

MINUTES

NC STATE BOARD OF DENTAL EXAMINERS

BOARD MEETING

Morrisville, North Carolina

November 17-18, 2022

THURSDAY, NOVEMBER 17, 2022

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, November 17, 2022, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed amendments to 21 NCAC 16Q .0202, .0302, .0405, .0703 and adoption of 21 NCAC 16Q .0103-.0104. The proceeding was recorded, conducted in-person, virtually via Zoom, and live streamed on Facebook. A copy of the proposed rules is attached to the Minutes. The public hearing concluded at 7:24 p.m., at which time the Rule Making Hearing was adjourned.

FRIDAY, NOVEMBER 18, 2022

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 8:32 a.m., Friday, November 18, 2022, at the Board's offices in Morrisville, 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 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, Dirk German, Investigator, Tyler Henderson, Investigator, Betty Sines, Investigations Coordinator, Jamie Rivera, Investigator/Paralegal, Rick Hetzel, Inspector/Investigator, 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. Lanier declared a quorum for the purposes of conducting disciplinary conferences and the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Lanier

Dr. Litaker moved, which was seconded by Ms. St. Onge, 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 October 14, 2022

[Item #1]

Dr. Lanier

Following a review of the October 14, 2022, Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Hardesty seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Lanier thanked the Board members and staff for their assistance in facilitating last night's rulemaking hearing.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (October)

[Item #2]

Following a review of the October Financial Report, Dr. Hardesty 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 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.

C. Miscellaneous

❖ CE Credit – RDH

Dr. Litaker made a motion to allow continuing education hours required for dental hygienists to obtain a certification to administer local anesthetic to count towards continuing education requirements for annual license renewal. Ms. St. Onge seconded the motion, the motion carried.

❖ Dental Licensure Compact

Mr. White reported on his recent meeting regarding the potential for the implementation of a dental and dental hygiene licensure compact. Mr. White will continue to serve on the advisory committee and will update the Board as new information becomes available.

❖ Retired Dentist

Dr. Litaker made a motion to approve Board staff to contact all retired dentists to notify them about the levels of retirement and remind them that if they are fully retired with continuing education and CPR waivers, they may not practice. They will also be given information regarding the process for changing their status from

retired to active or semi-retired should they desire to resume the practice of dentistry in any capacity. Dr. Hardesty seconded the motion. The motion carried.

❖ CODA Site Visits

The Board recently received notification that several institutions have indicated a willingness to have a representative of the Board participate in the 2022 accreditation site visits. Following a discussion, Dr. Hardesty made a motion to decline participation in the 2022 site visits. The motion was seconded by Dr. Litaker. The motion carried.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

a. Approval of medical emergencies course

Dr. Lanier reported that the Executive Committee recently approved UNC's course on medical emergencies for public health hygienists and limited supervision hygienists. This was accepted for informational purposes.

B. Finance Committee

a. 2023 Budget

[Handout] Mr. White

Dr. Watkins and Mr. White presented a draft of the 2023 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

Mr. Brocker reminded the Board that the comment period for the proposed general anesthesia and sedation rules ends on December 2, 2022. The comments will be forwarded to the advisory committee chairs and a meeting will be scheduled to discuss a final draft of the proposed rules, which will be presented to the Board at the December 16, 2022 Board Meeting.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

A. Approve Rotation Sites - CFCC

[Item #3] Ms. Goode

Cape Fear Community College (CFCC) requested Board approval of the Pender County Community Health Center, the ECU Community Service Learning Center in Brunswick County, the New Hanover County DHHS Mobile Dental Unit, Access Dental Care, and MOM clinics as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at CFCC. Upon review of the documentation, Ms. St. Onge made a motion to approve the proposed rotation site. Dr. Clemons seconded the motion. The motion carried.

- B. Approve Radiology Course **[Item #4] Ms. St. Onge**
Ms. Janice Henderson, from Central Piedmont Community College, requested approval the program's radiology course so that it may be taught as a continuing education course for any interested parties. Ms. St. Onge made a motion to approve the course. Dr. Hardesty seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #5] 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
Mr. White reported that the Board's proposed rules allowing manikin examinations for dental and dental hygiene were approved by the Rules Review Commission and unless there are ten (10) objections by the end of today, the rules will become effective December 1, 2022.

At 10:41 a.m., and while in open session, Dr. William Claytor presented a one hour continuing education course regarding opioid prescribing. The course was open to members of the public at no charge and continuing education credit was given to all attendees. Following the course and after a brief recess for lunch, the Board continued with its discussions of routine Board business.

Dr. Watkins made a motion to develop a competency committee. The goal of the committee is for the Board to have a presence in the dental schools and with the dental students to promote academic and clinical competency. Dr. Johnson seconded the motion. The motion carried. Drs. Lanier, Watkins, Johnson, and Hardesty volunteered to serve on the committee.

X. REPORT FROM LEGAL COUNSEL

- A. Rules for Publication – 16H .0105 **[Item #6] Mr. Brocker/Mr. White**
Mr. Brocker
Dr. Hardesty made a motion to approve submitting 16H .0105 to the Rules Review Commission for pre-review, and upon completion of the pre-review, submitting the rule for publication. Dr. Litaker seconded the motion. The motion carried.
- B. Dental Sleep Practice – Referral Question **[Item #7] Mr. White**
The Board received an inquiry from Dr. Tyler Davis regarding entering into a service agreement with North Carolina Dental Sleep to provide dental treatment and monitoring for referred patients. After a review of the contract, the fee that would be collected by the dentist would be collected upfront and based on the patient referral. Since a dentist may not be compensated for patient referrals, the scenario as presented, could be in violation of NCGS 90-401 which prohibits health care providers from giving or receiving payment for patient referrals. The monitoring fee could be paid to the dentist to whom the patient is

referred back for monitoring the appliance/device at that time, but not paid to the referring dentist at the time of the initial referral.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (October) **[Item #8] Dr. Watkins**
The Board reviewed investigative statistics for the month of October. The statistics were accepted for informational purposes.

Closed Session Hardesty/Johnson

- 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 #08-272 | [Item #9] | Dr. Litaker |
| b. | Log #18-255 and 19-093 | [Item #10] | Dr. Watkins |
| c. | Log #22-053 | [Item #11] | Dr. Litaker |

- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, December 16, 2022, at 8:30 a.m. and will be held at the Board's offices in Morrisville, North Carolina for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Johnson made a motion to adjourn the meeting. Dr. Hardesty seconded the motion, which passed by general consent. The meeting adjourned at 1:30 p.m.

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

Date of Approval: December 16, 2022

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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