

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Sunset Beach, North Carolina
May 17, 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 8:31 a.m., Wednesday, May 17, 2023, at the Thistle Golf Club in Sunset Beach, 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 the 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 meeting. The members present at the Board office included Dr. Edward Clemons, Dr. Stan Hardesty, 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, Rick Hetzel, Investigator, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, and Mr. Douglas Bocker, Legal Counsel for the Board were also present.

C. Declaration of Quorum

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

II. APPROVAL & ORDER OF AGENDA

Dr. Lanier

Dr. Litaker moved, which was seconded by Dr. Hardesty, 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 April 13-14, 2023

[Item #1] Dr. Lanier

Following a review of the April 13-14, 2023 Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Hardesty seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

[None]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (April)

[Item #2]

Following a review of the April Financial Report, Dr. Clemons moved to accept the report for informational purposes. Dr. Johnson seconded the motion which passed by general consent.

B. Personnel Matters

Dirk German resigned from his position as Board Investigator, effective September 1, 2023.

C. Miscellaneous

a. 2022 Audit

[Item #3]

The Board's financial audit for the year ending December 31, 2022, was completed by Bernard Robinson & Company, LLP. It was the auditor's opinion that the financial statements of the Board fairly and accurately presented the Board's financial position and cash flow for 2022. There were no deficiencies reported.

b. Board of Elections

Mr. Totman was nominated and will serve as election chair for this year's election.

Mr. White presented a proposed ballot preparation and election timeline to include, Thursday, May 25, 2023, to prepare and mail ballots. The preparation will take place at the Board Office in Morrisville and is open to the public. Ballots must be received at the office of Norton Lund Collar Lilley CPA, PLLC by 5:00 p.m. on Thursday, June 8, 2023. The ballots will be counted on Friday, June 9, 2023, at noon at the Board Office in Morrisville and the tabulation will be open to the public. Dr. Hardesty made a motion to approve the timeline as presented. Dr. Clemons seconded the motion. The motion carried.

c. Town Hall Meeting

Mr. White reported on a Town Hall Meeting, hosted by CE dojo, that he attended virtually to answer questions regarding proposed changes to the Dental Practice Act found in Senate Bill 382. Following a brief explanation of Senate Bill 382, Mr. White was disconnected from the meeting and unable to rejoin.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

[None]

C. Sedation/General Anesthesia Committee

a. Office Sedation Inspections [Item #4] Mr. White

Casey Barton, CRNA requested to partner with the Board to offer consulting services to general anesthesia and sedation permit holders to help dental practices prepare for inspections by the Dental Board.

Following a discussion, Mr. White was instructed to inform Mr. Barton that if he wants to start his own consulting company and advertise his services to general anesthesia and sedation permit holders directly, he may do so; however, the Board does not think a partnership with such as business is necessary or appropriate.

b. Approval of Minimal Sedation Course [Item #5] Dr. Lanier

Dr. Curtis Calder requested Board approval of an Adult Minimal Oral Sedation Course being offered via Dentatown.com and taught by Drs. Mark Donaldson and Jason Goodchild. Dr. Hardesty made a motion for staff to request more information about the course and the instructors and have Dr. Lanier consider auditing the course and report back. Dr. Litaker seconded the motion. The motion carried.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

A. Approve Radiology Course [Item #6] Ms. Goode
[Tabled]

B. Approve Radiology Course [Item #7] Ms. Goode
[Tabled]

C. CPT Inquiry [Item #8] Mr. White

Eric Link, a representative from BlueCross BlueShield of North Carolina, submitted an inquiry regarding the appropriateness of a dentist billing Evaluation and Management Codes 99202-99215. Following a discussion, the Board opined that dentists are allowed to perform this treatment and the billing code is appropriate. The insurance company must determine their willingness to reimburse a dentist for the utilization of these codes.

D. Teaching Local Anesthetics [Item #9] Mr. White

Dr. Joe Hendrick, Jr. and Ms. Lori Hendrick, RDH of Athena Dental Solutions, LLC, requested permission to hold a local anesthetic training session at the 2024 Annual Session held in Myrtle Beach, South Carolina. It is the Board's opinion that "Board-approved" continuing education providers are not required to hold courses only in the state of North Carolina; therefore, the local anesthetic course can be held in South Carolina during the 2024 Annual Meeting.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #10] Ms. Goode**
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.
- B. Examinations
- a. CRDTS Presentation **[Item #11] Ms. Goode**
Ms. Michael Cobler, Executive Director, of the Central Regional Dental Testing Service (CRDTS), presented information to the Board regarding dental and dental hygiene clinical examinations currently being offered by CRDTS. The Board had several questions from Ms. Cobler. Ms. Cobler will discuss the Board's questions with the members of CRDTS examination committee and report back to the Board.
- Ms. Cobler's presentation was accepted for informational purposes and no action was taken.
- b. ADEX Annual Meeting **Dr. Litaker**
Dr. Hardesty moved to approve any expenses, including one travel day before the meeting and one travel day after the meeting, for Dr. Litaker to attend the upcoming ADEX Annual Meeting held on July 21-22, 2023, in Aurora, Colorado. Dr. Clemons seconded; motion carried.
- c. ADEX Virtual Meeting – Steering Committee
The Board directed Ms. Goode to follow up with CDCA/WREB/CITA to determine which Board Members should attend the July 25, 2023 Steering Committee meeting. Dr. Hardesty made a motion for Dr. Watkins to replace Dr. Young as a North Carolina representative since he is no longer an active Board Member. Dr. Litaker seconded the motion. The motion carried.

X. REPORT FROM LEGAL COUNSEL

- A. Pediatric Anxiolysis Statement **[Item #12] Mr. Brocker/Mr. White**
Mr. Brocker
Dr. Hardesty made a motion to approve the Pediatric Anxiolysis Statement as drafted. Dr. Johnson seconded the motion. The motion carried.
- B. Rules for Permanent Adoption **[Item #13] Mr. Brocker**
❖ 21 NCAC 16B .0101, .0501 and .0502 – Dr. Hardesty made a motion to table adoption of the credentialing rules pending the outcome of Senate Bill 382, short title "Dental Practice Act Changes." Dr. Litaker seconded the motion. The motion carried.

- ❖ 21 NCAC 16C .0501, 16I .0201, and 16R .0204 – The proposed rule amendments offer clarification to the application process for dental hygiene licensure by credentials, create a retirement classification for dental hygienists, and they amend continuing education requirements for dentists and dental hygienists. Dr. Hardesty made a motion to approve the rule amendments for permanent adoption. Ms. St. Onge seconded the motion. The motion carried.

- C. Rules for Permanent Adoption **[Item #14] Mr. Bocker**
21 NCAC 16H .0105 – Dental Radiology Course and Examination Requirements
Following the rulemaking hearing and after reviewing public comments regarding this proposed rule, non-substantive changes were made and the rule incorporating these changes were presented for Board approval. Dr. Hardesty made a motion to approve the rule with the changes for permanent adoption. Dr. Clemons seconded the motion. The motion carried.
- D. Approval of Injunction **Mr. Bocker**
Mr. Bocker informed the Board of an ongoing investigation into the unlicensed practice of dentistry. Dr. Hardesty made a motion to allow the investigative panel to initiate a lawsuit through the NC Court System. Dr. Johnson seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (April) **[Item #15] Dr. Watkins**
The Board reviewed investigative statistics for the month of April. The statistics were accepted for informational purposes.
- 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 several Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Clemons and passed by general consent.
 - a. Log #21-002 & #21-117 **[Item #16] Dr. Watkins**
 - b. Log #21-238 **[Item #17] Dr. Johnson**

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

- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, June 9, 2023, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a Formal Hearing involving Dr. Tung Nguyen and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Litaker made a motion to adjourn the meeting. Dr. Clemons seconded the motion, which was passed by general consent. The meeting adjourned at 2:01 p.m.

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

Date of Approval: June 9, 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