

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
October 13, 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 8:33 a.m., Friday, October 13, 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. 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. Lori Hendrick, RDH and Mr. Dominic Totman, Esq. 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 all eight members of the Board present, Dr. Watkins declared a quorum for the purposes of conducting a disciplinary hearing and the business of the Board.

At 8:35 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 10:15 a.m., at which time Dr. Hardesty made the motion to move into open session to resume Board business. Dr. Lanier seconded the motion, and the motion passed.

II. APPROVAL & ORDER OF AGENDA

Dr. Watkins

Dr. Hardesty moved, which was seconded by Dr. Clemons, 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.

III. APPROVAL OF MINUTES

A. Minutes of September 8, 2023

[Item #1] Dr. Watkins

Following a review of the September 8, 2023 Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Hardesty 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 (September)

[Item #2]

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

B. Personnel Matters

[None]

C. Miscellaneous

❖ RDH staggering appointments

[Item #3]

The Board received an inquiry regarding “staggering” dental hygiene appointments. The question is, may a dental office stagger dental hygiene appointments to avoid cancellations while complying with the statute that requires a dentist in private practice to supervise no more than two hygienists who are employed in clinical hygiene positions [G.S. 90-233(b)]?

Dr. Hardesty made a motion to approve the position statement making it clear that a dentist may not supervise more than two hygienists and staggering more than two hygienists is not acceptable. Dr. Litaker seconded the motion, the motion carried.

❖ Database Estimate

[Item #4]

Dr. Hardesty made a motion to approve moving forward with Thought Span to design a new database. Dr. Litaker seconded the motion, the motion carried.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

[None]

- C. Sedation/General Anesthesia Committee
- a. Approve Moderate Sedation Course **[Item #5] Dr. Lanier**
Chris Richards, Executive Director of the Colorado Surgical Institute, requested approval of the Institutes Moderate Sedation Course as an avenue for practitioners to obtain a Moderate Sedation Permit in North Carolina upon successful completion. The General Anesthesia and Sedation Advisory Committee has reviewed the course and recommends its approval. Dr. Litaker made a motion to approve the course. Dr. Watkins seconded the motion. The motion carried.
- D. Radiology Committee
Dr. Watkins announced that the Radiology Advisory Committee will hold a meeting, at the Board office, directly following the completion of the October 13, 2023, Board Meeting.

VII. OLD BUSINESS

- A. Dental/Dental Hygiene Compact **[Item #6] Mr. White**
Mr. White updated the Board regarding the two compacts that have been drafted. One version comes from the Council of State Governments and the other from the American Association of Dental Boards. The Board accepted this update for information purposes and will continue to monitor this issue.

VIII. NEW BUSINESS

- A. Approve Medical Emergency Course **[Item #7] Mr. White**
Eileen Clark, RDH, an instructor at Central Piedmont Community College, request approval of a 6-hour Office/Medical Emergencies course, designed for Limited Supervision Dental Hygienists to meet the state requirement to practice in that capacity. Dr. Hardesty made a motion to approve the course, Dr. Johnson seconded the motion. The motion carried.
- B. SCDDE Annual Meeting **[Item #8] Ms. Goode**
Dr. Hardesty moved to approve any expenses for Board Members and necessary staff to attend the Southern Conference of Dental Deans and Examiners Annual Meeting, to be held January 19-21, 2024, in Charleston, South Carolina. Dr. Litaker seconded the motion, which passed by general consent.
- C. NC Society of Oral and Maxillofacial Surgeons **[Item #9] Mr. White**
Dr. Hardesty moved to approve any expenses for Dr. Mark Johnson to attend the NC Society of Oral and Maxillofacial Surgeons Annual Meeting, to be held October 27-29, 2023, in Charlotte, North Carolina. Dr. Litaker seconded the motion, which passed by general consent.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #10] 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. Clemons and passed by general consent.

- B. Examinations
[No Report]

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker

- A. Potential Injunction

Mr. Brocker 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. Litaker seconded the motion. The motion carried.

- B. Rules for administering clinical exams

Mr. White

Mr. White updated the Board regarding its request to CDCA/WREB/CITA that Board Members currently serving be given priority to participate in North Carolina clinical competency examinations. CDCA/WREB/CITA agreed to honor the Board's request; therefore, Mr. White inquired about moving forward with drafting rules that would require this action, in light of this update.

Dr. Hardesty made a motion to move forward with drafting rules. Dr. Litaker seconded the motion. The motion carried.

- C. Scope of Practice Question

[Item #11] Mr. White

The Lightwalker Laser (Smoothlase) is used in a variety of ways in dentistry, such as endodontics, periodontics and oral surgery. Additionally, it can be used to treat those with Bell's Palsy, TMD and facial pain as well as stroke patients who have partial facial paralysis. The positive aesthetic effects were a secondary discovery. The question before the Board is, would Smoothlase (a nonsurgical method to tighten skin) be considered within the scope of dentistry since the procedure itself is accomplished intraorally?

Following a discussion, the Board determined that this question has already been addressed in the Board's most current Cosmetic Procedures Policy (Botox ®) and a dentist may not utilize this or any other treatment modality that is for cosmetic purposes only. It can be used when treating a dental condition, as defined in NCGS 90-29(b).

- D. Rules for Permanent Adoption

[Item #12] Mr. Brocker

Dr. Hardesty made a motion to approve for permanent adoption amended Rules 21 NCAC 16B .0101 and 16B .0501, and new Rule 16B .0502. Dr. Litaker seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (September)

[Item #13] Dr. Johnson

The Board reviewed investigative statistics for the month of September, as well as the year to date. The statistics were accepted for informational purposes.

- B. Hearing Panel Decisions
[None]

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 Friday, November 17, 2023, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences and routine Board business.

XIII. ADJOURNMENT

There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Lanier seconded the motion which passed by general consent. The meeting was adjourned at 1:51 p.m.

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

Date of Approval: November 17, 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