

MINUTES

NC STATE BOARD OF DENTAL EXAMINERS

BOARD MEETING

Morrisville, North Carolina

March 3-4, 2022

THURSDAY, MARCH 3, 2022

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, March 3, 2022, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed amendments to 21 NCAC 16C .0101; 16F .0102, .0104, .0105, .0107, .0110; 16G .0704; 16I .0202; 16Q .0704; 16R .0202; 16V.0101-.0102; 16Z .0101 and adoption of 21 NCAC 16G .0109. The proceeding was recorded and conducted in-person. A copy of the proposed rules is attached to the Minutes. The public hearing concluded at 6:34 p.m., at which time the Rule Making Hearing was adjourned.

FRIDAY, MARCH 4, 2022

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Clemons

A. Call to Order

Dr. Edward Clemons, President of the Board, called the business meeting to order at 8:30 a.m., Friday, February 4, 2022, at the Board's offices in Morrisville, North Carolina. Dr. Clemons 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. avoid both conflicts of interest and appearances of conflict.

B. Roll Call

All members of the Board were present at the Board office with the exception of Dr. Raleigh Wright. The members present included Dr. Edward Clemons, 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, Ms. Betty Sines, Investigations Coordinator, Ms. Jamie Rivera, Paralegal, Dirk German, Investigator, Tyler Henderson, Investigator and Mr. Douglas Bocker, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With seven members of the Board present, Dr. Clemons declared a quorum for the purposes of conducting hearings and the business of the Board.

At 8:35 a.m., Dr. Litaker made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Watkins seconded the motion. The motion carried. The conference concluded at 10:50 a.m., at which time Dr. Litaker made the motion to move into open session to resume Board business. Dr. Lanier seconded the motion, and the motion passed. At 11:15 a.m., Dr. Amanda Stroud joined the meeting via Zoom in order to present her proposal for a pilot project utilizing post-extraction socket blood to test HbA1C levels to screen for diabetes. The Board had no objections to her pilot project if she does not diagnose. The call ended at 11:32 a.m.

II. APPROVAL & ORDER OF AGENDA

Dr. Clemons

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

III. APPROVAL OF MINUTES

A. Minutes of February 3-4, 2022

[Item #1] Dr. Clemons

Following a review of the February 3-4, 2022 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. Clemons

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (February)

[Item #2]

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

B. Personnel Matters

Mr. White reported that Mary McCullough discovered a check that was originally sent to sedation evaluator had been intercepted and altered to reflect a different payee and amount. Mr. White commended Mary for this discovery and reported that the funds were not accessed.

Mr. White reported that shifts in staff responsibilities and job descriptions were forthcoming. He also reported that we have started the process to hire a full-time temporary general anesthesia and sedation inspector.

C. Miscellaneous

a. Procedural Timeline for Proposed Rules

Mr. White reminded the Board of the timeline regarding the current proposed amendments to the general anesthesia and sedation rules. He went through the history of this rule and reminded members how the Board reviewed and approved proposed amendments at each stage of the process.

b. Auditor

Based on the results of the Board's annual audit, Mr. White informed that Board that in complex investigative cases that span multiple years, the auditors have stated that bill payment/reconciliations should occur within each fiscal year rather than upon a final completion of the investigation.

Mr. White also discussed the status of the Board's 401(K) forfeiture account. When an employee leaves employment at the Dental Board and has unvested funds in the defined contribution retirement plan, the employee forfeits those funds thereby creating a forfeiture account. This amount has accrued since the inception of the Board's current retirement plan, approximately 30 years ago. Funds from the forfeiture account were used to pay the Board's 6% match to employee contributions over the past year. He further explained that auditor is requesting more information regarding this account and Mr. White is working with Prudential to get names and figures for all employees that have had forfeiture.

c. Telephone system

Mr. White reported that the phone system at the Board office will be changing because the technology of the current system is no longer supported.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

Dr. Clemons announced that the Tripartite meeting is currently set for April 29, 2022. The Old North State is hosting this year's meeting, which will be held at the North Carolina Dental Society's offices in Cary.

B. Finance Committee

[No Report]

C. Sedation/General Anesthesia Committee

Dr. Lanier announced that subcommittees within the general anesthesia and sedation committee are planning to meet in the next few weeks. As a result of those meetings, the advisory committee will make recommendations to the Board.

VII. OLD BUSINESS

A. Substance Abuse Proposal

[Item #3] Mr. White

The NCCDP has proposed that all licensed dentists and dental hygienists complete at least one hour of continuing education ("CE") on "Substance Abuse Issues" each year. The one hour of continuing education would be included in the required 15 CE hours for dentists and required six hours of CE for dental hygienists for license renewal. After discussions with the NCCDP, the Board determined that a one-hour course every two years on substance abuse and/or mental health will satisfy this request. The Board directed staff to draft rules to convey this new proposed requirement.

- B. FDA Rated Class II Devices **[Item #4] Mr. White**
The Board received an inquiry regarding the use of a Class II medical device in dental practices. The technology helps reduce the appearance of fine lines and wrinkles around the mouth. Mr. White will report back with more details at a future meeting.
- C. HbA1C Readings **[Item #5] Mr. White**
Dr. Amanda Stroud submitted an inquiry regarding a potential pilot project to be conducted testing alveolar socket blood, generated at the time of an extraction, and comparing HbA1C readings to the readings one would obtain by a fingerstick method. The Board had no objection to this project provided this is only used for screening purposes.

VIII. NEW BUSINESS

- A. Approve Rotation Site - ECU **[Item #6] Ms. Goode**
Dr. Litaker made a motion to approve East Carolina School of Dental Medicine's Hyde County Dental Project as a part of the curriculum for students currently enrolled. Dr. Lanier seconded the motion. The motion carried.
- B. Approve Radiology Instructor **[Item #7] Ms. Goode**
Ms. CeeJa Gordon from National Institute of Dental Assisting requested approval of Jennifer Robertson as a radiology instructor. Ms. St. Onge made a motion to approve Ms. Robertson as an instructor. Dr. Johnson seconded the motion. The motion carried.
- C. Approve Radiology Instructors **[Item #8] Ms. Goode**
Ms. St. Onge made a motion to approve Ms. Ginger Mann, RDH and Ms. Samantha Moore, RDH as radiology instructors. Dr. Johnson seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #9] Ms. Goode**
Dr. Litaker 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/Mr. White

- A. CSRS Report **[Item #10]**
The Board received a prescriber's report from the Controlled Substance Reporting System (CSRS) reporting licensees that are currently registered with the Drug Enforcement Administration (DEA) and are currently prescribing controlled substances, but they have never registered with the CSRS as required by law. After a discussion, the Board granted permission to audit the licensees from this list and request proof of CSRS participation.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (February) **[Item #11] Dr. Lanier**

The Board reviewed investigative statistics for the month of February. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions

During open session, and without conducting other business, Dr. Litaker 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. Johnson and passed by general consent.

- a. Log #18-089 **[Item #12] Dr. Litaker**
Following a review, the Hearing Panel approved the Consent Order.
- b. Log #14-193 **[Item #13] Dr. Litaker**
Following a review, the Hearing Panel approved this Consent Order.
- c. Log #19-080 **[Item #14] Dr. Clemons**
Following a review, the Hearing Panel approved the Reprimand.
- d. Log #21-168 **[Item #15] Dr. Lanier**
Following a review, the Hearing Panel approved the Consent Order.
- e. Log #21-157 **[Item #16] Dr. Lanier**
Following a review, the Hearing Panel approved the Consent Order.

C. Settlement Conferences

The Board conducted one settlement conference throughout the meeting. Ms. Crystal Carlisle represented the Investigative Panel. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin at 8:30 a.m. on Friday, April 1, 2022 and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting Formal Hearing in the Dr. William Boles matter and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Lanier made a motion to adjourn the meeting. Dr. Watkins seconded the motion, which passed by general consent. The meeting adjourned at 3:12 p.m.

Reported by: _____

Casie S. Goode

Casie S. Goode

Deputy Operations Officer

Date of Approval: _____

April 1, 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