MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
February 11-12, 2021

THURSDAY, FEBRUARY 11, 2021
The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, February 11, 2021, at the Board’s offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed rule changes to 21 NCAC 16J .0101 and 16J .0103. Present at the Board office was Dr. Edward Clemons, Dr. Raleigh Wright and Dr. Karen Lanier. Also present was Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Ms. Betty Sines, Investigations Coordinator 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 6:40 p.m., at which time the Board recessed its meeting for the day.

FRIDAY, FEBRUARY 12, 2021

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

A. Call to Order

Dr. Edward Clemons, Secretary-Treasurer of the Board, called the meeting to order at 8:30 a.m., Friday, February 12, 2021, at the Board’s offices in Morrisville, North Carolina. Dr. Clemons 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 today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

If, during the discussion, 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 himself or herself.

B. Roll Call

All members of the Board were present at the Board office with the exception of Dr. Wester and Ms. St. Onge. The members present at the Board office included Dr. Edward Clemons, Dr. William Litaker, Dr. Mark Johnson, Dr. Raleigh Wright, III, Dr. Karen Lanier, 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 and Mr. Douglas Brocker, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With six members of the Board present, Dr. Clemons declared a quorum for the purposes of conducting the business of the Board.
At 8:35 a.m., Dr. Lanier made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Johnson seconded the motion which passed by general consent. Dr. Raleigh Wright recused himself from the proceeding. The conference concluded at 10:55 a.m. at which time the Board remained in closed session, pursuant to NCGS §143-318.11(a)(6), in order to discuss personnel issues. At 11:20, Dr. Johnson made the motion to move into open session to resume Board business. Dr. Litaker seconded the motion, and the motion passed. Ms. St. Onge joined the meeting via Zoom and meeting was streamed live via Facebook.

II. APPROVAL & ORDER OF AGENDA
Dr. Wright moved, which was seconded by Dr. Litaker, to accept the agenda as presented. The motion passed by general consent.

III. APPROVAL OF MINUTES
A. Minutes of January 14-16, 2021
   [Item #1] Dr. Clemons
   Following a review of the January 14-16, 2021 Minutes, Dr. Wright moved to approve the Minutes as presented. Dr. Litaker seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT
   [None]

V. REPORT FROM CHIEF EXECUTIVE OFFICER
A. Financial Report (December/January) [Item #2]
   Following a review of the December 2020 and January 2021 Financial Reports, Dr. Lanier moved to accept the reports for informational purposes. Dr. Johnson seconded the motion which passed by general consent following a roll call vote.

   B. Personnel Matters
   Mr. White requested and was granted permission to research staff health insurance policies and determine if staff members who have their own separate health insurance policies could be removed from the Board’s policy without effecting rates of the other staff. A portion of the Board’s savings from removing a staff member from the policy may then be passed on to the staff member.

   Ms. Jamie Rivera will be leaving for maternity leave on February 26, 2021. Mr. James Brocker will cover her maternity leave as a temporary full-time employee.

   C. Miscellaneous

   May 2021 Meeting Dates
   The North Carolina Dental Society’s Annual Meeting will be conducted virtually in May 2021. As a result, the Board Meeting scheduled for May 19-20, 2021 to be held in Sunset Beach, North Carolina will now be held at the Board office in Morrisville. Ms. Goode will poll the Members of the Board to determine if there is interest in moving the meeting dates.
In years past, the Board has presented a one-hour continuing education course at the Dental Society’s Annual Meeting. Due to the virtual nature of this meeting, Mr. White will contact the Dental Society to determine if the Board is on the itinerary to present.

Board Photographs
Mr. White announced that the photographer will be at the Board office on March 12, 2021 at 8:00 a.m. to take individual head shots of all Board Members.

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. Ratio of Dental Hygienists to Dentists  
   Dr. Clemons
   Dr. Wright made a motion to waive the 2:1 ratio for the supervision of dental hygienists by dentists. Ms. St. Onge seconded the motion. The vote was 5:2 with Drs. Clemons, Johnson, Lanier and Litaker and Mr. Totman voting against waiving the statute and rules and Dr. Wright and Ms. St. Onge voting in favor of waiving the requirement; therefore, the motion did not carry.

B. Approve Radiology Instructor  
   [Item #3] Ms. Goode
   The Triangle School of Dental Assisting submitted a request for the approval of Ms. Whitney Jones as a radiology instructor. Upon review of the documents, Dr. Wright made a motion to approve Ms. Jones as an instructor. Ms. St. Onge seconded the motion. The motion carried.

C. Approve Radiology Instructors  
   [Item #4] Ms. Goode
   NC Dental U submitted a request for the approval of Aura Alejandro and Amy Firment as radiology instructors. Upon review of the documents, Dr. Wright made a motion to approve Ms. Jones as an instructor. Ms. St. Onge seconded the motion. The motion carried.

D. Approve Radiology Course  
   [Item #5] Ms. Goode
   Isothermal Community College submitted a radiology course for Board approval. Following a review, Dr. Wright made a motion to approve the course. Ms. St. Onge seconded the motion. The motion carried.
VIII. NEW BUSINESS

A. Approve Rotation Sites - FTCC  
   [Item #6] Ms. Goode  
   Fayetteville Technical Community College (FTCC) requested Board approval of the VA hospital and Ft. Bragg Dental Clinic #5 as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at FTCC. Upon review of the documentation, Dr. Litaker made a motion to approve the proposed rotation sites. Dr. Lanier seconded the motion. The motion carried.

B. Approve Rotation Sites - CVCC  
   [Item #7] Ms. Goode  
   Catawba Valley Community College (CVCC) requested Board approval of Broughton Hospital, Wilkes Public Health Dental Clinic, Alexander County Health Department and Veteran’s Stand Down as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at CVCC. Upon review of the documentation, Dr. Lanier made a motion to approve the proposed rotation sites. Dr. Litaker seconded the motion. The motion carried.

C. Approve Extramural Sites – UNC  
   [Item #8] Ms. Goode  
   The University of North Carolina School of Dentistry submitted a list of sites that students will be rotating through during the 2021-2022 academic year for Board approval. Upon review of the documentation from Dr. Edward Swift, Dr. Johnson moved to approve the sites. Dr. Litaker seconded the motion, which passed by general consent.

D. Approve Nitrous Oxide Instructor  
   [Item #9] Ms. Goode  
   NC Dental U submitted a request for the approval of Danielle Fail, RDH as an instructor for a course in the monitoring of nitrous oxide. Upon review of the documents, Dr. Wright made a motion to approve Ms. Fail as an instructor. Dr. Johnson seconded the motion. The motion carried.

Mr. Totman made a motion to have staff research creating criteria establishing minimum requirements that must be met before the Board will approve nitrous oxide instructors and consider rulemaking regarding the established criteria. Dr. Lanier seconded the motion; the motion carried.

IX. LICENSURE MATTERS

A. Approval of Licenses/Permits/Reinstatements  
   [Item #10] Ms. Goode  
   Dr. Litaker 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  
   The dental schools at the University of North Carolina and East Carolina University are hosting ADEX dental examinations administered by CITA during the month of February.
X. REPORT FROM LEGAL COUNSEL

A. Rules for Publication
   [Item #11]
   Dr. Johnson made a motion to approve the amendments to 21 NCAC 16Q .0102, .0206, .0207, .0305, .0407, .0504, .0505, .0506 and .0507 for publication. Dr. Lanier seconded the motion. Motion carried.

B. Radiology Guidelines
   [Item #12]
   Dr. Litaker made a motion to approve the most recent changes to the radiology course guidelines. Drs. Lanier and Wright will work with staff to continue to modify the language as it specifically relates to clinical requirements. Dr. Lanier seconded the motion. The motion carried.

C. Vaccinations
   [Item #13]
   Mr. White discussed Governor Cooper’s Executive Order No. 193 granting dentists the authority to administer COVID-19 vaccinations. The Order requires the Dental Board to work in conjunction with the Department of Health and Human Services as well as the Medical Board to execute a plan to carry out this Order. A virtual meeting between the agencies is scheduled for Friday, February 19, 2021.

D. Patient Abandonment
   Mr. White presented four hypothetical scenarios regarding when a dentist may dismiss a patient or refuse to complete treatment without it being considered patient abandonment. Following the discussion, in all scenarios, it was determined that a dentist may not leave a patient in a worse condition than when treatment began and may not leave a patient in mid-treatment. This does not however, mean that entire treatment plans must be completed if the work has yet to be initiated.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (December/January)
   [Item #14] Dr. Clemons
   The Board reviewed investigative statistics for the months of December and January. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions
   During open session, and without conducting other business, Dr. Lanier 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. Johnson and passed by general consent.

   a. Log #18-042
   [Item #15] Dr. Litaker

   b. Log #19-171
   [Item #16] Dr. Litaker

   c. Log #16-131 and 17-034
   [Item #17] Dr. Wester
C. Settlement Conferences
   The Board conducted one settlement conference throughout the meeting. Mr. Douglas Brocker 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 12, 2021 and will be held at the Board’s offices in Morrisville, North Carolina for the consideration of routine business.

XIII. ADJOURNMENT
   There being no further business, Dr. Lanier made a motion to adjourn the meeting. Dr. Wright seconded the motion, which passed by general consent. The meeting adjourned at 3:30 p.m.

Reported by: Casie S. Goode
Deputy Operations Officer

Date of Approval: March 12, 2021

MEMBERS OF THE BOARD
Dr. Millard W. Wester, III, President
Dr. Edward Clemmons, Jr., Secretary-Treasurer
Dr. Karen Lanier
Dr. Raleigh Wright, III
Dr. William Lisker
Dr. Mark Johnson
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member