

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
CONFERENCE CALL
Morrisville, North Carolina
February 12, 2019

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Wester

A. Call to Order

Dr. Millard Wester, President of the Board, called the meeting to order at 6:15 p.m., Tuesday, February 12, 2019. Dr. Wester 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 tonight?

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. Kenneth Sadler. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. William M. Litaker, Jr., Dr. Edward Clemons, Dr. Catherine Watkins, Ms. Nancy St. Onge, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Mr. Line Dempsey, Senior Investigator and Mr. Douglas Brocker, Legal Counsel, were also present.

C. Declaration of Quorum

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

The meeting was held via conference call. Present at the Board office was Dr. Millard Wester, Mr. Bobby White and Mr. Douglas Brocker. This meeting was the initial trial of the "Go To Meeting" software. 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. Wester

Dr. Litaker moved, which was seconded by Dr. Watkins, 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 January 10, 2019 **[Item #1] Dr. Wester**
Following a review of the January 10, 2019 Minutes, Dr. Young moved to approve the Minutes as drafted. Dr. Litaker seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Wester

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (January) **[Item #2]**
Following a review of the January Financial Report, Dr. Young moved to accept the report for informational purposes. Dr. Litaker seconded the motion, which passed by general consent.
- B. Personnel Matters
Mr. White reported that the search is underway for an investigator.
- C. Miscellaneous
Mr. White requested that the Board members who plan to attend the AADB meeting on March 9-10, 2019 in Chicago, Illinois, respond to Ms. Amanda Carver to ensure that travel plans are booked accurately.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[No Report]
- C. Sedation/General Anesthesia Committee
Mr. White reported that Dr. Sadler has set a meeting for the Sedation Committee on May 10, 2019.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

- A. Approve Nitrous Instructor **[Item #3] Mr. White**
NC Dental U and The Dental Assistant Academy of Charlotte requested to add Kaylee Leeson as an instructor for their previously approved Nitrous Oxide monitoring course. Dr.

Young made a motion to approve Ms. Leeson as an instructor for this course. Dr. Litaker seconded the motion, which passed by general consent.

- B. Approve Pediatric Enteral Sedation Course [Item #4] Dr. Sadler
Dr. Litaker moved, seconded by Dr. Young to give tentative approval to the course submitted by East Carolina School of Dental Medicine presented by Dr. Michael Webb contingent upon final review and approval by Dr. Sadler. The motion passed unanimously. Following the meeting, Dr. Sadler indicated his approval of this course.

- C. Communicable Disease Committee of DHHS Dr. Watkins
Dr. Watkins serves as the Board's representative to the Communicable Disease Committee of the Department of Health and Human Services. The committee is dealing with a case involving a dental hygienist and has asked that a dental hygienist be appointed to assist the committee in dealing with this case. Mrs. St. Onge agreed to serve.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements [Item #5] Mr. White
Dr. Young 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
Dr. Wester gave an update on the examinations that have occurred and thanked each Board member for their participation. He also noted that the dental examinations will be offered soon at ECU and UNC schools of dentistry.

X. REPORT FROM LEGAL COUNSEL

- A. Dental Hygiene Practice Act Questions [Item #6] Mr. White
The Board received the following inquiry:
In the event that a community college dental hygiene program does not employ a dentist,
 1. Can the dental hygiene instructor prescribe sealants since it is within an educational setting?
 2. Can the dental hygiene student conduct oral health assessments/screenings under the direct supervision of a dental hygiene instructor, although the instructor is not a public health hygienist as described under 90-233(a)?

At Dr. Wester's request, Ms. St. Onge, RDH, researched this matter and agreed with the following proposed answers:

1. No. The statute allows the RDH instructor in an approved hygiene program to direct activity that would "...otherwise be considered the practice of dental hygiene..." Under current rules, the prescribing of sealants is considered the practice of dentistry, not dental hygiene. Therefore, an RDH instructor without a dentist on staff or providing direct supervision could not prescribe sealants. [NCGS 90-233(c)(2)]

2. Yes. So long as the “oral health assessment/screening” is general in nature, is not diagnostic, and is used as a basis for referring the patient to a dentist for a comprehensive diagnostic oral exam.

B. Rules for Adoption

Mr. Brocker

The Board voted to take no action regarding the amendment of 21 NCAC 16H .0203(a)(1). Therefore, the amendment will be tabled indefinitely.

C. PLLC Ownership Questions

[Item #7] Mr. Brocker

The Board received the following question from a legal firm: If two dentists each owning a NC professional dental corporation could then each purchase a 50% ownership share of a NC dental PLLC? Mr. Brocker stated that since all dentists were owners of all shares in both corporations, this did not appear to be a violation of the Dental Practice Act. However, he did not believe it would be appropriate for the Board to comment on the arrangement being compliant with the NC Corporations Act.

D. Rules Proposed for Publication

[Item #8] Mr. Brocker

As requested at the Board’s December meeting, Mr. Brocker developed a proposed rule for “Disciplinary Factors.” This rule would provide guidelines for Hearing Panels to review when considering discipline. Mr. Brocker emphasized that the proposed rule does not dictate any particular outcome. Rather the intent of the proposed rule is to provide guidance for the sake of consistency in future disciplinary decisions. After discussion, Dr. Watkins moved and Dr. Litaker seconded that the rule be published. The motion passed unanimously.

E. Request for Rulemaking

[Item #9] Mr. White

The NC Dental Society through their Council on Oral Health has requested certain rule changes to expand access to care in NC. In particular, the Council seeks rule changes that would:

- Permit dental hygienists to perform limited screening examination under the direction of the supervising dentist to facilitate the delivery of non-restorative interventions.
- Permit dental assistants to assist dental hygienists under the general supervision of a dentist in specified settings.
- Allow dentists to supervise more than two dental hygienists in specified settings.
- Expand the current 120-day window for treatment following examination by a dentist to 240 days to accommodate a typical school year.

Dr. Young moved, seconded by Dr. Litaker that staff prepare a draft of these potential changes for the Board to review before providing a draft to the Council. The motion passed unanimously.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (January)

[Item #10] Dr. Sadler

The Board reviewed investigative statistics for the month of January. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions

a. Log #03-110

[Item #11] Dr. Sadler

C. Settlement Conferences
[None]


XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, March 14, 2019 and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary hearings and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Litaker made a motion to adjourn the meeting. Dr. Young seconded the motion, which passed by general consent. The meeting adjourned at 7:10 p.m.

Reported by: _____


Bobby D. White
Chief Executive Officer

Date of Approval: _____

March 15, 2019

MEMBERS OF THE BOARD

- Dr. Millard W. Wester, III, President*
- Dr. Kenneth M. Sadler, Secretary-Treasurer*
- Dr. Merlin W. Young, Past-President*
- Dr. William M. Litaker, 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*