

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
January 27-28, 2017

FRIDAY, JANUARY 27, 2017

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM **Dr. Litaker**

A. Call to Order

Dr. William Litaker, President of the Board, called the meeting to order at 8:35 a.m., Friday, January 27, 2017, at the Board's offices in Morrisville, North Carolina. Dr. Litaker 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. [Dr. Wester recused himself from participation in the formal hearing.]

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. The members included Dr. William M. Litaker, Jr., Dr. Merlin W. Young, Dr. Clifford O. Feingold, Dr. Stanley L. Allen, Dr. Millard W. Wester, III, Dr. Kenneth M. Sadler, Ms. Carla J. Stack, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Operations Officer; Ms. Terry W. Friddle, Deputy Operations Officer; Ms. Casie Goode, Assistant Director of Investigations; Mr. Line Dempsey Investigator for the Board; and Mr. Douglas Brocker and Ms. Crystal Carlisle, Legal Counsel for the Board, were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Litaker declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Litaker

Ms. Stack moved, which was seconded by Dr. Young, 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 8:40 a.m., the Board remained in open session to conduct a formal hearing involving Dr. Felicia Singletary, a general dentist who practices in Rocky Mount, North Carolina. A Court Reporter was present to transcribe the proceedings. Mr. Bocker and Ms. Carlisle represented the Investigative Panel, Mr. Kenneth Jones represented Dr. Singletary and Mr. Thomas Moffitt was present as legal counsel for the Hearing Panel. Mr. White left the meeting at 9:30 a.m., due to a death in his family.

At 10:05 a.m., the Hearing Panel briefly recessed the formal hearing and considered several items of business.

III. APPROVAL OF MINUTES

A. Minutes of December 9-11, 2016

[Item #1] Dr. Litaker

Following a review of the December 9-11, 2016 Minutes, Dr. Wester moved to approve the Minutes as drafted. Mr. Totman seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Litaker

Dr. Litaker reported that he and several other Board members attended the Southern Conference of Dental Deans and Examiners' annual meeting on January 20-22, 2017. They discussed such topics as Intra-Professional Education and Collaborative Practice, Computer Assisted Learning and the Fully Integrated Digital Curriculum and Factors and Trends Affecting Dental Education and Practice. The weekend prior to that, several Board members attended CITA's annual meeting in New Orleans. Dr. Litaker conveyed that CITA will be offering the ADEX dental hygiene examination this year.

Dr. Litaker mentioned that he had a copy of the most recent edition of CRDTS' newsletter, if anyone was interested in reviewing it.

V. REPORT FROM CHIEF OPERATIONS OFFICER

Ms. Friddle

A. Financial Report (December)

[Item #2]

Following a review of the December Financial Report, Dr. Young moved to accept the report for informational purposes. Dr. Wester seconded the motion, which passed by general consent.

B. Personnel Matters

In Mr. White's absence, Ms. Friddle reported that today was Rob Snider's last day with the Board. Mr. Snider, who had been employed with the Board as an investigator, recently took a position with another agency. Staff will be advertising for Mr. Snider's replacement.

Ms. Friddle further reported that, after 35 years, she would be retiring from the State Board of Dental Examiners, effective June 15, 2017.

C. Miscellaneous

 Board Meeting Schedule

Board members were asked to consider altering its meeting schedule in 2018 to meet on a 6-8 week basis, rather than once a month. Board members requested that this item be postponed until its February meeting.

 Board Financial Audit

Ms. Friddle reported that it was time for the Board's annual audit. A request for bids had been sent out; however, only one bid had been received. That bid was from Bernard Robinson & Company, which is the company who had performed our audit for the past several years.

 Board Email Addresses

Board staff and legal counsel recommended that all Board members obtain a Dental Board email address in order to add additional security and confidentiality to all Board-related email correspondence. This would keep all Board correspondence separate from Board members' personal correspondence and would automatically save all work-related emails to the Board's network. Board members agreed and requested that this be accomplished as soon as possible.

At 10:20 a.m., the formal hearing resumed. The Board recessed briefly for lunch at 11:50 a.m. The hearing reconvened at 12:30 p.m.

The formal hearing recessed for the day at 6:15 p.m.

SATURDAY, JANUARY 28, 2017

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Saturday, January 27, 2017, in order to continue with testimony in the formal hearing involving Dr. Felecia Singletary. Dr. Litaker, President of the Board, called the meeting to order. All members of the Board were present. Also present were Ms. Terry W. Friddle, Deputy Operations Officer; Ms. Casie Goode, Assistant Director of Investigations; Mr. Line Dempsey, Investigator; Mr. Douglas Brocker and Ms. Crystal Carlisle, Legal Counsel for the Investigative Panel; Mr. Thomas Moffitt, Legal Counsel for the Hearing Panel; and Mr. Kenneth Jones, Legal Counsel for Dr. Singletary. A court reporter was present to transcribe the proceedings.

The Board recessed the hearing at 12:00 p.m. and took a working lunch. During the lunch break, Board members met with Dr. Ken May, Interim Dean; Dr. George Blakey, an Oral and Maxillofacial Surgeon; and Dr. Ceib Phillips, Assistant Dean for Graduate Programs, from the UNC School of Dentistry. Drs. May, Blakey & Phillips met with Board members to discuss a potential rule change which would allow interns at educational institutions to work under direction rather than supervision in order to participate in the Dental School's on-call system. The rationale for the request is twofold: (1) first, CODA accreditation standards for six of the School's Advanced Dental Education (ADE) programs require rotations to medical services in a hospital setting and evaluation by medical attendings while on the medical service. These six programs include: oral & maxillofacial radiology, oral & maxillofacial pathology; oral & maxillofacial surgery; pediatric dentistry and periodontics; and general practice residency; and (2) secondly, CODA accreditation standards for oral & maxillofacial surgery requires an experience in an emergency room setting which the OMS resident is available to the emergency service at all times.

Currently the School has 103 residents. Most have taken and passed a Board licensure examination, but have not applied for a license in any State. As the rules are currently written, to obtain an intern permit by direction, residents would need to take and pass a licensure examination and apply for a license in North Carolina. Some residents don't want to get a North Carolina license because they don't know where they want to practice after they finish their program and don't want to pay the fees associated with an unnecessary license. UNC requested that the Board revise the rules for obtaining an Intern Permit under direction to include those students who have taken and passed a state Board licensure exam and are qualified for licensure in this state. The Board thanked Drs. May, Blakey and Phillips for their time and explanation and indicated they would take the matter under advisement. The meeting concluded at 12:35 p.m., at which time the Board continued in open session to conduct Board business.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

Dr. Litaker reported that since the last meeting, the Executive Committee had approved East Carolina's dental students to participate in a rotation site at Memorial Baptist Church in Maysville on January 7, 2017; approved Dr. Allen's expenses to attend the February 17, 2017 American Dental Society of Anesthesiology (ADSA) meeting in Las Vegas; and Dr. Feingold's expenses in connection with attending the 8th Annual Medical Addiction Conference in Asheville.

B. Finance Committee [No Report]

C. Sedation/General Anesthesia Committee

Dr. Allen reported that the public rulemaking hearing on the Board's proposed sedation rules is scheduled for February 9, 2017.

VII. OLD BUSINESS

A. Update on APO

Ms. Friddle

Ms. Friddle informed Board members that a new bill had been introduced which would require the Dental Board to issue licenses by military endorsement without collecting a licensure fee.

B. Encryption Software

Ms. Friddle

Ms. Friddle reported that Board staff had recently purchased encryption software from Virtru and would begin encrypting all emails containing sensitive information immediately. The software appears to be user friendly; however, Board members were encouraged to contact the Board office if they have any trouble opening encrypted email.

VIII. NEW BUSINESS

A. Request for Approval as Volunteer Site

[Item #3] Ms. Friddle

The Clay County Health Department requested that the Smoky Mountain Medical – 2017 event be classified as a Board-approved volunteer site. Members from the Air National Guard, Air Force, Army and Navy Reserves will deploy to Swain and Clay counties in North Carolina to work with Swain and Clay County Health Departments to provide medical, dental, optometry, behavioral health and veterinarian care to these underserved communities. Dr. Wester moved to approve the site. Dr. Allen seconded the motion, which passed by general consent.

B. Request to Approve Minimum Sedation Course

[Item #4] Ms. Friddle

The California Institute of Dental Education submitted a minimal conscious sedation course for the Board's consideration and approval. Board members requested that Dr. Allen & Dr. Sadler review the course and let Ms. Friddle know if it met the Board's requirements.

- C. Request for Rule Change from UNC **[Item #5] Ms. Friddle**
Board members directed staff to work with UNC to draft proposed changes to the Board's intern permit rules which would allow interns in an educational setting to obtain an Intern Permit under the direction of a NC licensed dentist, if the intern has taken and passed a licensure examination and is currently qualified for licensure in the State.

- D. Flu Shots **Dr. Feingold**
Dr. Feingold reported that he had recently attended the President's round table discussion at CDCA's annual meeting. One of the items discussed included dentists being allowed to administer flu shots. Dr. Feingold indicated that about ½ of the Dental Boards represented at the meeting allow their dentists to administer flu shots. Dr. Feingold questioned if this was something North Carolina would be interested in. Board members directed Dr. Feingold to work with legal counsel to devise a policy for the Board's consideration.

A second item discussed at the CDCA meeting was the ADA Code of Ethics. Dr. Feingold suggested that each Board member take time to review and be familiar with the ADA's Code of Ethics.

IX. LICENSURE MATTERS

During the open session, and without conducting other business, Dr. Feingold made a motion, which was seconded by Dr. Young, to move into closed session, pursuant to NCGS §143-318.11(a)(1), §143-318.18(6) and §90-41(g), in order to discuss applicants for licensure and the status of individuals currently licensed, with all motions and votes taken in open session. The motion passed by general consent.

- A. Approval of Licenses/Permits/Reinstatements **[Item #6] Ms. Friddle**
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. Wester and passed by general consent.

Following its discussion of applicants for licensure and the status of individuals currently licensed, Mr. Totman made a motion to move back into open session to continue with Board business. Dr. Wester seconded the motion, which passed by general consent.

- B. Examinations **Dr. Wester**
Dr. Wester reported that he and several other Board members had recently attended CITA's annual meeting. Dental educators were invited to this meeting and Dr. Wester felt the meeting had been very productive.

X. REPORT FROM LEGAL COUNSEL

- A. Rule for Final Adoption - 21 NCAC 16G .0101 **[Item #7] Mr. Brocker**
21 NCAC 16G .0101 – Functions That May Be Delegated. Dr. Young moved for final approval for permanent adoption of this rule. Dr. Allen seconded the motion. The motion carried.

- B. Licensure by Credentials Question **[Item #8] Ms. Friddle**
Ms. Friddle requested confirmation of the Board's interpretation of the credentialing statute that gives a credentialed licensee one year to establish a practice location in North Carolina. Specifically, the question that came up involved whether the one year of transition is a "grace period" where licensees can practice in both states, or is the licensee limited to North Carolina once s/he starts practicing "wet fingered" dentistry in our State? The Board agreed that once a credentialed licensee starts practicing "wet fingered" dentistry in North Carolina, s/he may no longer actively practice dentistry in any other state. This would not, however, prevent a credentialed licensee from owning a practice in another state, as long as their clinical practice was limited to North Carolina.

During the open session, and without conducting other business, Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.11(a)(3), in order to consult with legal counsel. The motion was seconded by Dr. Young and passed by general consent. All motions and votes were taken in open session.

- C. AAO Practice Model Question **[Item #9] Mr. Brocker**

Following the advice from legal counsel, Dr. Sadler made a motion to move back into open session. Dr. Allen seconded the motion, which passed by general consent.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics **[Item #10] Dr. Young**
The Board reviewed investigative statistics for the month of December, as well as year to date. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
During open session, and without conducting other business, Mr. Totman made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on a Hearing Panel Decision and other investigative matters. The motion was seconded by Dr. Sadler passed by general consent.
- a. Log #16-027 & 16-028 **[Item #11] Dr. Feingold**

Following its discussion of investigative matters, Dr. Young made a motion to move back into open session. Ms. Stack seconded the motion, which passed by general consent.

At 2:15 p.m., the formal hearing involving Dr. Felicia Singletary reconvened. The Investigative Panel reported that the two parties had negotiated a proposed Consent Order over the lunch break. Upon review, the Hearing Panel accepted the Consent Order as presented. The Order was signed and entered and the remainder of the formal hearing was dismissed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, February 9, 2017, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a public Rule Making Hearing, several disciplinary hearings and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Allen made a motion to adjourn the meeting. Dr. Young seconded the motion, which passed by general consent. The meeting adjourned at 2:50 p.m.

Reported by: Terry W. Friddle
Terry W. Friddle
Deputy Operations Officer

Date of Approval: February 10, 2017

MEMBERS OF THE BOARD

Dr. William M. Litaker, Jr., President
Dr. Merlin W. Young, Secretary-Treasurer
Dr. Clifford O. Feingold, Past-President
Dr. Stanley L. Allen
Dr. Millard W. Wester, III
Dr. Kenneth M. Sadler
Ms. Carla J. Stack, R D H, Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member