

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
November 17, 2023

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Watkins

A. Call to Order

Dr. Catherine Watkins, President of the Board, called the business meeting to order at 8:31 a.m., Friday, November 17, 2023, at the Board's offices in Morrisville, North Carolina. Dr. Watkins 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 with the exception of Mr. Dominic Totman, Esq. 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, and Ms. Lori Hendrick, RDH. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Rick Hetzel, Investigator, Tyler Henderson, Investigator, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, Kevin Snead, Investigator, and Mr. Douglas Brocker, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With seven members of the Board present, Dr. Watkins declared a quorum for the purposes of conducting a disciplinary hearing and the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Watkins

Dr. Hardesty moved, which was seconded by Dr. Johnson, to accept the agenda with permission for the President to add emergency items or those without public interest and take items out of order to facilitate business. The motion passed by general consent.

At 8:32 a.m., Dr. Hardesty made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Litaker seconded the motion. The motion carried. The conference concluded at 9:59 a.m., at which time Dr. Hardesty made the motion to move into open session to resume Board business. Dr. Clemons seconded the motion, and the motion passed.

III. APPROVAL OF MINUTES

- A. Minutes of October 13, 2023 **[Item #1] Dr. Watkins**
Following a review of the October 13, 2023 Minutes, Dr. Hardesty moved to approve the Minutes as presented. Dr. Litaker seconded the motion which was passed by general consent.

IV. REPORT FROM PRESIDENT

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (October) **[Item #2]**
Following a review of the October 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
- ❖ Policy Change
Dr. Hardesty made a motion to approve allowing personnel who work less than half-time to accrue vacation leave in the same manner that they accrue sick leave. Dr. Litaker seconded the motion, the motion carried.
- C. Miscellaneous
- ❖ In Memoriam **[Item #3]**
Mr. White acknowledged the passing of Dr. Price Arrington and offered an expression of condolence to his family. Dr. Arrington is reported to be the first African American dentist to practice in Apex, North Carolina. The Board will add an “In Memoriam” section to future Dental Forums, whereby our licensees can be notified regarding the passing of their colleagues.
 - ❖ Wake County Fire Marshal Mandate
Mr. White informed the Board that the Wake County Fire Marshal is reconfiguring addresses for emergency calls placed to “911”. Dr. Hardesty made a motion to issue corrected sedation/general anesthesia permits to all permit holders that will be affected by this change at no charge to the permit holder. Dr. Lanier seconded the motion. The motion carried.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
- a. NCDS Professional Relations Group Meeting – December 9, 2023

The NC Dental Society will hold its annual professional relations group meeting on December 9, 2023. Dr. Watkins will be in attendance on behalf of the NC Dental Board. Dr. Watkins has requested that Mr. White accompany her on behalf of the NC Dental Board. Also, in attendance will be Dr. Johnson on behalf of the NC Dental Anesthesia Society and Ms. Hendrick on behalf of the NC Dental Hygiene Association.

B. Finance Committee

a. 2024 Budget

[Item #4] Mr. White

Dr. Johnson and Mr. White presented a draft of the 2024 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. Sedation/General Anesthesia Committee

a. Approve Sedation Courses

[Item #5] Dr. Lanier

Dr. William Moorhead, from IV Sedation Training for Dentists, LLC, requested approval of the moderate IV sedation course that he currently co-teaches in Kentucky. Dr. Hardesty made a motion to approve the course. Dr. Clemons seconded the motion. The motion carried.

The Academy of Dental and Medical Anesthesia (ADMA) requested approval of a course that would allow participants to qualify for a moderate pediatric conscious sedation permit. Following a review of the course, it was determined that the course does not meet the educational requirements established in 21 NCAC 16Q .0404. Therefore, Dr. Hardesty made a motion not to approve the course. Dr. Johnson seconded the motion. The motion carried.

D. Radiology Committee

Dr. Watkins recognized Madeline Richardson and Lori Hendrick for all their hard work on the Radiology Advisory Committee.

a. Approval of Radiology Courses

[Item #6] Dr. Watkins

Following a review of the courses and based on the recommendations of the Radiology Advisory Committee, Dr. Johnson made a motion to approve radiology courses for: Summit Dental Assisting Academy, Triangle School of Dental Assisting, Amazing Grace Dental Assisting Academy of Gastonia, EduDent School of Dental Assisting and Dental Assistant Solutions, LLC. Dr. Hardesty seconded the motion. The motion carried.

b. Radiology Course Requirements

[Item #7] Dr. Watkins

The University of North Carolina Adams School of Dentistry requested changes to the requirements to the instructor course requirements for proprietary schools. Following a discussion, it was determined that a rule change is not necessary. The Board supports the proposed prerequisites and is of the opinion that this is an academic matter and UNC may certainly implement these prerequisites during their vetting process for potential students.

VII. OLD BUSINESS

- A. Dental/Dental Hygiene Compact [Item #8] Mr. White
Mr. White updated the Board regarding the Dental and Dental Hygiene Compact. The Board accepted this update for information purposes and will continue to follow the process as it evolves.

VIII. NEW BUSINESS

- A. Gabapentin Legislation – FAQs [Item #9] Mr. White
The Board suggested sending this information to Dr. William Claytor with the NCCDP for his feedback prior to responding. Dr. Hardesty made a motion to approve the posting of these frequently asked questions on our website when they have been finalized by the NC Department of Health and Human Services. Dr. Lanier seconded the motion. The motion carried.
- B. Approve Medical Emergencies Course [Item #10] Ms. Goode
Mr. Erich Byrd of Emergency Medical Solutions Consulting, LLC requested approval of his medical emergencies course. Dr. Hardesty made a motion to approve the course. Dr. Litaker seconded the motion. The motion carried.
- C. Approve Rotation Sites – WTCC [Item #11] Ms. Goode
Wake Technical Community College (WTCC) requested Board approval of Wake County Human Services and Wake Smiles the Salvation Army Judy D. Zelnak Center of Hope as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at WTCC. Upon review of the documentation, Dr. Litaker made a motion to approve the proposed rotation site. Dr. Hardesty seconded the motion. The motion carried.
- D. Approve Rotation Sites – FTCC [Item #12] Ms. Goode
Fayetteville Technical Community College (FTCC) requested Board approval of the Veterans Administration Hospital and Ft. Bragg Dental Clinic #5 as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at FTCC. Upon review of the documentation, Dr. Litaker made a motion to approve the proposed rotation site. Dr. Clemons seconded the motion. The motion carried.
- E. Approve Radiology Instructor [Item #13] Ms. Goode
Ms. Jeniffer Nicholson, BS, RDH, CDA requested Board approval as a radiology instructor. Dr. Litaker made a motion to approve of Ms. Nicholson as a radiology instructor. Dr. Hardesty seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements [Item #14] 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 Dr. Hardesty and passed by general consent.

B. Examinations

Dr. Litaker reported that CDCA-WREB-CITA examination assignments have been published for the upcoming examination cycle. As requested, several NC Board members have been assigned to NC examinations.

X. REPORT FROM LEGAL COUNSEL

Mr. Bocker/Mr. White

A. Potential Injunction – Log #23-315

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. Watkins seconded the motion. The motion carried.

B. Potential Injunction – Log #23-335

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. Clemons seconded the motion. The motion carried.

C. Temporary Immigration Status

[Item #15] Mr. White

Dr. Hardesty made a motion to grant a moderate sedation permit to a licensee (if qualified) who has been granted a temporary dental license for one year based on her immigration status. In the future applicants with this temporary immigration status will be granted a provisional license if they qualify so they may work under the supervision of a licensed dentist. Dr. Clemons seconded the motion. The motion carried.

D. Myofacial Therapy

[Item #16] Mr. White

The Board received an inquiry related to a licensed dental hygienist, Ashley Dorado, who is advertising and providing myofunctional therapy. The Board remanded this matter back to legal counsel to research and provide an update at the December 2023 meeting.

At 1:01 p.m., Dr. Hardesty made a motion to move into closed session, pursuant to NCGS §143-318.11(3), in order to receive the advice of legal counsel. Dr. Litaker seconded the motion, which passed by general consent. At that time, Mr. Bocker advised the Board on proposed legislative changes to the Board's authority to review management service arrangements. Following his advice, at 1:20 p.m., Dr. Hardesty made a motion to move into open session. Dr. Watkins seconded the motion. The motion carried.

E. Proposed MSA Legislation

[Item #17] Mr. Bocker

Dr. Litaker made a motion to move forward with the publication of management companies whose contracts have been reviewed by the Board as well as the revised talking points outlining the Board's positions regarding management arrangement reviews. Dr. Hardesty seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (October)

[Item #18] Dr. Johnson

The Board reviewed investigative statistics for the month of October, as well as the year to date. 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 Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Johnson and passed by general consent.

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| a. | Log #23-222 | [Item #19] | Dr. Johnson |
| b. | Log #22-133 | [Item #20] | Dr. Lanier |
| c. | Log #23-156 | [Item #21] | Dr. Lanier |

C. Settlement Conferences

The Board conducted one (1) settlement conference throughout the meeting. Mr. Douglas Brocker represented the Board's Investigative Panel in the matter. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, December 7, 2023, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences, a rulemaking hearing and routine Board business.

XIII. ADJOURNMENT

There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Litaker seconded the motion which passed by general consent. The meeting was adjourned at 2:03 p.m.

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

Date of Approval: December 8, 2023

MEMBERS OF THE BOARD

Dr. Catherine Watkins., President
Dr. Mark Johnson, Secretary-Treasurer
Dr. Karen Lanier., Immediate Past President
Dr. William Litaker
Dr. Edward Clemons, Jr
Dr. W. Stan Hardesty
Ms. Lori Hendrick, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member