendance at the American Dental Society of Anesthesiology (ADSA) meeting in Las Vegas. Dr. Allen commented that it was an excellent meeting with very pertinent information to the sedation issues our Board is currently considering. He further reported that the next Sedation Advisory Committee meeting will be held on March 24, 2017.

## **VII. OLD BUSINESS**

- A. Request for Rule Change from UNC **[Item #5] Mr. White**  
At the February meeting, Board members referred UNC's request to committee to study and propose appropriate revisions to the existing Intern Permit rules. The committee members included Dr. Sadler, Dr. Allen and Mr. White.

Committee members presented a draft of proposed changes to the Intern Permit rule for the Board's consideration, which included a slightly revised version from UNC. Dr. Wester moved, seconded by Dr. Young to approve the proposed rule changes for publication as presented by the committee members and revised by UNC. The motion carried.

## **VIII. NEW BUSINESS**

- A. Approve Rotation Site for CCCC **[Item #6] Ms. Friddle**  
Coastal Carolina Community College requested that their dental hygiene students' participation in the April 22, 2017 oral cancer screening event be approved as an official rotation site. This event will be held in collaboration with the Coastal Component of the North Carolina Dental Hygienists' Association and the North Carolina Oral Cancer Foundation. Students will be distributing printed information on oral cancer and conducting screenings.

Upon review of the documentation submitted by Coastal Carolina Community College, Dr. Feingold made a motion to approve the event as a rotation site. Dr. Young seconded the motion. The motion passed by general consent.

- B. Request to Approve Radiology Course **[Item #7] Ms. Friddle**  
Mr. Zachary Eckert, J.D. of Vandelay Education submitted a dental assistant radiology course for the Board's approval. Upon review, Dr. Feingold moved to approve the course, with Ms. Evadne Tarpley as the course instructor. Dr. Wester seconded the motion, which passed by general consent.

Mr. Eckert further requested that Ms. Rivera-Salais, an instructor at Vandelay, be approved to teach other instructors at Vandelay on how to teach their radiology course. This would be in lieu of their instructors completing the Radiology Instructor's Course at UNC. Dr. Young made a motion that Ms. Friddle notify Mr. Eckert that all proprietary instructors must complete the radiology instructor's course at UNC in order to be qualified to teach a radiology course in North Carolina. The motion carried.

- C. Clarification for Radiology Instructors **[Item #8] Ms. Friddle**  
Ms. Deedra Donley, Director of Continuing Dental Education at the UNC School of Dentistry, inquired as to who and where individuals that take UNC's Proprietary Radiology Instructors' Course are allowed to teach. Ms. Friddle was directed to notify Ms. Donley that radiology instructors would be teaching radiology to dental assistants and that the course could be taught at any dental or dental hygiene school, any proprietary school or in a private dental office.

## IX. LICENSURE MATTERS

During the open session, and without conducting other business, Dr. Sadler made a motion, which was seconded by Ms. Stack, to move into closed session, pursuant to NCGS §143-318.11(a)(1), §143-318.18(6) and §90-41(g), in order to discuss applicants for licensure and the status of individuals currently licensed, with all motions and votes taken in open session. The motion passed by general consent.

- A. Approval of Licenses/Permits/Reinstatements [Item #9] Ms. Friddle  
Dr. Wester 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. Young and passed by general consent.

Following its discussion of applicants for licensure and the status of individuals currently licensed, Dr. Feingold made a motion to move back into open session to continue with Board business. Dr. Sadler seconded the motion, which passed by general consent.

- B. Examinations Dr. Wester  
[No Report]

## X. REPORT FROM LEGAL COUNSEL

- A. Dental Instructor's License Inquiry **[Item #10] Mr. White**  
An inquiry was received from Daniel James, requesting the Board's interpretation of the word "adjacent" as it applies to the teaching and practicing of dentistry at any teaching hospital adjacent to a dental school or an academic medical center by a dentist holding a Dental Instructor's License. The Board postponed its decision in this matter until additional information could be obtained.

During the open session, and without conducting other business, Dr. Sadler made a motion to move into closed session, pursuant to NCGS §143-318.11(a)(3), in order to consult with legal counsel. The motion was seconded by Ms. Stack and passed by general consent. All motions and votes were taken in open session.

- B. Hearing Options for Contested Cases [Item #11] Mr. Brocker  
Dr. Allen moved to table the entire issue. Dr. Feingold seconded the motion. The motion to table carried.



---

The Board recessed for lunch at 12:30 p.m., and reconvened in open session at 1:00 p.m. in order to conduct a Rule 35 Motion Hearing involving Amber Devine, R.D.H. The motion hearing concluded at 1:30 p.m., at which time the Board moved back into closed session to complete its consultation with legal counsel. Dr. Allen made the motion to move into closed session. Mr. Totman seconded the motion, which passed by general consent.

---

C. Delegable Functions [Item #12] Mr. Brocker  
[Postponed]

D. Purchase of Medical Practice Mr. Brocker  
Dr. David Lambert inquired if he could work in the practice of Dr. John Won prior to purchasing it. The Board had recently revoked Dr. Won's dental license; however, Dr. Won continues to practice oral surgery under his North Carolina medical license. The Board determined that since Dr. Won can no longer own a dental practice, his current practice would be considered a medical practice. Therefore, Dr. Lambert could not work in Dr. Won's medical practice, since he is not a medical doctor. This would not prohibit Dr. Lambert from purchasing Dr. Won's former dental practice.

Following the advice from legal counsel, Dr. Wester made a motion to move back into open session. Mr. Totman seconded the motion, which passed by general consent.

## **XI. INVESTIGATIVE MATTERS**

A. Investigative Statistics [Item #13] Dr. Young  
The Board reviewed investigative statistics for the month of February, as well as year to date. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions  
During open session, and without conducting other business, Dr. Allen made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on several Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Young and passed by general consent.

- a. Log #11-168 [Item #14] Dr. Allen
- b. Log #15-192 [Item #15] Dr. Allen
- c. Log #16-246 [Item #16] Dr. Young
- d. Log #17-035 [Item #17] Dr. Young
- e. Log #07-189 [Item #18] Dr. Sadler

Following its discussion of investigative matters, Dr. Young made a motion to move back into open session. Dr. Wester seconded the motion, which passed by general consent.

C. Settlement Conference

The Board conducted one (1) settlement conference throughout the meeting. Mr. Brocker represented the Board at the conference and standard protocol was followed.


**XII. NEXT MEETING**

The Board's next regularly scheduled meeting will begin on Friday, April 7, 2017, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting several disciplinary hearings and for the consideration of routine business.

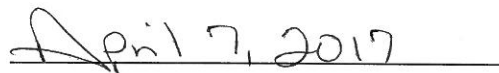
**XIII. ADJOURNMENT**

There being no further business, Dr. Feingold made a motion to adjourn the meeting. Mr. Totman seconded the motion, which passed by general consent. The meeting adjourned at 2:30 p.m.

Reported by:

  
Terry W. Friddle  
Deputy Operations Officer

Date of Approval:



**MEMBERS OF THE BOARD**

*Dr. William M. Litaker, Jr., President*

*Dr. Merlin W. Young, Secretary-Treasurer*

*Dr. Clifford O. Feingold, Past-President*

*Dr. Stanley L. Allen*

*Dr. Millard W. Wester, III*

*Dr. Kenneth M. Sadler*

*Ms. Carla J. Stack, R.D.H., Dental Hygiene Member*

*Mr. Dominic Totman, Esq., Consumer Member*