

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
July 14-15, 2017

FRIDAY, JULY 14, 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 8:30 a.m., Friday, July 14, 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.

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 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. Casie S. Goode, Deputy Operations Officer; and Mr. Douglas Brocker, 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

Dr. Allen 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.

III. APPROVAL OF MINUTES

A. Minutes of June 15-17, 2017

[Item #1] Dr. Litaker

Following a review of the June 15-17, 2017 Minutes, Dr. Feingold moved to approve the Minutes as drafted. Dr. Wester seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Litaker

Dr. Litaker discussed the current requirements to obtain a dental or dental hygiene license include successful completion of the National Board Exam in addition to the written examinations required by each of the regional testing agencies. All of the written examinations are similar in terms of content; therefore, the Board discussed amending our current rules to allow applicants to successfully complete any written exam in satisfaction of this requirement as long as it meets certain criteria. Dr. Wester agreed to obtain information outlining the content contained within each of these written exams and report back to the Board.

V. REPORT FROM CHIEF OPERATIONS OFFICER

Mr. White

A. Financial Report (June)

[Item #2]

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

B. Personnel Matters

Mr. White reported that we are fully staffed. Cheri Ramos has been officially hired as a permanent employee. Steve Brewington and Amanda Carver are finishing their probationary period and will be considered for permanent employment following employee reviews.

C. Miscellaneous



AADB Membership

Dr. Young moved that the Board pay for an individual membership for current Board Counsel, Douglas Brocker, to become a member of the American Association of Dental Boards. Dr. Wester seconded the motion. The motion passed by general consent.



Tripartite Meeting 2018

The Tripartite Meeting for 2018 will be hosted by the University of North Carolina School of Dentistry and will take place at the North Carolina Dental Society headquarters in Cary, North Carolina on Friday, April 6, 2018.



Licensure by Military Endorsement

Since new legislation has passed requiring that the Board issue temporary licenses to applicants by Military Endorsement, the first license issued should be a temporary license and the permanent license will be issued upon renewal.



August Board Meeting

Dr. Young moved to cancel the August 11-12, 2018 Board Meeting and schedule a teleconference on another date if it is necessary to discuss Board business. Dr. Sadler seconded the motion. The motion passed by general consent.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
- C. Mr. White reported that he and Dr. Wester will begin to put together a budget for 2018 and will present a draft for the Board's review at the November meeting.
- D. Sedation/General Anesthesia Committee
Dr. Allen and Dr. Sadler are working on written exams for sedation and general anesthesia permits and will present drafts for the Board's review at the next Board meeting.

VII. OLD BUSINESS

- A. Prescribing Options **[Item #3] Dr. Sadler**
Dr. Sadler reported that Dr. Dionne from the East Carolina University School of Dentistry recently gave a presentation addressing ideal approaches to pain management and prescribing. Dr. Sadler made a motion to publish Dr. Dionne's prescribing options on the Board's website with a disclaimer indicating that its content is one scientifically viable approach to pain management and prescribing. The disclaimer should further state that the Board is not endorsing or requiring the implementation of these options. Dr. Young seconded the motion which passed by general consent.
- B. General Anesthesia/Sedation Applications **[Item #4] Mr. White**
General Anesthesia and Sedation applications have recently been amended to comply with the newly amended rules. Dr. Wester made a motion to approve the applications as amended by adding "none" as an option to question #7 concerning specialty training. Dr. Young seconded the motion, which passed by general consent.

VIII. NEW BUSINESS

- A. Run-off Election **Mr. Totman**
Mr. Totman announced the results of the run-off election. Dr. Merlin Young was re-elected to serve his second term and Dr. Catherine Watkins was elected to serve her first term. The terms will begin on August 1, 2017.
- B. Election of Officers **Dr. Litaker**
Dr. Litaker, representing the Executive Committee, presented the following nominations as officers to the North Carolina State Board of Dental Examiners for the upcoming 2017-2018 term: Dr. Merlin Young as President; Dr. Millard Wester as Secretary-Treasurer; and Dr. William Litaker as Past-President. Dr. Sadler moved that the nominations be closed. Dr. Allen seconded the motion. The motion carried. As there were no other nominations, the nominees put forth by the Executive Committee were affirmed. The term for each office will begin on August 1, 2017.
- C. Approve RDH Rotation Site **[Item #5] Ms. Goode**
Wayne Community College submitted a dental hygiene extramural rotation site at O'Berry Center for approval.

Upon review of the documentation submitted by Wayne Community College, Dr. Allen made a motion to approve the site. Mr. Totman seconded the motion. The motion passed by general consent.

- D. Approve Extramural Sites – ECU **[Item #6] Ms. Goode**
The Board received a request from Dr. Michael L. Scholtz to designate the following nursing homes/assisted living facilities in Greenville, North Carolina as additional extramural rotation sites for its residents and students at East Carolina University School of Dental Medicine pursuant to G.S. 90-29(c)(4): Creative Living Center, Cypress Glen, Golden Living Center and Spring Arbor and Assisted Living and Memory Care. Dr. Scholtz verified that the sites had been approved by the School of Dental Medicine as official rotation sites for ECU's dental students and residents. Dr. Allen made a motion to approve all four (4) sites as Board approved extramural sites for dental students and residents currently enrolled at ECU's School of Dental Medicine. Dr. Sadler seconded the motion. The motion carried.
- E. DOCS Course **[Item #7] Mr. White**
Once again DOCS has reached out to Board members to attend their sedation courses set for August 18-20, 2017 and/or November 10-12, 2017 free of charge. Since in the past, North Carolina's ethics rules have not allow our Board members to accept services for free, Mr. White suggested that any Board member interested in attending a DOCS sedation course do so at the regular fee or audit the course for a reduced fee. The Board requested that Mr. White obtain an updated ethics opinion regarding this scenario. The Board agreed to pay the fee for any Board member interested in attending any DOCS course until we have an updated ethics opinion. Dr. Sadler expressed an interest in attending a future course; however, he is not available to attend either of the two courses currently offered.

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 #8] Ms. Goode**
Dr. Wester moved to approve all licenses, 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. Young 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 **[Item #9] Dr. Wester**
Dr. Wester reported that CITA's mid-year meeting went well. At the meeting, educators presented feedback, which was well received, but, ultimately it was determined that the main concerns were with the exam criteria, which is something that must be discussed with ADEX directly.

Dr. Wester discussed the rebuttal points that were developed by all of the regional testing agencies in response to the letter the ADA president submitted regarding the creation of an OSCE.

At 10:00 a.m., Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct four (4) settlement conferences. Dr. Feingold seconded the motion, which passed by general consent. The Board recessed for lunch at 12:00 p.m. and reconvened at 12:40 p.m. to complete the first conference. The last conference concluded at 4:45 p.m. At that time, Dr. Wester made the motion to move into open session to consider the business of the Board. Dr. Young seconded the motion. The motion carried.

X. REPORT FROM LEGAL COUNSEL

- A. Licensure by Credentials Question – Out of State **[Item #10] Mr. White**
The Board received an inquiry from a dentist licensed in North Carolina by credentials regarding the requirement that one must limit his/her practice to North Carolina within a year of obtaining a license by credentials. He currently owns oral surgery practices in North Carolina and South Carolina and requests to be granted a waiver that would allow him to practice in both locations. Following discussion, the Board was sympathetic to this practitioner's situation and agreed that the language of the statute may need some changes, but acknowledged that they not have the authority to ignore a current statute. Dr. Wester made a motion to respond to this inquiry by informing the licensee that the Board is unable to grant his request at this time. Mr. White and Mr. Brocker will explore options for amending the current statutory language and report back to the Board. Dr. Young seconded the motion, which carried by general consent.
- B. Licensure by Credentials Question – Insurance **[Item #11] Mr. White**
The Board received an inquiry from a North Carolina dentist licensed by credentials regarding the Board's position on reviewing insurance claims. Mr. White was directed to follow up with the inquirer and get more information before a decision is made.
- C. New Member Training **Mr. White**
Mr. White announced that with the election of new members, we will schedule new member training that will serve as an orientation for new members and a refresher for current members.

Meeting adjourned at 5:15 pm

SATURDAY, JULY 15, 2017

At 8:40 a.m., the Board remained in open session to conduct a motion hearing and two (2) formal hearings. The motion hearing was involving Dr. Spurgeon Webber. A Court Reporter was present to transcribe the proceedings. Mr. Brocker and Ms. Carlisle represented the Investigative Panel, Mr. Ryan Bolick represented Dr. Webber, and Mr. Fred Morelock was present as legal counsel for the Hearing Panel. The motion hearing concluded at 9:40 a.m. at which time the Board remained in open session to conduct two (2) formal hearings. The hearing involving Ms. Amber Devine, RDH concluded at 10:35 a.m. at which time the hearing involving Ms. Amber Spach, RDH began. The hearing concluded at 11:15 a.m. at which time the Board continued to conduct further business.

- D. Dental Hygienists in Public Health Clinic **[Item #12] Mr. White**
We received an inquiry from a public health dentist asking if one dentist in a public health dental clinic can supervise three (3) hygienists practicing at one time in the clinic. The Board asked Mr. Brocker to respond by citing the Board's current rule that indicates that a dentist supervising more than two (2) dental hygienists performing clinical hygiene tasks is considered unprofessional conduct.
- E. Moderate IV Sedation **Mr. Brocker**
The Board discussed the use of Propofol for moderate sedation permit holders. Dr. Wester made a motion to approve the use of Propofol only when the moderate sedation permit holder utilizes a CRNA trained in the administration of general anesthesia or an equivalently trained professional, and when the level of sedation does not exceed that of a moderate level. Dr. Young seconded the motion, which passed by general consent.
- F. Periodic Rule Review **Mr. Brocker**
Mr. Brocker updated the Board regarding the Rules Review Commission's deadline for the periodic review of all of the Board's Rules. Mr. Brocker reminded the Board that our submission contained five (5) rules which were identified as unnecessary and four (4) rules that were identified as necessary with public comment. The four (4) rules identified as necessary with public comment must be re-adopted by the Board. Since the comment period ended on July 5, 2017, Mr. Brocker requested the Board's approval to re-adopt these rules immediately instead of waiting for the February 2019 deadline. Dr. Allen made a motion to approve. Dr. Young seconded the motion which passed by general consent.
- G. STOP Act **[Item #13] Mr. White**
This new law was passed to help prevent opioid misuse by: establishing maximum limits for prescribed substances, mandating practitioner use of the CSRS, and requiring DHHS to report practitioners who fail to properly use the CSRS. It further allows the Board to discipline licensees who fail to use the CSRS. The Board has requested that all licensees be informed of this new law in the next newsletter.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics **[Item #14] Dr. Young**
The Board reviewed investigative statistics for the month of June, as well as year to date. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
[No Decisions Pending]
- C. Settlement Conferences
The Board conducted two (2) settlement conferences throughout the meeting. Ms. Carlisle represented the Investigative Panel at both conferences. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, September 7, 2017, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting 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 12:00 p.m.

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

Date of Approval: 9/19/17

MEMBERS OF THE BOARD

Dr. Merlin W. Young, President
Dr. Millard W. Wester, III, Secretary-Treasurer
Dr. William M. Lutzker, Jr., Past-President
Dr. Clifford O. Feingold
Dr. Kenneth M. Sadler
Dr. Catherine Watkins
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member