

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
January 25-27, 2024

THURSDAY, JANUARY 25, 2024

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Watkins

A. Call to Order

Dr. Catherine Watkins, President of the Board, called the business meeting to order at 6:45 p.m., Thursday, January 25, 2024 at the Board's offices in Morrisville, North Carolina. Dr. Watkins 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. The members present at the Board office included Dr. Edward Clemons, Dr. Stan Hardesty, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins, Ms. Lori Hendrick, RDH, and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Tyler Henderson, Investigator, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, 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. Watkins declared a quorum for the purposes of conducting a disciplinary hearing and the business of the Board.

At 6:47 p.m. the Board remained in open session to conduct a formal hearing involving Dr. Andrew Kelly. Dr. Mark Johnson presided over the hearing and all members of the Board were present. Mr. Douglas Brocker and Ms. Crystal Carlisle served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Joshua Bennett, Mr. Dudley Witt and Ms. Savannah Williamson served as legal counsel for Dr. Kelly. A court reporter was present to transcribe the proceedings. The public hearing recessed for the day at 7:44 p.m.

FRIDAY, JANUARY 26, 2024

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Friday, January 26, 2024, at the Board's office in Morrisville, North Carolina in order to conduct Board business and continue the formal hearing involving Dr. Andrew Kelly. Dr. Johnson presided over the hearing and all members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Assistant Director of Investigations, Tyler Henderson, Investigator, Kevin Snead, Investigator, Rick Hetzel, Investigator and Jamie Rivera, Investigator/Paralegal. Mr. Douglas Broucker and Ms. Crystal Carlisle served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Joshua Bennett, Mr. Dudley Witt and Ms. Savannah Williamson served as legal counsel for Dr. Kelly. A court reporter was present to transcribe the proceedings. The Hearing Panel recessed for lunch at 12:19 at which time the Board conducted routine business. Board business concluded at 1:14 p.m., at which time the Formal Hearing resumed. The hearing recessed for the day at 7:56 p.m.

II. APPROVAL & ORDER OF AGENDA

Dr. Watkins

Dr. Hardesty moved, which was seconded by Dr. Litaker, to accept the agenda with permission for the President to add items as necessary and take items out of order to facilitate business. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of December 7-8, 2023

[Item #1] Dr. Watkins

Following a review of the December 7-8, 2023 Minutes, Dr. Hardesty moved to approve the Minutes as presented. Dr. Johnson seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Watkins reported that she recently attended the Council on Dental Education and Licensure (CDEL) meeting in Chicago. One of the main focuses of the meeting surrounded the Dental and Dental Hygiene Licensure Compact. Dr. Watkins reported that CDEL supports licensure portability, but the organization is not officially supporting any particular version of the compact presently.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (December)

[Item #2]

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

B. Personnel Matters

[None]

C. Miscellaneous

[None]

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[No Report]

B. Finance Committee
[No Report]

C. Sedation/General Anesthesia Committee
[No Report]

D. Radiology Committee

a. Approve Radiology Courses

[Item #3] Dr. Watkins

The Radiology Committee presented recommendations to approve several radiology courses that have been modified to meet the requirements of the new radiology rule which outlines minimum course requirements. Dr. Hardesty made a motion to approve the following courses: Royal Dental Assistant Academy, Vandelay Education Radiology Program, Sunrise School of Dental Assisting, ASAP Dental Assistant Program Radiology, and DA 1.5 Dental Assisting School. Dr. Lanier seconded the motion. The motion passed.

b. Equivalency Examinations

Dental Assistants coming to North Carolina that completed a radiology course in another state may take the equivalency examination without being required to take another radiology course. If the assistant does not successfully pass the examination, he/she must take a North Carolina approved radiology course.

VII. OLD BUSINESS

A. Dental and Dental Hygiene Compact

Mr. White will draft a preliminary statement conveying the Board's current position regarding the dental and dental hygiene licensure compact.

VIII. NEW BUSINESS

A. Approve Annual Event Site – ECU

[Item #4] Ms. Goode

East Carolina University School of Dental Medicine (ECU) requested Board approval for dental students currently enrolled in the dental program to participate in an upcoming event providing free healthcare and hosted by Remote Area Medical in Henderson, NC. Upon review of the documentation, Dr. Hardesty made a motion to approve the event for students. Dr. Litaker seconded the motion. The motion carried.

B. Approve Rotation Site – CCCC

[Item #5] Ms. Goode

Central Carolina Community College (CCCC) requested Board approval for dental hygiene students currently enrolled in the dental hygiene program to participate in scheduled events, throughout the year, providing free healthcare and hosted by Duke University Remote Area Medical Chapter. Upon review of the documentation, Dr. Lanier made a motion to approve the events for students. Dr. Clemons seconded the motion. The motion carried.

- C. AADB Mid-Year Meeting
Dr. Litaker moved to approve any expenses for Board Members and necessary staff to attend the upcoming AADB Mid-Year Meeting held on April 12-13, 2024 in Chicago, Illinois. Dr. Hardesty seconded; motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #6] Ms. Goode**
Dr. Hardesty 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
[None]

X. REPORT FROM LEGAL COUNSEL

**Mr. Brocker/Mr. White
Mr. Brocker**

- A. Potential Injunction – Log #24-013
Mr. Brocker informed the Board of an ongoing investigation into the unlicensed practice of dentistry. Dr. Hardesty made a motion to allow the investigative panel to initiate a lawsuit through the NC Court System. Dr. Litaker seconded the motion. The motion carried.
- B. Rules for Permanent Adoption – 16H .0104 **[Item #7] Mr. Brocker**
Dr. Hardesty made a motion to approve amendments to 21 NCAC 16H .0104 for permanent adoption. Dr. Watkins seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (December) **[Item #8] Dr. Johnson**
The Board reviewed investigative statistics for the month of December, as well as the year to date. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
[None]
- C. Settlement Conferences
[None]

Board business concluded at 1:14 p.m., at which time the Formal Hearing resumed. The hearing recessed for the day at 7:56 p.m.

SATURDAY, JANUARY 27, 2024

The North Carolina State Board of Dental Examiners reconvened at 8:29 a.m., Saturday, January 27, 2024, at the Board's office in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Andrew Kelly. Dr. Johnson presided over the hearing and all members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer, Betty Sines, Assistant Director of Investigations, Tyler Henderson, Investigator, and Jamie Rivera, Investigator/Paralegal. Mr. Douglas Broucker and Ms. Crystal Carlisle served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Mr. Joshua Bennett, Mr. Dudley Witt and Ms. Savannah Williamson served as legal counsel for Dr. Kelly. A court reporter was present to transcribe the proceedings. The hearing concluded at 11:47 a.m.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, February 23, 2024, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences and to conduct routine Board business.

XIII. ADJOURNMENT

There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Litaker seconded the motion which passed by general consent. The meeting was adjourned at 11:49 a.m.

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

Date of Approval: February 19, 2024

MEMBERS OF THE BOARD

Dr. Catherine Watkins, President
Dr. Mark Johnson, Secretary-Treasurer
Dr. Karen Lanier, Immediate Past President
Dr. William Litaker
Dr. Edward Clemons, Jr
Dr. W. Stan Hardesty
Ms. Lori Hendrick, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member