

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
February 7, 2020

FRIDAY, FEBRUARY 7, 2020

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 1:00 p.m., Friday, February 7, 2020, 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. Edward Clemons, Jr. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. Catherine Watkins, 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 seven 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.

III. APPROVAL OF MINUTES

- A. Minutes of January 16-17, 2020 **[Item #1] Dr. Young**
Following a review of the January 16-17, 2020 Minutes, Dr. Watkins moved to approve the Minutes as drafted. Dr. Wright seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT Dr. Young


Dr. Young discussed scheduling a meeting with a risk assessment advisor to review the Board's current insurance policies and determine the need for additional coverage. Dr. Wester made a motion to have staff complete an insurance assessment with an advisor and report the findings at a future meeting. Dr. Lanier seconded the motion, which passed by general consent.


V. REPORT FROM CHIEF EXECUTIVE OFFICER Mr. White


- A. Financial Report (January) **[Item #2]**
Following a review of the January Financial Report, Dr. Wright moved to accept the report for informational purposes. Dr. Watkins seconded the motion which passed by general consent.

- B. Personnel Matters
[None]

- C. Miscellaneous

-  Intern Permit Questions **[Item #3]**
[Tabled]

-  AG Opinion Update **[Item #4]**
Mr. White reported that he is in the process of requesting an updated opinion from the Attorney General regarding the use of Botox in dentistry, since there appears to be evidence of legitimate dental applications for its use.

-  CE Audits
While conducting continuing education audits, staff is finding situations where our regulated public are not meeting the requirement to maintain current CPR at all times as well as the requirement that all licensees with a DEA registrations must complete a one (1) hour course on opioid prescribing annually. The opioid course must be taken within the calendar year. Mr. Bocker and Mr. White will draft a policy for handling these scenarios and bring it back before the Board at a future meeting.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[None]

- B. Finance Committee
[None]

C. Sedation/General Anesthesia Committee

Dr. Lanier reported that the sedation advisory committee met earlier in the day on Friday, February 7, 2020 from 8:30 a.m. until 12:30 p.m. Dr. Lanier chaired the meeting and thanked everyone who participated.

At 1:30 p.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. Wright seconded the motion which passed by general consent. The conference concluded at 2:30 p.m. at which time Dr. Watkins made the motion to move into open session to resume Board business. Dr. Wester seconded the motion, and the motion passed.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

A. WTCC Approve Rotation Sites

[Item #5] Ms. Goode

Wake Technical Community College (WTCC) requested Board approval of the Wake County Human Services and Wake Smiles The Salvation Army Judy D. Zelnak Center of Hope as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at WTCC. Upon review of the documentation, Ms. St. Onge made a motion to approve the proposed rotation sites. Dr. Watkins seconded the motion. The motion carried.

B. Dr. Bettie R. McKaig

Dr. Wester made a motion that Mr. White draft a resolution of appreciation for all of Dr. Bettie McKaig's service to this Board and the dental profession to be presented to her family at a later date. Dr. Lanier seconded the motion, which passed by general consent.

C. Teledentistry

Dr. Wester made a motion to approve any expenses for Ms. Nancy St. Onge to attend the upcoming teledentistry meeting hosted by the Oral Health Collaborative and held at the Medical University of South Carolina on February 20-21, 2020. Dr. Wright seconded the motion, which passed by general consent.

IX. LICENSURE MATTERS

A. Approval of Licenses/Permits/Reinstatements

[Item #6] 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 Dr. Watkins and passed by general consent.

B. Examinations

Dr. Wester thanked everyone for their participation this far in the 2020 CITA/ADEX examinations.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

- A. Rules for Permanent Adoption **[Item #7]**
Dr. Wright made a motion to permanently adopt 21 NCAC 16A .0106, the predetermination rule. Dr. Lanier seconded the motion. Motion carried.
- B. Request for Hearing **[Item #8]**
Ms. Anne E. Brown requested a formal hearing to determine her eligibility to obtain a NC dental hygiene license without providing proof that she successfully completed the National Board Dental Hygiene Examination administered by the Joint Commission of National Dental Examinations, a statutory requirement. Since it was determined that Ms. Brown is not eligible for licensure, her application and the application fee were returned to her with a letter indicating that she was not eligible, not that she was denied. Therefore, she is not currently entitled to a hearing and must resubmit her application and fee in order to request a hearing. If the application is officially denied, she may request a hearing and the denial is reportable to the National Practitioner Data Bank. Mr. Brocker will draft a response to Ms. Brown's request.
- C. Dental Sleep Medicine **[Item #9]**
The Board received a request from Dr. Tracy Johnson and Dr. Theodore Roberson, II to consider changing the language of the North Carolina Dental Society's Policy Statement regarding Dental Sleep Medicine. Since the Dental Board did not vote to endorse, approve, support or adopt the Dental Society's Policy, the Board does not believe it has the authority to change the wording of a policy adopted by another organization. Mr. White will draft a response to Drs. Johnson and Roberson.
- D. Conflict of Interest
Mr. White reminded all Board Members not to engage in conversations verbally or in writing with colleagues regarding current or potential investigations and to refer any comments or questions the Board staff. Mr. White also reminded all Board Members that their Statements of Economic Interest are due on April 15, 2020.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (January) **[Item #10] Dr. Watkins**
The Board reviewed investigative statistics for the month of January. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
[None]
- C. Settlement Conferences
The Board conducted one settlement conference throughout the meeting. Ms. Crystal Carlisle 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 Friday, March 13, 2020 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. Wester made a motion to adjourn the meeting. Dr. Wright seconded the motion, which passed by general consent. The meeting adjourned at 3:20 p.m.

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

Date of Approval: March 13, 2020

MEMBERS OF THE BOARD

Dr. Merhn 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 Tolman, Esq., Consumer Member