



# E-Forum

Volume 6, Issue 1

April-August 2019



## Board Elections

The recent election process resulted in the addition of two new members to the Board:



**Dr. Karen Lanier, Periodontist and graduate of the UNC Adams School of Dentistry. (First term)**  
She practices in High Point and Lexington, NC.

**Dr. Raleigh T. Wright, General Dentist and also a graduate of the UNC Adams School of Dentistry. (First term)**  
He practices in Garner, NC.

Both Dr. Lanier and Dr. Wright were sworn in during the first week of August to begin an initial three-year term that will end July 31, 2022.

## FREE CE

The Dental Board will be holding its monthly meeting at their offices in Morrisville on December 13-14, 2019. The meeting will be open to the public and all dentists and dental hygienists in the area are welcome and encouraged to attend. As part of the meeting, Dr. Bill Claytor will present a free one-hour CE class on opioid prescribing at 10 a.m. on Friday, December 13<sup>th</sup>. The class fulfills the mandate of the opioid prescribing class required annually of all dentists who prescribe opioids to their patients and counts toward license renewal for all dentists and dental hygienists who attend.

Due to space restrictions, the size of the class is limited to the first 65 area dentists who responded to our email blast. The class is currently at the 65 person limit; any openings will be filled by other interested dentists in the order in which they responded.

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## Upcoming Board Meetings

Unless otherwise noted, all meetings begin at 8:30 a.m. and occur at the Board's Office, 2000 Perimeter Park Dr., Suite 160, Morrisville, NC 27560. All meetings are open to the public. However, certain portions of the meetings may be closed when necessary and in compliance with North Carolina's Open Meetings law.

Sept. 13-14	Morrisville, NC Board Office
Oct. 11-12*	Morrisville, NC Board Office
Nov. 15-16	Morrisville, NC Board Office
Dec. 13-14	Morrisville, NC Board Office

\*Start time 8:00 am

## President's Message



It is a great honor once again to serve as President of the North Carolina Dental Board. The opportunity to serve twice as president during a second term on the Board occurs only rarely and my goal is to use this time to emphasize how much the Board and its staff would prefer to do exactly what you do for patients: prevent problems from developing rather than waiting until serious issues arise.

I must admit, before serving on this Board I, perhaps like many of you, had the impression that “the Board” existed primarily to get dentists and dental hygienists into trouble. “Keep your head down, do good work, renew your license on time, and stay off the Board’s radar,” that was my motto. When I thought about the Board, if at all, it was never as a resource that would respond to my questions to help me prevent problems from arising in the first place.

I was pleasantly surprised to find out how often the Board and its staff respond to inquiries from licensees and the public not just to cite the statutes and rules that make up the Dental Practice Act, but to offer potential solutions to resolve issues before complaints are filed. This is precisely where I am placing my emphasis as president – I want to create an atmosphere where you as dentists and dental hygienists feel comfortable calling, emailing, or writing the Board’s staff for advice and assistance. We have a very experienced staff that are more than willing to serve and to be viewed as a resource to assist dentists, dental hygienists, and the public rather than being a mere mechanism for enforcement of statutes and rules.

As a Board, we are much more interested in compliance so that dentistry will continue to “merit the confidence of the public” than we are in playing “gotcha” with our licensees. Let me give you two examples. If you are one of the lucky ones selected for a CE audit, the Board will send you a letter notifying you of the audit at the beginning of the renewal process in November. You then will have until the end of March in the following year to comply with CE requirements and renew your license. Rather than offer this window of opportunity, the Board could simply wait until the end of the license renewal period, conduct a compliance audit, and open a disciplinary file on all those out of compliance. Second, the Office of the North Carolina State Auditor mandated that the Board begin inspecting the offices of all those who offer any type of sedation or general anesthesia. Rather than showing up unannounced to conduct these inspections, Board inspectors will call at least two weeks in advance, schedule the inspection, and provide references to the rules so that dentists will know exactly what equipment, medications, and documentation are necessary to pass. [If we’re inspecting the office of an oral surgeon that is a member of AAMOS and has had a recent inspection by that organization, we’ll even accept that result rather than have the office go through two inspections.]

These are just two examples that illustrate how the Board would prefer to ensure compliance and solve problems rather than open disciplinary files. So, feel free to call the Board’s office with your questions or concerns. Also, please don’t panic if someone from the Board calls to tell you that one of your patients has called them. Board staff often do this as a courtesy to keep you from being blindsided by a potential patient complaint that you may know nothing about. This type of call is simply an attempt to give you information that may allow you to deal with a “molehill” before it becomes a mountain.

If you have any questions or concerns, please call the Board office. It truly is a resource that stands ready to provide necessary and accurate information to benefit you and the public we are sworn to serve. If we can all begin to view the Board as a resource to keep small matters from escalating into large ones, I will consider my terms as President to be a success.

Once again, thank you for this opportunity to serve and please contact me if you have any questions, concerns, or observations about Dental Board actions.

Best regards,

Merlin Young, D.D.S.

[myoung@ncdentalboard.org](mailto:myoung@ncdentalboard.org)

## Board Action Illegal? Unethical?

Speaking of elections, during the past election cycle, from the calls and emails we received, it appears a number of dentists came to believe the Board was acting unethically if not illegally. The alleged source of this unethical or illegal activity was the election of past Board members who had served two consecutive terms, had rotated off the Board for a period, and were now running again. As CEO, legal counsel to the Board, and Ethics Liaison with the NC Ethics Commission, I feel compelled to address this misconception. To address it, I ask you to remember only one name: Gov. James B. Hunt, Jr.

The law governing Dental Board elections [NCGS 90-22(b)] has for decades stated: "No person shall be nominated, elected, or appointed to serve **more than two consecutive terms** on said Board." [emphasis added] In 1997 the North Carolina Constitution was amended to allow the Governor and Lieutenant Governor to serve more than one term. The amended language stated: "No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to **more than two consecutive terms** of the same office. [North Carolina Constitution, Article III, Section 2(2). Emphasis added] Notice that the pertinent language of the Dental Practice Act and the N.C. Constitution is identical.

Governor Hunt reasoned that if the drafters of the constitutional amendment had intended to limit the Governor and Lieutenant Governor to only two terms, they would have clearly stated that intent. All that would have been necessary was to eliminate the word "consecutive." After all, saying a person is eligible to serve "no more than two consecutive terms" has a vastly different meaning than saying a person is eligible to serve "no more than two terms." (Compare this to the clear meaning of the 22<sup>nd</sup> Amendment to the U.S. Constitution that states: "No person shall be elected to the office of the President more than twice.")

The legal reasoning of Governor Hunt prevailed, and he served as the 69<sup>th</sup> Governor of North Carolina from 1977-1985 and the 71<sup>st</sup> Governor from 1993-2001. He served four terms, but never served more than two **consecutive** terms. Keep this in mind: even though he served as Governor of North Carolina for sixteen years, Gov. Hunt remains eligible and could even now choose to run again in our next gubernatorial election cycle. Under the language of the 1977 constitutional amendment, it would be neither illegal nor unethical for him to do so. Whether it would be good for our state to give Governor Hunt another term as governor, would be up to the voters to decide.

The same precise principles apply in Dental Board elections since the language of the NC Constitution and the Dental Practice Act is identical. Also, this is not unique to the Dental Board. The state Boards of Medicine, Nursing, and Pharmacy, for example, have the same or similar language regarding consecutive terms on their respective boards and all Boards interpret this language the same way.

Under North Carolina law, it is neither illegal nor unethical for Board members to leave the Board, "sit out" for a period, and run again after having served two consecutive terms. However, whether it is the best practice for past members to be re-elected after their initial two consecutive terms is a question for you as voters to decide.

-Bobby D. White, CEO/Legal Counsel, NC State Board of Dental Examiners



## **Proposed Rule Change Attempts to Increase Access to the Underserved**

At the request of the NC Dental Society through the Council on Oral Health and Prevention, the Dental Board has proposed rule changes that would allow Public Health Dental Hygienists under certain conditions to perform clinical hygiene procedures under the direction of a dentist pursuant to a standing order rather than an initial in-person examination of the patient by the dentist. The services could only be performed in public schools, nursing homes, rest homes, long-term care facilities, and rural and community clinics operated by federal, State, county, or local governments in areas defined as dental shortage areas.

To read the entire text of the proposed changes click here:

<http://ncdentalboard.org/PDF/2019-08-21%20Notice%20of%20Text%2021%20NCAC%2016W%20.0101%20and%20.0104.pdf>

A public hearing will be held on these proposed changes on Oct. 10, 2019, at 6:30 p.m. at the Board's office: 2000 Perimeter Park Dr., Suite 160, Morrisville, NC 27560. Written comments are also accepted.

### **Reminder: Electronic Prescriptions Required**

### **Strengthen Opioid Misuse Prevention (STOP) Act**

When the STOP Act was passed by the NC General Assembly in 2017, it was designed to be implemented in stages. One of those stages is fast approaching. Effective January 1, 2020 all prescriptions for targeted controlled substances must be submitted electronically. If you have not made provisions for submitting electronic prescriptions, there is not much time remaining. Paper prescriptions will not be accepted after the January 1<sup>st</sup> cutoff date.

Here's a link to the Pharmacy Board's website that provides excellent information on this issue:

<http://www.ncbop.org/PDF/GuidanceImplementationSTOPACTJuly2017.pdf>

### **Dentists Invited and Encouraged to Attend Seminar on Addiction Medicine**

The Governor's Institute is sponsoring the Addiction Medicine Essentials 2019 Conference and is encouraging all dentists who prescribe targeted controlled substances to attend.

The event is scheduled for October 4-5 in Durham, NC and is designed to provide addiction medicine basics for a range of healthcare professionals working in primary care and behavioral health settings. Topics will include Core Concepts of Addiction, Behavioral Pharmacotherapy, Common Comorbidities, Clinical Responses to Tobacco, Nicotine and Vaping, Motivational Interviewing, Medication Assisted Treatment, Buprenorphine and more! The cost is \$150 for both days or \$80 per day.

All the details including a full agenda, nearby hotels, and the link to register can be found at [www.addictionmedicineconference.org](http://www.addictionmedicineconference.org) or you can click here to [REGISTER NOW](#).

# By the Numbers

Here's a comparison of current licensees with those from ten years ago.

<u>Category</u>	<u>Summer 2019</u>	<u>Summer 2009</u>
<u>Dentists</u>		
Licensed by NC	6,442	5,141
Licensed & Living in NC	5,728	4,513
Licensed & Active* in NC	5,388	4,195
<u>Hygienists</u>		
Licensed by NC	8,196	6,660
Licensed & Living in NC	7,246	5,847
Licensed & Active* in NC	6,363	5,192

\*Denotes performing procedures or services for which a license is required.

## Board Actions

The best way to stay abreast of actions taken by the Board is to review the Agenda and the minutes. Both are posted on-line shortly after being approved. For past minutes or agendas not listed here, simply call the Board office for a copy [919 678 8223].

[http://www.ncdentalboard.org/meeting\\_announcements.htm](http://www.ncdentalboard.org/meeting_announcements.htm)

## Investigative Statistics

Complaints filed 1/1/19–8/31/19:	<b>201</b>
Complaints filed prior to 1/1/19 but closed in 2019:	132
Complaints filed in 2019 AND closed in 2019:	62
<b>Total cases closed in 2019:</b>	<b>194</b>

## House Bill 770 - An Act to Clarify and Simplify Licensees' Qualifications

Gov. Cooper signed HB 770 into law on July 8, 2019. The new law applies to all occupational licensing boards and:

- Changes certain reporting requirements for licensing boards,
- Governs how licensing boards may view an applicant's past criminal record,
- Prevents denial of an application based on an applicant's conviction for a crime of moral turpitude,
- Establishes a procedure that requires boards to decide if an individual's criminal history will likely disqualify the individual from obtaining a license,
- Requires boards to recognize and grant a license to those who have completed certain apprenticeship programs.

This new law states that a board may deny an application based on criminal history only if the criminal conviction is for a crime directly related to the duties and responsibilities of the licensed occupation or is violent or sexual in nature. Any person considering a licensed occupation may ask for a "predetermination hearing" even before they begin the educational process. If the board determines that the past criminal activity would not prevent the individual from obtaining a license, that decision is binding on the board if certain conditions are met.

Click here to review the entire text of HB 770:

<https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H770v7.pdf>

## North Carolina State Board of Dental Examiners

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We're on the web!

[ncdentalboard.org](http://ncdentalboard.org)

**The purpose of the North Carolina State Board of Dental Examiners is to ensure that the dental profession merit and receive the confidence of the public and that only qualified persons be permitted to practice dentistry and dental hygiene in the state of North Carolina.**

### Disciplinary Actions

Recent disciplinary actions are reported on the Board's website under the "Disciplinary Action" tab. Actions involving revoked or suspended licenses remain posted until the revocation or suspension is lifted. All past disciplinary actions can be accessed by searching by name or license number under the "License Verification" tab.

[http://www.ncdentalboard.org/  
license\\_verification.htm](http://www.ncdentalboard.org/license_verification.htm)

### New Board Officers

At its July meeting the Dental Board selected Dr. Merlin Young as President and Dr. Catherine Watkins as Secretary/Treasurer for the 2019-2020 year. Dr. Millard "Buddy" Wester is to be congratulated for completing an excellent term as President for 2018-2019. He now has the coveted title of "Immediate Past President" and joins with Dr. Watkins and Dr. Young to make up the Board's Executive Committee.

### Current Board Members (as of August 1, 2019)

<u>Current Board Members</u>	<u>Term Expires July 31</u>	<u>Hometown</u>
Merlin W. Young, DDS (President)	2020	Wendell, NC
Catherine Watkins, DDS (Sec/Treas)*	2020	Winston-Salem, NC
Millard "Buddy" Wester, III DDS (Past Pres.)	2021	Henderson, NC
Edward J. Clemons, Jr. DDS*	2021	Durham, NC
Karen Lanier, DDS*	2022	High Point, NC
Raleigh T. Wright, III DDS*	2022	Chapel Hill, NC
Nancy St. Onge, RDH*	2020	Apex, NC
Dominic Totman, Esq. (Consumer)**	2021	Charlotte, NC

\*Eligible for a second term

\*\* Appointed by the Governor