

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
ZOOM MEETING
Morrisville, North Carolina
June 12, 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 8:30 a.m., Friday, June 12, 2020, at the Board's offices in Morrisville, North Carolina. The meeting was a Zoom meeting streamed live on FaceBook so the public could watch. 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 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 included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. Catherine Watkins, Dr. Edward Clemons, Dr. Karen Lanier, Dr. Raleigh Wright, III, Ms. Nancy St. Onge, RDH and Mr. Dominic Totman. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Amanda Carver, Investigator, and Mr. Douglas Brocker, Legal Counsel for the Board was also present.

C. Declaration of Quorum

With all eight 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 Dr. Watkins, to accept the agenda as presented. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of May 13, 2020

[Item #1] Dr. Young

Following a review of the May 13, 2020 Minutes, Dr. Watkins moved to approve the Minutes as amended. Dr. Wester seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Young

Dr. Young made a statement supporting the denouncement of acts of racism and violence in our state and our country. The statement is posted on the Board's website.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (May)

[Item #2]

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

B. Personnel Matters

[None]

C. Miscellaneous



AADB

The AADB Annual Meeting that was to be held in Asheville, North Carolina on October 31-November 1, 2020 has been cancelled due to the COVID-19 pandemic.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

[None]

C. Sedation/General Anesthesia Committee

Dr. Lanier announced that a sedation advisory committee meeting will be scheduled for July or August 2020 and the date will be announced as soon as it is determined.

VII. OLD BUSINESS

A. Dentist to Dental Hygienist Ratio

Dr. Young

Requests to waive the 2:1 ratio for the supervision of dental hygienists by dentists was tabled and will be revisited at a future Dental Board meeting if North Carolina remains in a state of emergency.

B. The Use of Ketamine

[Item #3]

Dr. Lanier

[Tabled]

C. Radiology Course Policies

[Item #4]

Ms. St. Onge

Ms. St. Onge and Dr. Lanier will conduct additional research and submit revised changes to the policies regarding criteria for approved radiology courses at the July 10, 2020 meeting.

D. Approval of Radiology Course and Instructor

[Item #5]

Ms. Goode

Dr. Cynthia Leigh of The Dental Zone submitted a revised dental assistant radiology course for the Board's approval with Ms. Cynthia Sutton as the instructor. Dr. Wester made a motion to approve the course. Dr. Wright seconded the motion. Motion carried.

VIII. NEW BUSINESS

- A. Approval of Nitrous Oxide Course **[Item #6] Ms. Goode**
The DA Academy of NC submitted a nitrous-oxide conscious sedation and monitoring course for approval. Upon review of the documentation submitted, Dr. Wester made a motion to approve the course. Dr. Watkins seconded the motion. The motion carried.
- B. Dental Assisting Question **[Item #7] Ms. Goode**
Ms. Brenda Sanner, RDH submitted an inquiry regarding first year dental hygiene students and if they would be considered DAIs or DAIIs. Since the students did not complete the Spring Clinic courses, they did not complete one full year, and therefore, pursuant to 21 NCAC 16H .0104 (1) (b), are considered DAIs.
- C. January/February 2021 Meeting Dates **Ms. Goode**
In order to facilitate the scheduling of several disciplinary matters, Ms. Goode requested that the Board set meeting dates for January and February of 2021. Following a review of the calendar, the Board decided on January 15-16, 2021 and February 12-13, 2021. Meeting dates for the remainder of 2021 will be set at the Board's August meeting.
- D. Sterilization/Infection Control Protocols **Dr. Watkins**
The Case Officer assigned to each sterilization/infection control complaint will determine the best way to proceed with investigating these types of complaints on a case by case basis. Dr. Watkins made a motion to approve Mr. White to draft a statement to all licensees addressing the Board's concerns regarding these issues for the Executive Committee to approve. Dr. Wester seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #8] 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. Clemons and passed by general consent.
- B. Examinations **[Item #9] Dr. Wester**
a. Typodont ADEX Dental Hygiene Examination
[Tabled]

Dr. Wright made a motion to move into closed session, pursuant to NCGS §143-318.11(3), in order to receive the advice of legal counsel regarding possible litigation. Dr. Lanier seconded the motion, which passed by general consent.

X. REPORT FROM LEGAL COUNSEL

- A. SmileDirectClub Litigation **[Item #10] Mr. Brocker/Mr. White**

Mr. Brocker provided an update on the FTC's involvement in two appeals pending before the Eleventh Circuit Court of Appeals involving SmileDirectClub.

B. CARES Act

[Item #11]

Mr. Brocker updated the Board regarding amendments to 42 USC § 290dd-2 as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). These amendments prohibit a treatment provider from providing records or testifying in an administrative hearing, absent the appropriate consent or court order.

Following advice from legal counsel, Dr. Wright made a motion to move into open session to continue the consideration of Board business. Dr. Watkins seconded the motion, which passed by general consent.

C. Training for Public Health Hygienists

[Item #12]

It is the opinion of the NC State Board of Dental Examiners that 90-233(a) does not require DHHS to wait until after a qualified dental hygienist is employed or under contract with an approved agency to offer public health hygiene training. However, the statute is clear that a dental hygienist may work "under direction" only after receiving this training and meeting certain other requirements.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (May)

[Item #13] Dr. Watkins

The Board reviewed investigative statistics for the month of May as well as year to date. The statistics were accepted for informational purposes.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, July 10, 2020 at 8:30 a.m. and will be conducted via Zoom and will be live streamed via Facebook for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Wester made a motion to adjourn the meeting. Dr. Lanier seconded the motion which passed by general consent. The meeting adjourned at 12:55 p.m.

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

Date of Approval: July 10, 2020

MEMBERS OF THE BOARD

Dr. Merlin 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 Totman, Esq., Consumer Member