

MINUTES

NC STATE BOARD OF DENTAL EXAMINERS

BOARD MEETING

Morrisville, North Carolina

November 12, 2021

THURSDAY, NOVEMBER 11, 2021

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, November 11, 2021, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed amendments to 21 NCAC 16U .0103. The proceeding was recorded, and a copy of the proposed rules is attached to the Minutes. The public hearing concluded at 6:38 p.m., at which time the Rule Making Hearing was adjourned.

FRIDAY, NOVEMBER 12, 2021

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, November 12, 2021, 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.

B. Roll Call

All members of the Board were present at the Board office. The members present at the Board office included Dr. Edward Clemons, Dr. Raleigh Wright, 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, Amanda Carver, Investigator, Betty Sines, Investigations Coordinator, Ms. Jamie Rivera, Paralegal, Tyler Henderson, Investigator and Mr. Douglas Brocker and Ms. Crystal Carlisle, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Clemons declared a quorum for the purposes of conducting a Formal Hearing and the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Clemons

Dr. Litaker moved, which was seconded by Dr. Watkins, 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.

At 8:33 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. Lanier seconded the motion. The motion carried. The first conference concluded at 11:55 p.m. at which time Dr. Litaker made the motion to move into open session to resume Board business. Ms. St. Onge seconded the motion, and the motion passed.

III. APPROVAL OF MINUTES

A. Minutes of October 1, 2021

[Item #1] Dr. Clemons

Following a review of the October 1, 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. Clemons

Dr. Clemons reported that he recently attended the AADB and CITA meetings and noted that there seems to be national trends and common themes that most state Dental Boards are encountering.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (October)

[Item #2]

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

B. 2022 Preliminary Budget




[Item #3]

Dr. Lanier and Mr. White presented a draft of the 2022 budget for the Board's review. Board members were encouraged to review the proposed budget and be prepared to approve a final version at the December meeting.

C. Personnel Matters

Mr. White reported that between now and the December meeting, he, Ms. Goode and Ms. McCullough would be conducting end of the year evaluations with staff. Board members were asked to contact the office if they had any information pertinent to a specific employee's evaluation.

D. Miscellaneous

-  The North Carolina Dental Society has established a task force to review the Dental Practice Act and consider recommending updates to several of our current general statutes. Dr. Stan Hardesty and Dr. Ron Owens are on the task force and Mr. White is serving as a consultant. They are reviewing the Board's election process, delegable duties, ratio of hygienists to dentists, and dental service organizations, among other things. Board staff will meet and consider other areas in the Act that may warrant changes. Dr. Wright volunteered to help with the task force as appropriate. The next taskforce meeting is December 1, 2021.
-  Following an internal audit, the Controlled Substance Reporting System (CSRS) sent letters to several licensees informing them they were not in compliance with the CSRS in that they had failed on several occasions to cross reference the CSRS prior to writing controlled substances for several patients. The Board was unaware that these letters were going out and unless the reliability of the CSRS audit can be confirmed, no action will be taken.
-  The North Carolina Dental Society's (NCDS) Professional Relations Committee meets on January 8, 2022. Dr. Clemons, as the President will attend and represent the Board.

At 1:04 a.m., Dr. Johnson made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Lanier seconded the motion. The motion carried. The conference concluded at 4:14 p.m. at which time Dr. Lanier made the motion to move into open session to resume Board business. Ms. St. Onge seconded the motion, and the motion passed.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[None]
- B. Finance Committee
[None]
- C. Sedation/General Anesthesia Committee
[None]

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

- A. Approval of Radiology and Nitrous Instructors [Item #4] Ms. Goode
[Postponed]

IX. LICENSURE MATTERS

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

The Board requested to have add all hygienists who receive Board approval to administer local anesthetics to all monthly reports moving forward.

- B. Examinations
a. 2021 ADEX Report [Item #6] Ms. Goode
[Postponed]

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

- A. Amendments to 16Q [Item #7]
Dr. Debra Sacco and Dr. Bryan Neuwirth were present at the Board office and addressed the Board regarding proposed changes to 16Q, the sedation and general anesthesia rules. After which, Mr. Brocker explained the proposed amendments by discussing and explaining each individual rule as it currently reads and what each proposed amendment entails. Following discussion, Dr. Johnson made a motion to approve the proposed amendments as drafted. Dr. Lanier seconded the motion. The motion carried.
- B. Licensure by Credentials Eligibility [Item #8]
Dr. Fawwaz Alotaibi, a foreign trained general dentist licensed in several states since 2017, requested approval to obtain a license by credentials based on the fact that he obtained his master's degree in oral biology from August Dental School, which is a CODA accredited school. He has also taken and passed the National Boards and the ADEX clinical examination. The Board may consider applicants on a case-by-case basis and based, in part, on the fact that Dr. Alotaibi has taken and passed a clinical licensure examination, Dr. Wright made a motion to approve his application for licensure by credentials. Dr. Litaker seconded the motion. The motion carried.
- C. Local Anesthetic Curriculum [Item #9]
Ms. St. Onge made a motion to allow CODA accredited dental hygiene programs to teach local anesthetic curriculum in sections throughout the curriculum. However, hours taught by continuing education providers must be cumulative. Dr. Wright seconded the motion. The motion carried.

The Board further explained that a dentist must be present for the administration of local anesthetic by a dental hygiene student in any setting, including a CODA approved dental hygiene program.

- D. Local Anesthetic Certification Requirements **[Item #10]**
The Board discussed the following issues regarding qualifications for administering local anesthetic by a dental hygienist:

1. Out of state applicants who have taken a course in administering local anesthetic that took place over 5 years ago, must retake the course to qualify. Staff will draft rules to reflect this decision.
2. On behalf of a CODA accredited school, the program director or appropriate faculty, may attest to the fact that a dental hygienist completed the required 12 infiltration and 12 block injections during his/her course of study.
3. Applicants who have completed training in only one type of injection (block or infiltration) may take a course to complete the missing component, without repeating the entire course.

- F. Attorney General Opinion **[Item #11]**
[Postponed]

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (October) **[Item #12] Dr. Lanier**
The Board reviewed investigative statistics for the month of October. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
[Postponed]
- a. Log #21-013 **[Item #13] Dr. Johnson**
[Postponed]
- C. Settlement Conferences
The Board conducted two settlement conferences throughout the meeting. Mr. Doug Bocker and Ms. Crystal Carlisle represented the Investigative Panel. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, December 10, 2021 and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a disciplinary conferences and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Lanier made a motion to adjourn the meeting. Dr. Wright seconded the motion, which passed by general consent. The meeting adjourned at 6:56 p.m.

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

Date of Approval: December 10, 2021

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