

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
August 10, 2018

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Sadler

A. Call to Order

Dr. Kenneth Sadler, Secretary-Treasurer of the Board, called the business meeting to order at 8:10 a.m., Friday, August 10, 2018, at the Board's offices in Morrisville, North Carolina. Dr. Sadler 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

Five members of the Board were present. The members included Dr. Merlin W. Young, Dr. Catherine Watkins, Dr. Kenneth M. Sadler, Dr. Edward J. Clemons, and Ms. Nancy St. Onge, R.D.H. Absent were: Dr. Millard "Buddy" Wester, Dr. William Litaker and Mr. Dominic Totman. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie S. Goode, Deputy Operations Officer, Line Dempsey, Senior Investigator, Betty Sines, Investigations Coordinator, Steve Brewington, Investigator, Amanda Carver, Investigations Assistant, and Ms. Crystal Carlisle and Mr. Douglas Brocker Legal Counsel for the Board were also present.

C. Declaration of Quorum

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

II. APPROVAL & ORDER OF AGENDA

Dr. Sadler

Ms. St. Onge moved, which was seconded by Dr. Young, to accept the agenda as presented and to allow Dr. Sadler to determine the order of business. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of July 12-14, 2018

[Item #1] Dr. Sadler

Following a review of the July 12-14, 2018 Minutes, Dr. Young moved to approve the Minutes. Dr. Watkins seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Sadler

Dr. Sadler presided over the meeting in Dr. Wester's absence and he officially welcomed Dr. Clemons as the newest elected member to the Board.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (July)

[Item #2]

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

B. Personnel Matters

Mr. White announced that a contract had been entered employing Mr. Steve Annis, retired investigator with the NC State Bar and private investigator, as an independent contract employee to assist the Board in the investigation of the unauthorized practice of dentistry and to serve as a process server for the Board as needed.

C. Miscellaneous

⬇ Legislative Update

HB 735 was passed by the house and the senate and is currently in reference committee. This bill in part, proposes to require all occupational licensing boards to implement a process for accepting electronic complaints. Board staff is working on a proposal for the Board to consider regarding how to process the increased amount of complaints that we anticipate will be received as a result of this legislation.

HR 6515 is pending federal legislation that proposes to limit private antitrust damages against occupational licensing board, to promote the beneficial reforms of State occupational licensing, and for other purposes.

At 8:30 a.m., Dr. Young made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct two (2) settlement conferences. Dr. Watkins seconded the motion, which passed by general consent. The second conference concluded at 12:30 p.m., at which time the Board recessed for lunch. The Board reconvened at 1:30 p.m. at which time Dr. Young made the motion to move into open session to consider the business of the Board. Dr. Watkins seconded the motion. The motion carried.

⬇ May 16-17, 2018 Minutes

[Item #3]

The May 16-17, 2018 Minutes has a typographical error in the section titled, "Report from Chief Executive Officer." The Minutes as currently approved reflect the reimbursement rate for evaluating patient records at \$100 per hour, however, the approved rate should be \$150 per hour. Dr. Young made a motion to approve the correction. Dr. Watkins seconded the motion, which passed by general consent.

⬇ INBDE Implementation

[Item #4]

The Joint Commission on National Dental Examinations will begin administering the Integrated National Board Dental Examination (INBDE) on August 1, 2020.

The current NBDE Part I will be discontinued as of July 31, 2020. The NBDE Part II will be discontinued on August 1, 2022. As a result, Board staff will draft amendments to current Board Rules to address this change for Board approval.



Intern Permits

Based on Title 10 of the United States Code Sec. 1094(d)(1) and (2), a military active duty dentist assigned to a civilian training institution as a duty station is not required to obtain an additional license from the state where his/her civilian training is located; therefore, active duty military dentists are not required to obtain an intern permit to participate in post-doctoral training at a North Carolina dental school where the military clearly indicates the school is a military “training institution.”

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[No Report]

B. Finance Committee
[No Report]

C. Sedation/General Anesthesia Committee

Dr. Sadler reported that the administration of written examinations for general anesthesia and sedation permit applicants is suspended until rules are codified to address how the examinations will be administered.

a. PEARS

[Item #5] Dr. Sadler

Dr. Young moved to approve the expenses for Dr. Michael Milano, Dr. Bertrand Bonnick, Dr. Loren Alves and Dr. David Olson to attend an upcoming Pediatric Advanced Emergency Assessment, Recognition and Stabilization Course. Following the completion of the course, all four participants will report back to the Sedation Committee with a recommendation regarding approving this course as an alternative to PALS. Dr. Watkins seconded the motion, which passed by general consent.

b. Nitrous Oxide/Building Codes

[Item #6] Mr. White

The Board received an inquiry regarding nitrous oxide use and building codes. If the use of nitrous oxide, “renders patients unconscious or incapable of self-preservation” a more stringent building code applies to the medical facility. The request was to have the Board issue a statement on behalf of a NC licensed dentist confirming that nitrous oxide would not render a patient incapable of self-preservation. After discussion, the Board determined, a request directly from a State official, would be the best avenue to address this issue. Inquiries will be made to the state fire marshal to determine if an opinion from the Board would be beneficial.

VII. OLD BUSINESS

- A. 2019 Meeting Dates **[Item #7] Ms. Goode**
Ms. Goode presented the Board with a proposed Board meeting schedule for 2019. Dr. Young made a motion to approve the schedule after changing the March and December dates to March 15-16, 2019 and December 13-14, 2019. Dr. Watkins seconded the motion. The motion carried.

VIII. NEW BUSINESS

- A. Approve Radiology Course and Instructors **[Item #8] Ms. Goode**
Christy Baldwin, with Dental ProSolutions, LLC submitted a radiology course for Board approval. Upon determining that the course met the appropriate criteria, Dr. Young moved, seconded by Ms. St. Onge, to approve the course and to approve Christy Baldwin and Aaron Hudson as course instructors. The motion passed by general consent.
- B. Approve Rotation Sites - CCCC **[Item #9] Ms. Goode**
Central Carolina Community College (CCCC) requested Board approval of Building 65 Dental Clinic located on Marine Corps Base Camp Lejeune and the Caring Community Dental Clinic in Jacksonville as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at CCCC. Upon review of the documentation, Ms. St. Onge made a motion to approve the proposed rotation sites. Dr. Young seconded the motion. The motion carried.
- C. Approve Rotation Sites – CPCC **[Item #10] Ms. Goode**
Central Piedmont Community College (CPCC) requested Board approval of Cabarrus Health Alliance and Atrium Health Carolina’s HealthCare System as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at CPCC. Upon review of the documentation, Dr. Watkins made a motion to approve the proposed rotation sites. Dr. Clemons seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #11] Ms. Goode**
Dr. Young moved to approve all licenses, 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. Watkins and passed by general consent.
- B. Examinations
- a. Dental Hygiene ADEX Exam Remediation **[Item #12] Ms. Goode**
The University of North Carolina School of Dentistry submitted a remediation plan for a Dental Hygiene student who failed the ADEX Examination three times. Following a review of the documentation, Ms. St. Onge made a motion to approve the plan. Dr. Young seconded the motion which passed by general consent.

X. REPORT FROM LEGAL COUNSEL

- A. Question Regarding Non-Profit Status **[Item #13] Mr. Brocker**
The Board received an inquiry from Access Dental Care regarding proper billing to Medicaid patients who have purchased supplemental dental insurance. Following a discussion, the

Board determined that services reimbursed through private supplemental insurance cannot be provided or billed through a nonprofit entity.

At 3:00 p.m., Dr. Watkins 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 4:30 p.m., at which time Dr. Young made the motion to move into open session to consider the business of the Board. Ms. St. Onge seconded the motion. The motion carried.

- B. Rules for Publication (16T) **[Item #14]**
21 NCAC 16T .0101 and 21 NCAC 16T .0103 – Dr. Watkins made a motion to publish the proposed rule changes and move forward with a public rulemaking hearing. Dr. Young seconded the motion. The motion carried.
- C. Rules for Publication (16Q) **[Item #15]**
21 NCAC 16Q .0202, et. seq. – Dr. Young made a motion to publish the proposed rules with amendments and move forward with a public rulemaking hearing. Dr. Watkins seconded the motion. The motion carried.
- D. Rules for Readoption (16H) **[Item #16]**
21 NCAC 16H .0207 – The Board will consider approving this rule for readoption if the Duke Endowment Grant is renewed.
- E. Proposed Rule Amendments (16P) **[Item #17]**
21 NCAC 16P .0105 – Dr. Youngs made a motion to approve the proposed amendments for republication. Dr. Clemons seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (July) **[Item #18] Dr. Sadler**
The Board reviewed investigative statistics for the month of July, 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. Young made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to discuss Hearing Panel Decisions. The motion was seconded by Dr. Watkins and passed by general consent.
- a. Log #17-006 **[Item #19] Dr. Sadler**
- b. Log #17-022 **[Item #20] Dr. Wester**

C. Settlement Conferences

The Board conducted three (3) settlement conferences throughout the meeting. Ms. Carlisle represented the Investigative Panel at the first two conferences and Mr. Brocker represented the Investigative Panel at the final conference. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, September 6, 2018, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a formal hearing in the matter of Dr. Carolyn Kelly-Mueller and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Young made a motion to adjourn the meeting. Dr. Clemons seconded the motion, which passed by general consent. The meeting adjourned at 5:30 p.m.

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

Date of Approval: 9/7/18

MEMBERS OF THE BOARD

Dr. Millari W. Wester, III, President
Dr. Kenneth M. Sadler, Secretary-Treasurer
Dr. Merkn W. Young, Past-President
Dr. William M. Lstaker, Jr.
Dr. Catherine Watkins
Dr. Edward J. Clemons, Jr.
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member