



# E-Forum

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## NEWS FLASH

The United States Supreme Court has agreed to hear the case of [The North Carolina State Board of Dental Examiners v. The Federal Trade Commission.](#) The case involves the unauthorized practice of dentistry through the provision of teeth whit-

ening services by non-licensed individuals. The Board had filed a petition with the U.S. Supreme Court seeking a review of the U.S. 4<sup>th</sup> Circuit decision that sided with the FTC.

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## Sedation Rules Conferences

The first two listening conferences for sedation rules have been set. The first will be held at the Grandover Resort in Greensboro on March 28, 2014 from 9 to 11 a.m. The second will be held at the Hilton in

Greenville on July 11, 2014 from 8:30 to 10:30 a.m. as part of the Board's regular monthly meeting. Plans for a third conference in the Asheville area should be completed soon.

## Upcoming Board Meetings

Meetings begin at 8:30 am unless otherwise noted.

- March 21-22, 2014 Morrisville
- April 11-12, 2014 Morrisville
- May 14-15, 2014 Thistle Golf Club, Brunswick County
- June 13-14, 2014 Morrisville

## Federal Probe Ends With Dentist's Guilty Plea

The Roanoke Times reports that a Virginia dentist pleaded guilty in federal court to one felony count of attempting to obstruct an investigation. The dentist, Robert S. Kidder, generally collected patient payments prior to treatment. When insurance filings then resulted in an overpayment, Kidder would not provide the refund to the patient. An employee reported the practice to the FBI which then launched the investigation. Kidder attempted to thwart the investigation by staging a burglary in which he stole

his own office computer. To resolve the case he pleaded guilty "to a single count of willfully trying to prevent, obstruct, mislead or delay the communication of information or records relating to a federal health care offense." The maximum punishment is five years in prison and a \$250,000 fine. For more information visit the Roanoke Times website:

[http://www.roanoke.com/news/local/roanoke-county/article\\_403906ca-8e06-11e3-a05f-001a4bcf6878.html](http://www.roanoke.com/news/local/roanoke-county/article_403906ca-8e06-11e3-a05f-001a4bcf6878.html)

*Note: In addition to applicable federal laws, North Carolina Abandoned/Unclaimed Property and Escheats law [N.C. Gen. Stat. 116B] requires that any property (deposit, interest, credit balance, customer's overpayment, refund, etc.) belonging to the patient be returned. If after a good faith effort, the owner of the property cannot be found, the property in question must be properly identified and turned over to the Office of the State Treasurer. Failure to do so may result in civil penalties up to \$25,000, plus 25% of the value of the property that should have been turned over, plus interest.*



## Board Elections

Those interested in running for Board positions may do so by filing an appropriate petition between January 1, 2014 and midnight May 20, 2014. Two dentists and one dental hygiene position will be eligible for election this year. (One dentist member and the current registered dental hygiene member are eligible to run for a second term.) Interested parties must submit a petition before the

deadline signed by not less than 10 dentists or dental hygienists respectively who are licensed to practice in North Carolina and residing or practicing in this state. Since signatures are often difficult to read and the identity of those signing the petition must be verified, please ask signatories to include their license number and print their names.

## Employment of a Massage Therapist

The Board dealt recently with an inquiry regarding the employment of a licensed massage therapist in a dental office. The inquiring dentists proposed providing a space for the thera-

pist to work and paying a salary based on the amount of business generated for the practice. On the facts presented, the Board did not find that this was a violation of the Dental Practice Act or its rules so long as the massage therapy was not promoted as part of a dental

treatment plan, the therapist was truly an employee of the practice and not involved in profit sharing, and the arrangement did not violate any provisions of the laws governing massage therapists.

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**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.**

### Statistics of Interest

Total # of complaints currently under investigation	229
<b>For 2013 [includes dentists and dental hygienists]</b>	
Licenses suspended	10
Letters of Reprimand Issued	8
Placed on Probation	12
Letter of Caution Issued after a Hearing	24
Summary Suspensions	3
License Application Denied	4

### Current Board Members

<u>Current Board Member</u>	<u>Term Expires</u>	<u>Hometown</u>
David A. Howdy, DDS (President)	2016	Washington, NC
Stanley L. Allen, DDS (Sec/Treas.)	2014*	Greensboro, NC
Kenneth M. Sadler, DDS (Past Pres.)	2015	Winston-Salem, NC
Millard W. "Buddy" Wester, DDS	2014	Henderson, NC
Clifford O. Feingold, DDS	2015*	Asheville, NC
William M. Litaker, DDS	2016*	Hickory, NC
Carla J. Stack, RDH	2014*	Charlotte, NC
James B. Hemby, Jr, PhD (Consumer)	2015	Raleigh, NC

*\*Eligible to run for a second term.*