

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
ZOOM MEETING
Morrisville, North Carolina
September 9-10, 2021

THURSDAY, SEPTEMBER 9, 2021

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, September 9, 2021, at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed adoption of temporary rule 21 NCAC 16G .0109. The proceeding was recorded, and a copy of the proposed rules is attached to the Minutes. The public hearing concluded at 6:36 p.m., at which time the Rule Making Hearing was adjourned.

FRIDAY, SEPTEMBER 10, 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 8:39 a.m., Friday, September 10, 2021, at the Board's offices in Morrisville, North Carolina. The meeting was streamed live via Facebook. 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 with the exception of Mr. Dominic Totman, Esq. 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, and Ms. Nancy St. Onge, RDH. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Amanda Carver, Investigator, Betty Sines, Investigations Coordinator, Mr. Douglas Brocker and Ms. Dauna Bartley, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With seven 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. Lanier, to accept the agenda as presented with permission for the President to take items out of order to facilitate business. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of July 9, 2021 and August 12-14, 2021 **[Item #1]** **Dr. Clemons**

Following a review of the July 9, 2021 and August 12-14, 2021 Minutes, Dr. Wright moved to approve the Minutes as presented. Dr. Litaker seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Clemons

Dr. Clemons thanked the Board and staff for having confidence in his abilities to serve as President of the North Carolina State Board of Dental Examiners for the 2021-2022 term. He was very appreciative of everyone's support.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (July and August) **[Item #2]**

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

B. Personnel Matters

Mr. White informed the Board that a staff member has tested positive for Covid. He reported that duties have been shifted to cover the employee's absence.

C. Miscellaneous



Following a discussion regarding the new statute allowing instructors to obtain a license by credentials, Dr. Wright made a motion to initiate a task force to study the impact of this new legislation and propose guidelines to protect the public. Dr. Johnson seconded the motion. The motion carried. Dr. Wright, Dr. Clemons and Dr. Watkins will serve on the task force.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[No Report]

B. Finance Committee
[No Report]

C. Sedation/General Anesthesia Committee
[No Report]

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

- A. Approval of ADAA Radiology Instructor's Course [Item #3] Ms. Goode
Ms. Angie LeBlanc, Licensing Coordinator, for Accelerated Dental Assisting Academy (ADAA) submitted a proposed Radiology Methodology Course for instructors for approval. The course will be offered to ADAA Instructors in lieu of the current UNC course requirement. Instructors must score 90% or higher in the course to teach ADAA's already approved radiology course. Following a review of the course materials, Dr. Watkins and Ms. St. Onge will further review and compare this course to the course currently approved for instructors that is being offered at UNC.
- B. Approve Radiology Course - Kannapolis [Item #4] Ms. Goode
Ms. Camille Spencer, submitted a radiology course on behalf of Kannapolis Dental Assisting Academy for approval. Ms. Spencer has already been approved to teach radiology courses in North Carolina. Following a review of the course and the post test, Dr. Litaker made a motion to approve the course. Dr. Lanier seconded the motion. The motion carried.
- Dr. Wright abstained from voting and voiced concerns about the lack of information regarding 3D imaging and the language in the course suggesting that digital radiographs are not as clear as conventional radiographs.
- C. Orofacial Myofunctional Therapy [Item #5] Mr. White
Dr. Elizabeth Hamby requested the Board's opinion regarding Orofacial Myofunctional Therapy and whether it falls within the scope of dentistry. Following a discussion, the Board determined that Orofacial Myofunctional Therapy does fall within the scope of dentistry. Mr. White will respond to Dr. Hamby directly.
- D. Approve Nitrous Oxide Instructor [Item #6] Ms. Goode
Ms. Robyn Klose submitted a request to approve Walid Aawar as a nitrous oxide instructor on behalf of NC Dental U/Evolve Dental Institute. Mr. Aawar is a foreign-trained dentist. Dr. Litaker made a motion to approve Mr. Aawar as a nitrous instructor. Dr. Lanier seconded the motion. The motion carried.
- E. Approve Nitrous and Radiology Instructor [Item #7] Ms. Goode
Ms. Robyn Klose submitted a request to approve Megan Muna and Sabrina Comratie as radiology instructors and nitrous oxide instructors on behalf of NC Dental U/Evolve Dental Institute. Ms. Muna and Ms. Comratie are dental assistants and have completed the UNC Radiology Instructors Course. Dr. Litaker made a motion to approve Ms. Muna and Ms. Comratie as instructors. Ms. St. Onge seconded the motion. The motion carried.
- F. Approve Radiology Course – Rocky Mountain [Item #8] Ms. Goode
The Dental Assisting Preparatory Academy submitted a radiology course for Board approval. The proposed instructors have not completed the Radiology Instructors Course at

UNC. Following a review, Dr. Litaker made a motion to approve the course. He also moved to approve the instructors pending the completion of the required course. Ms. St. Onge seconded the motion. The motion carried.

- G. Approve Radiology Course – DA 1.5 DA School **[Item #9] Ms. Goode**
Cathy Shreve submitted a radiology course for Board approval. Ms. Shreve is an approved instructor. Following a review of the course, Ms. St. Onge made a motion to approve the course. Dr. Lanier seconded the motion. The motion carried.
- H. Approve Radiology Course – DAS **[Item #10] Ms. Goode**
Dental Assistant Solutions submitted a radiology course for Board approval. Ms. Akilah Baptist, the owner of Dental Assistant Solutions is an approved instructor. Following a review of the course content, Dr. Litaker made a motion to approve the course. Dr. Lanier seconded the motion. The motion carried.
- I. ADEX Meeting Update **Dr. Litaker**
Dr. Litaker attended the ADEX annual meeting on August 6-7, 2021. He reported a few minor changes to the 2022 ADEX examination. One change is that the candidate will be given an option of 3 anterior lesions and 3 posterior lesions, and he/she may choose which lesion to treat. He reported that ADEX is currently accepted in all states except New York and Delaware and by 2023 it will be offered in all dental schools in the nation. He announced that Ms. St. Onge was elected as the hygiene member for the 11th district. The next ADEX meeting will be held on August 5-6, 2022.
- J. Hygiene Interstate Compact Meeting **Ms. St. Onge**
Ms. St. Onge recently attended a webinar to “kick off” the discussion of interstate licensure. Uniformity is a very important theme for this ongoing discussion and Ms. St. Onge will continue to keep the Board updated as to the progress of these meetings.
- K. Approve RDH Rotation Sites – WTCC **[Item #11] Ms. Goode**
Wake Technical Community College (WTCC) requested Board approval of Wake County Human Services, Wake Smiles, and 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, Ms. St. Onge made a motion to approve the proposed rotation sites. Dr. Litaker seconded the motion. The motion carried.
- L. Local Anesthetic Course Outline – UNC **[Item #12] Mr. White**
Dr. Ray White and Dr. Glenn Reside submitted the local anesthetic course they will be teaching at UNC Adams School of Dentistry. The course is meant to target dental hygienists who are not yet trained in local anesthetic practices. The Board accepted this course outline for informational purposes.
- M. FQHCs **Dr. Litaker**
Dr. Johnson made a motion to approve Federally Qualified Health Clinics (FQHCs) as Board-approved CE sponsors. Dr. Litaker seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #13] Ms. Goode**
Dr. Lanier 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
The CITA Annual Meeting is scheduled to be held on October 8-9, 2021 in Orlando, Florida.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

- A. General Anesthesia/Sedation **[Item #14]**
The Board was asked by a member of the NC Senate to amend its current rules governing the administration of general anesthesia to make them consistent with the position of the North Carolina Medical Board applicable to physicians. As a result of this request, the Sedation Committee designated three Subcommittees to make recommendations for rule changes to enhance sedation safety. The North Carolina Dental Society also submitted recommendations. Dr. Joseph Miller was present and addressed the Board regarding the position of AAOMS and the importance of training for assistants and periodic evaluations of general anesthesia permit holders. Following a review of all of the recommendations, Dr. Wright made a motion to accept all of the recommendations as presented and move forward with drafting rules to institute these recommendations after discussing the proposed changes with Senator Lee. Dr. Litaker seconded the motion. The motion carried.
- B. Sponsorship Advertising **[Item #15]**
Dr. Richard Dest requested the Board's opinion regarding sponsorship advertising. Specifically, he wants to know if he may solicit funding from outside parties in exchange for advertising or give credit to third parties who may support expanding his dental services. The Board instructed Bobby to let him know that generally speaking this scenario is permissible.
- C. Provisional Licenses – General Anesthesia Permits
Current Board Rules allows a provisional licensee to obtain a general anesthesia permit. Following a review, the Board determined that the current process is acceptable and does not need to be changed.
- D. Proposed Amendments to 21 NCAC 16U .0103 **[Item #16]**
The proposed amendments to 21 NCAC 16U .0103 will govern reports to the Board from the NC DHHS Controlled Substances Reporting System (CSRS). Dr. Wright made a motion to approve the amendments for publication. Dr. Johnson seconded the motion. The motion carried.

Staff was instructed to contact CSRS to see if the Board can obtain access to the names of dentists who are prescribing opioids without checking the system prior.

- E. Proposed Amendments to 21 NCAC 16O .0402 **[Item #17]**
The proposed amendments to 21 NCAC 16O .0402 will govern the education requirements for a dental assistant to assist a dentist in the use of nitrous oxide-oxygen inhalant sedation. Dr. Wright made a motion to approve the amendments for permanent adoption. Ms. St. Onge seconded the motion. The motion carried.
- F. Session Law 2021-95/Senate Bill 146 **[Item #18]**
This Bill establishes standards for the practice of teledentistry, authorizes properly trained dental hygienists to administer local dental anesthetics, allows limited supervision hygienists 270 days to perform services based on a dentist's standing order, allows licensure by credentials for certain instructors, and enables representatives of the ECU School of Dental Medicine to serve on the NC Caring Dental Professionals Board. If there are questions about course content or eligibility to administer local anesthetic they will be forwarded to the Secretary-Treasurer for review. Dr. Wright made a motion for staff to draft an interpretive statement regarding this new legislation. Dr. Lanier seconded the motion. The motion carried.
- G. Foreign Trained Dentists **[Item #19]**
A Foreign trained dentist must meet the requirements of 21 NCAC 16H .0104 in order to be considered a Dental Assistant II.
- H. Teledentistry Questions **[Item #20]**
The Board considered the following four (4) questions related to teledentistry:
1. Can a comprehensive exam be conducted via teledentistry, or does the dentist need to be physically present?
 2. Can a recall exam be conducted via teledentistry?
 3. Can a dental assistant II supervised by a hygienist (via 16Z or 16W) perform duties independently, without the hygienist physically present e.g., place sealants in one operatory with the hygienist working in a different operatory?
 4. Can a dental assistant II take radiographs without the hygienist physically present?
- Prior to answering these question, Dr. Wright made a motion to create a subcommittee to research what other states are doing and report back to the Board at a future meeting. The members of the subcommittee include Drs. Clemons, Watkins, and Wright. Dr. Lanier seconded the motion. The motion carried.
- I. Licensure by Credentials – Instructors **[Item #21]**
A question was received regarding licensure by credentials for instructors. Specifically, does the instructor have to be full time or can the instructor be a part-time/adjunct instructor? Staff was instructed to get more information prior to answering.

- J. Temporary Rules for Local Anesthetic
The Board discussed comments to the published temporary rule and instructed Mr. Brocker to change the currently drafted rule to make it clear that the clinical injection requirements must be completed under the direct supervision of a licensed dentist instructor within an educational setting and not in a private practice via on-the-job training.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (July and August) **[Item #22] Dr. Lanier**
The Board reviewed investigative statistics for the months of July and August. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
During open session, and without conducting other business, Dr. Lanier 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. Litaker and passed by general consent. At which time, live streaming ended.
- a. Log #20-005 **[Item #23] Dr. Litaker**
- b. Log #17-186 and 17-269 **[Item #24] Dr. Litaker**
- C. Settlement Conferences
[None]

Following the discussions, Dr. Lanier made a motion to return to open session. Dr. Wright seconded the motion. The motion carried.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin at 8:30 a.m. on Friday, October 1, 2021 and will be held at the Board's offices in Morrisville, North Carolina to conduct disciplinary proceedings and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Johnson made a motion to adjourn the meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 2:43 p.m.

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

Date of Approval: October 1, 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