

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**December 12-13, 2019**

**THURSDAY, DECEMBER 12, 2019**

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, December 12, 2019, for the purposes of conducting a public Rule Making Hearing involving proposed rule changes to 21 NCAC 16B .0301, .0501, .0601, .0701, .0801, .1001-1002; 16C .0301, .0501; 16D .0104; 16E .0102-.0103; 16G .0107-.0108; 16Y .0102. All members of the Board were present, with the exception of Dr. Buddy Wester. Also present was Mr. Bobby D. White, Chief Executive Officer, Casie S. Goode, Deputy Operations Officer and Mr. Douglas Brocker, the Board's legal counsel. The proceeding was recorded, and a copy of the proposed rules is attached to the Minutes. The public hearing concluded at 6:35 p.m., at which time the Board recessed its meeting for the day.

**FRIDAY, DECEMBER 13, 2019**

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

A. Call to Order

Dr. Merlin Young, President of the Board, called the business meeting to order at 8:35 a.m., Friday, December 13, 2019, at the Board's offices in Morrisville, North Carolina. 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. Catherine Watkins, Dr. Edward Clemons, Jr., Dr. Karen Lanier, Dr. Raleigh Wright, III, Ms. Nancy St. Onge, RDH and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Investigations Coordinator, Dirk German, Investigator, Amanda Carver, Investigator, Tyler Henderson, Investigator, Jamie Rivera, Paralegal, and Ms. Dauna Bartley and Mr. Douglas Brocker Legal Counsel for the Board 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.

**II. APPROVAL & ORDER OF AGENDA**

**Dr. Young**

Dr. Wester moved, which was seconded by Ms. St. Onge, 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 8:38 a.m., Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Clemons seconded the motion which passed by general consent. The conference concluded at 9:30 a.m. at which time Dr. Clemons made the motion to move into open session to resume Board business. Dr. Wester seconded the motion, and the motion passed.

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**III. APPROVAL OF MINUTES**

A. Minutes of November 15, 2019

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

Following a review of the November 15, 2019 Minutes, Dr. Watkins moved to approve the Minutes as drafted. Dr. Lanier seconded the motion which passed by general consent.

**IV. REPORT FROM PRESIDENT**

**Dr. Young**

Dr. Young announced that he and Mr. White will represent the Board at the Dental Society's Annual Professional Relations Group Meeting, being held tomorrow, December 14, 2019 in the Chadwick Conference Room in the Evans Road Professional Building located next to the North Carolina Dental Society office.

**V. REPORT FROM CHIEF EXECUTIVE OFFICER**

**Mr. White**

A. Financial Report (November)

**[Item #2]**

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

B. 2020 Budget

**[Item #3]**

Upon review of the proposed budget for 2020 to include changes to personnel, Dr. Clemons made a motion to approve the budget as amended. Dr. Watkins seconded the motion. The motion passed by general consent.

C. Personnel Matters

Dr. Wright made a motion, which was seconded by Dr. Wester, to move into closed session, pursuant to NCGS §143-318.11(a)(6), in order to discuss performance and fitness of current employees. The motion carried.

Following the discussion of personnel matters, Dr. Wester made a motion to move back into open session in order to continue with the consideration of Board business. Ms. St. Onge seconded the motion. The motion carried.

D. Miscellaneous

- ✚ NCDS Annual Session Meeting Potential Topics  
Mr. White discussed possible topics at the North Carolina Dental Society Annual Session Meeting to include new restrictions with respect to how the Board may use criminal background checks for licensure as well as the pending rules regarding petitions for predetermination for licensure.
- ✚ May 2020 Meeting – Hotel Accommodations  
Mr. White reminded the Board to communicate with Board staff regarding accommodations for the May 2020 meeting held in conjunction with the North Carolina Dental Society’s Annual Session.
- ✚ Media and Case Management **[Item #4]**  
Mr. White discussed the Board’s current media protocol and reminded the Board that Board meetings and hearings may be broadcast, televised, recorded or photographed if done so within accordance of the guidelines outlined in Item #4.
- ✚ Opioid Prescribing – Patient Abandonment  
It is not necessarily considered patient abandonment if a licensee fails to enroll in electronic prescribing and thereby discontinues the issuance of Schedule II and Schedule III drugs to patients with acute pain.
- ✚ Licensure by Military Endorsement  
Dr. Watkins made a motion that the Board allow licensees by military endorsement to pay the regular fee of \$395, at their request, in order to comply with the Department of Defense and avoid DOD restrictions. Dr. Lanier seconded the motion, which passed by general consent.

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At 10:30 a.m., and while in open session, Dr. William Claytor presented a one hour continuing education course regarding opioid prescribing. The course was open to members of the public at no charge and continuing education credit was given to all attendees. Following the course and after a brief recess for lunch, the Board continued with its discussions of routine Board business.

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**VI. REPORTS OF STANDING COMMITTEES**

- A. Executive Committee  
[No Report]
- B. Finance Committee  
Approved 2020 Budget as presented in Item #3 including raises and adjustments to personnel pay.
- C. Sedation/General Anesthesia Committee

Dr. Lanier reminded the Board that the sedation committee will meet at the Board office in Morrisville on Friday, February 7, 2020 from 8:30 a.m. – 12:00 noon and prior to the commencement of the regularly scheduled February Board Meeting.

## VII. OLD BUSINESS

- A. Electronic Prescribing **Mr. White/Ms. Goode**  
Beginning January 1, 2020, all prescriptions for controlled substances must be submitted electronically. Information will be posted on the Board's website to make our licensees aware of this requirement and to give our licensees resources for implementing this requirement.

## VIII. NEW BUSINESS

- A. Teledentistry Symposium **Mr. White**  
Dr. Wester moved to approve any expenses for Board Members and necessary staff to attend the upcoming Teledentistry Symposium being held in Chapel Hill on March 6, 2020. Dr. Lanier seconded; motion carried.
- B. Approve Radiology and Nitrous Instructors **[Item #5] Ms. Goode**  
Ms. Robyn Klose, RDH with the Dental Assistant Academy in Charlotte requested approval of new instructors to teach radiology and nitrous. Dr. Wester made a motion to approve Ms. Nikki Mele as an instructor for radiology and nitrous and Ms. Monique Dean as an instructor for radiology. Dr. Clemons seconded the motion, which passed by general consent.
- C. Approve Radiology Instructor **[Item #6] Ms. Goode**  
Ms. Robyn Klose, RDH with the NC Dental U requested approval of a new instructor to teach. Dr. Wester made a motion to approve Ms. Kathryn Graham as an instructor for radiology. Dr. Clemons seconded the motion, which passed by general consent.
- D. Approve Radiology and Nitrous Instructor **[Item #7] Ms. Goode**  
Ms. Robyn Klose, RDH with NC Dental U/Evolve Dental Institute requested approval of an instructor to teach radiology and nitrous. Dr. Wester made a motion to approve Ms. Sharma Helms-Rains as an instructor for radiology and nitrous. Dr. Clemons seconded the motion, which passed by general consent.

## IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #8] Ms. Goode**  
Dr. Watkins 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. Lanier and passed by general consent.
- B. Examinations  
Dr. Wester reminded the Board of the upcoming CITA Annual Meeting being held in San Diego, CA January 10-11, 2020. He further announced that live online calibrations are now available through the CITA website.

**X. REPORT FROM LEGAL COUNSEL**

**Mr. Brocker**

**A. Rules for Publication**

**[Item #9]**

Following the annual review of proposed technical changes to the Board's Rules, Dr. Watkins made a motion to approve the amendments for publication, which was seconded by Dr. Wester and passed by general consent. The amendments are as follows:

1. Amend application rules to list out the information that an applicant is required to submit along with the application. These amendments are to the following rules: 16B .1101, 16C .0601, 16F .0104, 16F .0105, 16I .0101, 16R .0101, 16R .0102 and 16R .0108.
2. Amend 16C .0303 for dental hygiene examinations to make it consistent with 16B .0303 for dental examinations in response to examination changes made by the Joint Commission on National Dental Examinations.
3. Amend 16H .0104 to exclude coronal polishing from the functions that may be delegated to a dental assistant I in training.
4. Amend 16N .0403 to update the statutory citation and to match the statute's timeframe for a declaratory ruling.
5. Update history note citations to recodified statutory authority in all rules in subchapters 16N and 16F. The updates are to the following rules: 16N .0402, 16N .0404, 16F .0102, 16F .0103, 16F .0107 and 16F .0110
6. Recodify rules in Subchapter 16I for dental hygienist license renewal to match the structure of Subchapter 16R for dentist license renewal.

The Board decided that going forward staff does not need Board approval of minor technical changes, changes that are a result recodified statutes, or changes that cross-reference rules.

**B. Rules for Permanent Adoption**

**[Item #10]**

Dr. Wester made a motion to adopt the amendments to the public health hygienist rules, 16W .0101 and .0104 and issue an interpretive statement to include the treatment provided under this provision as a standing order. The motion was seconded by Dr. Lanier and passed by general consent.

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Dr. Watkins made a motion to move into closed session, pursuant to NCGS §143-318.11(3) in order to receive advice from legal counsel. The motion was seconded by Dr. Wester and passed by general consent.

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**C. Antitrust Liability**

**[Item #11]**

Mr. Totman made a motion to explore options for insurance coverage against claims for monetary damages made against Board members and staff in their individual capacities for actions taken in their official capacities. The executive committee will review the options once presented and make a determination on how to proceed. Dr. Wester seconded the motion, which passed by general consent.

- D. Substance Use Memo **[Item #12]**  
Dr. Watkins made a motion to have staff coordinate with the executive committee of the CDP for review and revision of participant consent forms, implement written policies related to patient identifying information and consult with the Chief Resident Superior Court Judge about the appropriate procedure to obtain court orders for substance use information. Dr. Wester seconded the motion which passed by general consent.

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Dr. Wester made a motion to move into open session and resume regular Board business. The motion was seconded by Dr. Lanier and passed by general consent.

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- E. Clarification regarding BLS requirements **[Item #13]**  
The Board received an inquiry requesting clarification of current BLS verses annual BLS. The Board interprets the rule to mean that BLS must be current, not annual.

## XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (November) **[Item #14] Dr. Watkins**  
The Board reviewed investigative statistics for the month of November. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions  
During open session, and without conducting other business, Dr. Clemons 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. Wright and passed by general consent.
- a. Log #17-213, #17-246, #18-193, #18-216, #19-008 **[Item #15] Dr. Watkins**
- b. Log #19-272 **[Item #16] Dr. Watkins**
- C. Settlement Conferences  
The Board conducted one settlement conference throughout the meeting. Ms. Dauna Bartley represented the Investigative Panel. The respondent was not represented. Standard protocol was followed.

**XII. NEXT MEETING**

The Board's next regularly scheduled meeting will begin on Thursday, January 16, 2020 and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a rulemaking hearing, 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. Wright seconded the motion, which passed by general consent. The meeting adjourned at 4:00 p.m.

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

Date of Approval: January 17, 2020

**MEMBERS OF THE BOARD**  
*Dr. Merlyn W. Young, President*  
*Dr. Catherine Watkins, Secretary-Treasurer*  
*Dr. Millard W. Wester, III, Past-President*  
*Dr. Edward Clemons, Jr.*  
*Dr. Karen Lanier*  
*Dr. Raleigh Wright, III*  
*Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member*  
*Mr. Dominic Totman, Esq., Consumer Member*