

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
February 16-17, 2018

FRIDAY, FEBRUARY 16, 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 8:30 a.m., Friday, February 16, 2018, 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 except Dr. Catherine Watkins. The members included Dr. Merlin W. Young, Dr. William M. Litaker, Jr., Dr. Clifford O. Feingold, Dr. Millard Wester, 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, Ms. Betty Sines, Investigations Coordinator, Mr. Line Dempsey, Senior Investigator, Mr. Steve Brewington, Investigator, Ms. Amanda Carver, Investigative Assistant, Ms. Whitney Waldenberg and Mr. Douglas Brocker, Legal Counsel for the Board, were also present.

C. Declaration of Quorum

With the majority 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 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.

At 8:35 a.m., the Board remained in open session to conduct a formal hearing involving Dr. Madeline Abudu. Mr. Douglas Brocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Dr. Abudu failed to attend the hearing and was not represented by legal counsel. A court reporter was present to transcribe the proceedings. The hearing concluded at 9:30 a.m. at which time the Board continued to conduct further business.

At 9:50 a.m., Dr. Feingold made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct one (1) settlement conference. Dr. Wester seconded the motion, which passed by general consent. The settlement conference concluded at 11:20 a.m. at which time the Board recessed for lunch. The meeting resumed at 12:15 p.m. and Dr. Litaker made a motion to move into open session. Dr. Wester seconded the motion, which passed by general consent.

III. APPROVAL OF MINUTES

- A. Minutes of January 18-20, 2018 **[Item #1] Dr. Young**
Following a review of the January 18-20, 2018 Minutes, Dr. Litaker moved to approve the Minutes as amended. Dr. Wester seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Young

Dr. Young requested that Ms. St. Onge give a brief report on the recent SCDDE meeting in Memphis, Tennessee. Ms. St. Onge reported several discussions regarding the future of dental and dental hygiene examinations. There was also discussion regarding the possibilities of integrating dental sleep medicine and laser training into the current dental curriculum.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (January) **[Item #2]**
Following a review of the January 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
[None]
- C. Miscellaneous
- ⚡ CDP Representative
Dr. Feingold made a motion for Dr. Sadler to replace him as the CDP representative upon the completion of Dr. Feingold's term on the Board. Dr. Litaker seconded the motion, which passed by general consent.
 - ⚡ CDP Bylaws
Mr. White informed the Board that he and Mr. Brocker were reviewing the CDP Bylaws with respect to voting members. They will present a recommendation at the March meeting.

- ✚ ADEX Representative
Dr. Feingold is current representative to the exam committee and the Board's representative to the House of Delegates. Since his terms will end on August 1, 2018, the Board discussed his replacement. Dr. Feingold expressed his interest in remaining the ADEX representative. After a vote, Dr. Feingold will remain the ADEX representative on the exam committee and the Board's representative to the House of Delegates.
- ✚ AADB Meetings (April and September)
Dr. Wester moved to approve any expenses for Board Members and necessary staff to attend these meetings. Dr. Feingold seconded, motion carried.
- ✚ CEO Evaluation Process **[Item #3]**
Mr. White's 2018 goals were discussed and approved as presented.
- ✚ Annual Opioid CE Course
The Board will offer a one hour continuing education course in opioid prescribing in 2018. This course will meet the annual renewal requirements for dentists who hold a DEA registration and will be open to the public. The location and date of the course is to be determined.

At 1:15 p.m., Ms. Anna Stein, JD, MPH presented "Opioid Overdose in NC: Crisis and Response". During her presentation, she discussed the trends in opioid prescribing and the state's initiative to lower the death tolls that are contributed to opioid overdose deaths. Following her presentation, Alex Asbun, Drug Control Unit Manager, spoke regarding the continuing improved functionality of the CSRS system. Mr. Asbun requested that public statistical data from the Dental Board be shared with the CSRS system so that analysis could be completed on dental opioid prescribing. The medical and nursing boards currently share their data to enable such analysis in their respective fields. The presentation concluded at 2:00 p.m. at which time the Board remained in open session to discuss Board business.

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. Botox Update

Mr. Brocker updated the Board regarding the recent survey that was disseminated to all licensees requesting feedback regarding the dental uses for Botox. Mr. Brocker gave a preliminary report and requested the opportunity to further analyze the data collected and report back in March.

B. HbA1c Update

Mr. Brocker updated the Board regarding the recent survey that was disseminated to all licensees requesting feedback regarding HbA1c testing. Mr. Brocker gave a preliminary report and requested the opportunity to further analyze the data collected and report back in March.

At 2:30 p.m., Dr. Sadler made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct one (1) settlement conference. Mr. Totman seconded the motion, which passed by general consent. The settlement conference concluded at 4:45 p.m. at which time the Board recessed for the day.

SATURDAY, FEBRUARY 17, 2018

The North Carolina State Board of Dental Examiners reconvened at 8:00 a.m., Saturday, February 17, 2018, in order to conduct Board business. Dr. Young, President of the Board, called the meeting to order. All members of the Board were present with the exception of Dr. Catherine Watkins. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie S. Goode, Deputy Operations Officer; Ms. Betty Sines, Investigations Coordinator, and Mr. Douglas Brocker, Legal Counsel. At the onset of the meeting, Dr. Wester made a motion to move into open session to conduct Board business. Ms. St. Onge seconded the motion, which passed by general consent.

VIII. NEW BUSINESS

- A. Approve Nitrous Instructor **[Item #4] Ms. Goode**
NC Dental U and The Dental Assistant Academy of Charlotte requested approval of a new instructor to teach the nitrous course offered at these schools. The nitrous course has already been approved. Upon review of the documentation submitted, Dr. Litaker made a motion to approve Ms. Lori Marceline as an instructor. Dr. Feingold seconded the motion. The motion passed by general consent.
- B. Approve Nitrous Course and Instructor **[Item #5] Ms. Goode**
Dental Careers Institute submitted a nitrous-oxide conscious sedation and monitoring course and course instructor for approval. Upon review of the documentation submitted, Dr. Wester made a motion to approve the course and to approve Ms. Tija Hunter as the course instructor. Dr. Feingold seconded the motion. The motion passed by general consent.
- C. Approve Minimal Sedation Course **[Item #6] Dr. Sadler**
An applicant for a minimal sedation permit completed the UT Health Science Center's online minimal sedation course. Upon review of the course description, Dr. Sadler made a motion that all courses meeting the requirements for sedation/general anesthesia permits

must be in person and hands on. No online courses will be accepted. Dr. Feingold seconded the motion. The motion passed by general consent.

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 Ms. St. Onge and passed by general consent.
- B. Examinations
[No Report]

X. REPORT FROM LEGAL COUNSEL

- A. Rules for Final Adoption **[Item #8] Mr. Brocker**
21 NCAC 16G .0101, 21 NCAC 16G .0103, 21 NCAC 16H .0203, and 21 NCAC 16H .0205 were placed before the Board for final adoption. Dr. Wester moved for final approval for permanent adoption of these rules. Dr. Litaker seconded the motion. The motion carried.
- B. Rule amendment regarding digital images **[Item #9] Mr. Brocker**
The Board requested that staff draft language to amend 21 NCAC 16H .0203, adding the taking of digital images as a permitted function of a dental assistant II under direct supervision. Dr. Wester moved to approve the language as amended for publication. Dr. Litaker seconded the motion, which passed by general consent.
- C. Rule amendment regarding specialty advertising **[Item #10] Mr. Brocker**
The Board requested that staff draft language to amend 21 NCAC 16P .0105 regarding specialty advertising. Mr. Brocker presented options to the Board and after a discussion, the Board took this information under advisement no action needed. Mr. Brocker will continue to work on drafting language and will report back at the March meeting.
- D. Rule amendment regarding informed consent **[Item #11] Mr. Brocker**
The Board requested that staff draft language to amend current Board Rules to address the issue of informed consent. Mr. Brocker will conduct additional research with other states dental boards and report back that the March meeting.
- E. Board Policy on redacting records for evaluators **Mr. Brocker**
Currently, the Board's policy regarding redacting patient records for investigative evaluations includes full redaction of all patient records with the exception of cases involving extensive Medicaid fraud that encompasses the review of many patient records. In those cases, the Investigative Panel discloses the name of the respondent to ensure that the evaluator does not have a potential conflict of interest in reviewing the case before investing the time and cost associated with such an extensive review. Dr. Wester made a motion that the Case Officer should decide if a case involving a voluminous amount of patient records should be evaluated without redaction. This policy change was seconded by Mr. Totman and passed by general consent.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (January) **[Item #12] Dr. Wester**
The Board reviewed investigative statistics for the month of January. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
a. Log #17-250 **[Item #13] Dr. Litaker**
- C. Settlement Conferences
The Board conducted two (2) settlement conferences during the meeting. Mr. Douglas Brocker represented the Board at the conferences and standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, March 8, 2018, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a rule making 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. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 10:30 a.m.

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

Date of Approval: March 9, 2018

MEMBERS OF THE BOARD

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