

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
CONFERENCE CALL
Morrisville, North Carolina
April 10, 2018

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

A. Call to Order

Dr. Merlin Young, President of the Board, called the meeting to order at 6:35 p.m., Tuesday, April 10, 2018. Dr. Young 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 him or herself.

B. Roll Call

All members of the Board were present. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. William M. Litaker, Jr., Dr. Clifford O. Feingold, Dr. Catherine Watkins, Dr. Kenneth M. Sadler, Ms. Nancy St. Onge, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie S. Goode, Deputy Operations Officer, Mr. Line Dempsey, Senior Investigator, Mr. Douglas Brocker and Ms. Whitney Waldenberg, Legal Counsel, were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Young declared a quorum for the purposes of conducting the business of the Board.

Mr. White noted that the meeting had been properly noticed as required by the Open Meetings Statute, but no members of the public were in attendance.

II. APPROVAL & ORDER OF AGENDA **Dr. Young**

Dr. Litaker moved, which was seconded by Dr. Wester, 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.

III. APPROVAL OF MINUTES

A. Minutes of March 8-10, 2018

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

Following a review of the March 8-10, 2018 Minutes, Dr. Litaker moved to approve the Minutes as drafted. Dr. Wester seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Young

Dr. Young requested that all Board members review the proposed revisions to the Bylaws and be prepared to discuss this matter at the meeting on May 16-17, 2018 at Sunset Beach.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (March)

[Item #2]

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

B. Personnel Matters

Mr. White announced that staff is currently negotiating contract terms for a new independently contracted private investigator, Mr. Steven Annis. Mr. Annis will assist the Board in cases involving the illegal practice of dentistry and will replace Mr. Joe Bracey, who recently retired.

C. Miscellaneous

📌 December Board Meeting

The Board will hold the December 7-8, 2018 Board Meeting in Asheville, North Carolina at the Renaissance Hotel. All members of the public are invited to open sessions of the meeting and to participate in the one-hour continuing education course that will be given by Dr. William Claytor on the subject of opioid prescribing.

📌 Report of the State Auditor

Mr. White informed the Board that the North Carolina Nursing Board is currently voluntarily participating in a program audit conducted by the State Auditor's office. Based on our last state audit, which was conducted under the supervision of State Auditor, Beth Woods, we are currently working to put together systems to comply with the auditor's remaining three recommendations as it pertains to general anesthesia and sedation inspections. The three remaining areas include: development of a risk-based schedule for inspecting dental offices, development of a standard checklist for conducting these inspections and conducting continuing education audits on general anesthesia and sedation permit holders.

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. General Anesthesia and Sedation Written Examinations **Dr. Sadler**
Dr. Sadler discussed the written examinations required to obtain general anesthesia and sedation permits. Dr. Sadler reported that efforts are underway to draft additional questions to create a larger pool for creating alternative versions of the examinations. Dr. Sadler recommended that applicants be required to obtain a score of 85% or higher to be considered passing and basic math rules regarding rounding up and down should be followed. Dr. Feingold moved to approve the recommendation which was seconded by Dr. Litaker. The motion passed by general consent.
- B. Informed Consent **Mr. Brocker**
Mr. Brocker informed the Board that he will present proposed rules addressing informed consent at the May meeting.

VIII. NEW BUSINESS

- A. Approve Rotation Sites – WTCC **[Item #3] Ms. Goode**
Wake Technical Community College (WTCC) requested Board approval of the Wake County Department of Human Services as a rotation site for dental hygiene students currently enrolled in the dental hygiene program at WTCC. Upon review of the documentation, Dr. Feingold made a motion to approve the proposed rotation site. Dr. Watkins seconded the motion. The motion carried.
- B. Prescribing outside the scope **Dr. Sadler**
Dr. Sadler requested the Board's guidance regarding when discipline is appropriate for prescribing outside the scope. Following the discussion, it was agreed that the Case Officer should consider the circumstances on a case by case basis and consider things such as frequency of occurrence and type of medication prescribed. Dr. Young asked staff to put an article in the next newsletter addressing the issue of prescribing outside the scope.
- C. Request for Volunteer Site **[Item #4] Ms. Goode**
The Board received a request from Zoe Dental to approve awarding continuing education credit for volunteering at the April 21, 2018 Dentistry from the Heart event. Dr. Wester made a motion to approve this event for continuing education credit. The motion was seconded by Dr. Watkins and passed by general consent.
- D. Request to approve outpatient screenings – ECU **[Item #5] Ms. Goode**
ECU requested approval for currently enrolled students to conduct brief intra-oral screening exams on 100 patients who attend the ECU outpatient psychiatric clinics. Dr. Litaker made a motion to approve the request. The motion was seconded by Dr. Feingold and passed by general consent.
- E. Advertising Question **[Item #6] Mr. White**

Dr. Edwin Porter requested the Board's approval to advertise that he serves as a sedation evaluator and inspector on behalf of the Dental Board. Following a discussion, the Board decided that he can make this statement as long as it continues to be true, however, he must include a disclaimer making it clear that the North Carolina State Board of Dental Examiners' selection process for eligible evaluators is not considered an official endorsement.

F. Dental Assisting

The Board discussed considering a rule change that would eliminate the requirement for the two three-hour courses in sterilization/infection control and dental office emergencies for the classification as a Dental Assistant II. The Board voted to table this discussion until the May meeting.

IX. LICENSURE MATTERS

A. Approval of Licenses/Permits/Reinstatements **[Item #7] Ms. Goode**
Dr. Wester 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
[No Report]

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker

A. Examination Requirements for Credentialing **[Item #8]**
Based on recent changes to the WREB examination, an analysis of the current requirements was presented to the Board. The Board voted to accept analysis for information purposes.

B. APA – Article 3A: Ex Parte Provision **[Item #9]**
Following a review of NCGS 150B-40 (d), it was determined that once formal charges are filed in a disciplinary matter, the Chief Executive Officer will communicate directly with the members of the Hearing Panel and relay all necessary instructions or questions to the Investigative Panel's Counsel and Opposing Counsel.

C. Specialty Advertising Rules
Doug reported that the specialty advertising rules and ethics continuing education rules have been submitted for publication. Any questions that a Board Member receives may be directed to the Board staff for clarification if necessary.

During the open session, and without conducting other business, Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.11(a)(3), in order to consult with legal counsel. The motion was seconded by Dr. Feingold and passed by general consent. All motions and votes were taken in open session.

D. Summary Suspension of General Anesthesia Permit

Following the advice from legal counsel, Dr. Watkins made a motion to move back into open session. Dr. Litaker seconded the motion, which passed by general consent.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (March) **[Item #10] Dr. Wester**
The Board reviewed investigative statistics for the month of March. The statistics were accepted for informational purposes.

- B. Hearing Panel Decisions
During open session, and without conducting other business, Dr. Feingold 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. Wester and passed by general consent.
 - a. Log #18-028 **[Item #11] Dr. Wester**

 - b. Log #17-251 **[Item #12] Dr. Watkins**

- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin at 8:30 a.m. on Wednesday, May 16, 2018, and will be held at the Sea Trail Resort in Sunset Beach, North Carolina for the purposes of conducting several disciplinary hearings and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Wester made a motion to adjourn the meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 8:30 p.m.

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

Date of Approval: May 17, 2018

MEMBERS OF THE BOARD

Dr. Merlin W. Young, President
Dr. Millard W. Wester, III, Secretary-Treasurer
Dr. William M. Litaker, Jr., Past-President
Dr. Clifford O. Feingold
Dr. Kenneth M. Sadler
Dr. Catherine Warkens
Ms. Nancy S. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member