

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**April 7, 2017**

**FRIDAY, APRIL 7, 2017**

**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM** **Dr. Litaker**

**A. Call to Order**

Dr. William Litaker, President of the Board, called the meeting to order at 8:30 a.m., Friday, April 7, 2017, at the Board's offices in Morrisville, North Carolina. Dr. Litaker 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 this weekend?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

If, as agenda items are discussed, 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, with the exception of Dr. Millard W. Wester, III. The members included Dr. William M. Litaker, Jr., Dr. Merlin W. Young, Dr. Clifford O. Feingold, Dr. Stanley L. Allen, Dr. Kenneth M. Sadler, Ms. Carla J. Stack, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Operations Officer; Ms. Terry W. Friddle, Deputy Operations Officer; Ms. Casie Goode, Assistant Director of Investigations; Mr. Line Dempsey Investigator for the Board; Ms. Crystal Carlisle and Mr. Douglas Brocker, Legal Counsel for the Board, were also present.

**C. Declaration of Quorum**

With seven members of the Board present, Dr. Litaker declared a quorum for the purposes of conducting the business of the Board.

**II. APPROVAL & ORDER OF AGENDA**

**Dr. Litaker**

Dr. Young moved, which was seconded by Dr. Feingold, to accept the agenda as presented and to allow the President of the Board to determine the order of business. The motion passed by general consent.

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At 8:30 a.m., Dr. C. Wayne Holland presented a one hour continuing education course in opioid prescribing. This course meets the 2018 renewal requirements for dentists who hold a DEA registration. At 9:30 a.m., Dr. Feingold made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Young seconded the motion, which passed by general consent. The conference concluded at 11:25 a.m., at which time the Board recessed for lunch. The Board reconvened at 12:30 p.m. at which time Dr. Young made the motion to move into open session. Dr. Sadler seconded the motion, which passed by general consent.

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**III. APPROVAL OF MINUTES**

A. Minutes of March 10, 2017

**[Item #1] Dr. Litaker**

Following a review of the March 10, 2017 Minutes, Dr. Feingold moved to approve the Minutes as drafted. Dr. Sadler seconded the motion, which passed by general consent.

**IV. REPORT FROM PRESIDENT**

**Dr. Litaker**

Dr. Litaker addressed the American Association of Dental Board's (AADB) letter requesting permission to give a presentation to the Board regarding their Assessment Services Program as an alternative to individually designed courses by UNC or ECU for those licensees requiring remedial education. Board members directed Mr. White to make the necessary arrangements to meet with representatives of the Assessment Services Program regarding their remediation program at the next available Board meeting.

**V. REPORT FROM CHIEF OPERATIONS OFFICER**

**Mr. White**

Mr. White took a moment to thank Dr. Young and Mr. Totman for their contribution and participation in the Tripartite meeting held at East Carolina University School of Dental Medicine on March 31, 2017.

A. Financial Report (March)

**[Item #2]**

Mr. White gave the Board an update on the completion of our renewal process and the number of dentists and hygienists that did not renew. Following a review of the March

Financial Report, Dr. Allen moved to accept the report for informational purposes. Mr. Totman seconded the motion, which passed by general consent.

B. Personnel Matters

Mr. White announced that we have filled all three vacant employee positions. New employees, Steve Brewington and Cheri Ramos were introduced to the Board. Mr. Brewington, the Board's new investigator, will begin employment on April 17, 2017. Ms. Ramos started as administrative support staff this past Wednesday, April 5, 2017. Amanda Carver will begin as Investigative Assistant on April 10, 2017.

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The Board recessed at 1:00 p.m. for staff to set up for the Motion Hearing and reconvened in open session at 1:10 p.m. in order to conduct a Rule 35 Motion Hearing involving Amber Spach, R.D.H. A court reporter was present to transcribe the proceedings. Mr. Fred Morelock was also present to advise the Hearing Panel. The Motion Hearing concluded at 1:25 p.m., at which time the Board resumed its meeting.

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C. Miscellaneous



Elections Chair and Schedule

Mr. White informed the Board that we have four petitions for the two open dental positions and one petition for the open dental hygiene position. Mr. Totman will serve as the Election Chair and we will canvass ballots beginning at noon on June 16, 2017 during the Board Meeting.



Opioid Course Approval

Mr. White informed the Board that we are being asked to approve several of the required opioid courses; however the Board is not specifically authorized to approve these courses. Mr. White suggested that we look at these courses to make sure they meet the continuing education requirements of 21 NCAC 16R and determine if the courses appear to meet the content requirements of the statute. Staff was given authority to review these courses and make a determination regarding the course content. Staff should consult with the executive committee with questions.



Old North State Meeting

Drs. Allen and Sadler have been asked to attend the Old North State Meeting being held in Durham, North Carolina, June 23-25, 2017. Dr. Feingold moved to approve that the Board cover the expenses for them to attend this meeting. Dr. Young seconded the motion, which passed by general consent.



AADB Mid-Year Meeting

Dr. Allen moved to approve the expenses for all Board members and necessary staff to attend the American Association of Dental Boards' mid-year meeting in Chicago on April 23-24, 2017. Dr. Sadler seconded the motion, which passed by general consent.



Legislative Update

[Item #3] Mr. White

HB 379 – An Act to Establish the North Carolina Joint Legislative Task Force on Regulatory Reform. This Bill, in part, proposes to establish a Task Force to solicit and review proposals on ways to improve the regulatory climate in North Carolina and make recommendations to implement the proposals.

HB 243 – An Act Strengthening Opioid Misuse Prevention (STOP). This Bill, in part, proposes to help prevent opioid misuse by: requiring electronic prescriptions, establishing maximum limits for prescribed substances, mandating practitioner use of the CSRS, requiring DHHS to report practitioners who fail to properly use the CSRS, and creating a special revenue fund to support the CSRS. It further allows the Board to discipline licensees who fail to use the CSRS.

SB 464 – An Act to Increase Oversight of Occupational Licensing Boards. This Bill, in part, proposes to require all board members to receive additional training on the statutes governing the board and rules adopted by the board.

SB 304 – An Act to Require Financial Audits. This Bill, in part, proposes to require our Board to conduct annual financial audits and submit the results to the State Auditor.

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At 2:00 p.m., Dr. Feingold made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Young seconded the motion, which passed by general consent. The conference concluded at 3:55 p.m., at which time Dr. Feingold made the motion to move into open session. Dr. Young seconded the motion, which passed by general consent.

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## 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

- A. Dr. Feingold reported that he recently represented the Board at a seminar in Asheville addressing substance abuse and the recovery process. He will present in more detail at our next meeting.

## VIII. NEW BUSINESS

- A. Approve Radiology Course **[Item #4] Ms. Goode**  
Dr. Hiren Patel of the Dental Assistant Training School submitted a dental assistant radiology course for the Board's approval. Upon review, Dr. Allen moved to approve the course, with Ms. Denise Lewis and Ms. Lynn Andler as the course instructors. Dr. Young seconded the motion, which passed by general consent.

## IX. LICENSURE MATTERS

During the open session, and without conducting other business, Dr. Sadler made a motion, which was seconded by Ms. Stack, to move into closed session, pursuant to NCGS §143-318.11(a)(1), §143-318.18(6) and §90-41(g), in order to discuss applicants for licensure and the status of individuals currently licensed, with all motions and votes taken in open session. The motion passed by general consent.

- A. Approval of Licenses/Permits/Reinstatements **[Item #5] Ms. Goode**  
Dr. Young 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. Allen and passed by general consent.

Following its discussion of applicants for licensure and the status of individuals currently licensed, Dr. Feingold made a motion to move back into open session to continue with Board business. Dr. Sadler seconded the motion, which passed by general consent.

- B. Examinations **Dr. Litaker**  
Dr. Litaker reported that he recently participated in the new ADEX dental hygiene exam process. He reported that the new computer software utilized for this examination is different from last year; but overall he thought it was a successful exam. The Board discussed the importance of the Board's presence for North Carolina examinations. They want to make sure that all sitting Board members are offered the opportunity to assist in all NC exams as clinic floor examiners, not graders. Mr. White will draft a letter to CITA regarding this request.

## X. REPORT FROM LEGAL COUNSEL

- A. Rules for Permanent Adoption **[Item #6] Mr. Brocker**  
21 NCAC 16Q .0101, .0201, .0202, .0206, .0207, .0301, .0302, .0304, .0305, .0404, .0405, .0406, and .0407 – General Anesthesia and Sedation. Dr. Young moved for final approval for permanent adoption of these rules and to give Drs. Allen and Sadler authority to assist with technical changes on behalf of the Board. Dr. Feingold seconded the motion. The motion carried.

Dr. Young made a motion to move into closed session, pursuant to NCGS §143-318.11(11), in order to consult with legal counsel. Dr. Allen seconded the motion, which passed by general consent. All motions and votes were made in open session.

- B. Periodic Review/Expiration of Existing Rules **[Handout] Mr. Brocker**  
Dr. Allen moved to approve staff recommendations for the categorization of our rules. Dr. Young seconded the motion. The motion carried.
- C. Delegable Functions **Mr. Brocker**  
[Postponed]

Following the report from legal counsel, Dr. Young made a motion to move back into open session to continue with Board business. Dr. Allen seconded the motion, which passed by general consent.

## XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics **[Item #7] Dr. Young**  
The Board reviewed investigative statistics for the month of March, as well as year to date. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions  
During open session, and without conducting other business, Dr. Allen made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on several Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Young and passed by general consent.
- a. Log #16-234 **[Item #8] Dr. Young**
- b. Log #14-151 **[Item #9] Dr. Sadler**

Following the Hearing Panel deliberations, Dr. Feingold made a motion to move back into open session to continue with Board business. Dr. Young seconded the motion, which passed by general consent.

C. Settlement Conferences

The Board conducted two (2) settlement conferences throughout the meeting. Ms. Carlisle represented the Board at the first conference and Mr. Brocker represented the Board at the second conference. Standard protocol was followed.

**XII. NEXT MEETING**

The Board's next regularly scheduled meeting will begin on Wednesday, May 17, 2017, and will be held at the Sea Trail Resort in Sunset Beach, North Carolina, in conjunction with the North Carolina Dental Society's annual meeting. The Board will conduct several disciplinary hearings and consider routine business.

**XIII. ADJOURNMENT**

There being no further business, Dr. Feingold made a motion to adjourn the meeting. Dr. Allen seconded the motion, which passed by general consent. The meeting adjourned at 5:35 p.m.

Reported by: Casie S. Goode  
Casie S. Goode  
Assistant Director of Investigations

Date of Approval: May 17, 2017

**MEMBERS OF THE BOARD**

*Dr. Wilham M. Litaker, Jr., President*  
*Dr. Merlin W. Young, Secretary-Treasurer*  
*Dr. Clifford O. Feingold, Past-President*  
*Dr. Stanley L. Allen*  
*Dr. Millard W. Wester, III*  
*Dr. Kenneth M. Sadler*  
*Ms. Carla J. Stack, R.D.H., Dental Hygiene Member*  
*Mr. Dominic Totman, Esq., Consumer Member*