

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**June 15-17, 2017**

**THURSDAY, JUNE 15, 2017**

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, June 15, 2017 at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving a proposed rule change to 21 NCAC 16Y .0104. All members of the Board were present, with the exception of Dr. Merlin Young, Dr. Stanley Allen and Mr. Dominic Totman. Also present was Mr. Bobby D. White, Chief Operations Officer and Legal Counsel, Terry W. Friddle, Deputy Operations Officer and Ms. Casie Goode, the Assistant Director of Investigations. The proceeding was recorded and a copy of the proposed rule is attached to the Minutes. The public hearing concluded at 6:35 p.m., at which time the Board recessed its meeting for the day.

**FRIDAY, JUNE 16, 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, June 15, 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 with the exception of Mr. Dominic Totman. The present 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, and Ms. Carla J. Stack, R.D.H. Mr. Bobby D. White, Chief Operations Officer; Ms. Terry W. Friddle, Deputy Operations Officer; Ms. Casie Goode, Assistant Director of Investigations; Mr. Douglas Brocker and Ms. Whitney Waldenberg, Legal Counsel for the Board, were also present.

C. Declaration of Quorum

With seven 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.

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At 8:40 a.m., the Board remained in open session to conduct a formal hearing involving Dr. Sassan Bassiri. A Court Reporter was present to transcribe the proceedings. Mr. Brocker and Ms. Waldenberg represented the Investigative Panel, Ms. Carrie Meigs represented Dr. Bassiri, Mr. Thomas Moffitt and Mr. Fred Morelock were present as legal counsel for the Hearing Panel. The hearing recessed for lunch at 12:00 p.m. and reconvened at 1:00 p.m. Mr. Totman joined the meeting at 2:30 p.m. The hearing concluded at 3:00 p.m. at which time the Board continued to conduct further business.

At 3:15 p.m., Dr. Feingold made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct two (2) settlement conferences. Ms. Stack seconded the motion, which passed by general consent. The second conference concluded at 6:00 p.m., at which time the Board recessed for the day.

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**SATURDAY, JUNE 17, 2017**

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Saturday, June 17, 2017, at the Board's offices in Morrisville, North Carolina in order to conduct Board business. Dr. Litaker, President of the Board, called the meeting to order. All members of the Board were present. Also present were Mr. Bobby D. White, Chief Operations Officer, Ms. Casie S. Goode, Assistant Director of Investigations; and Mr. Douglas Brocker, Legal Counsel for the Board. Dr. Young made a motion to move into open session in order to conduct Board business. The motion was seconded by Dr. Allen, which passed by general consent.

### III. APPROVAL OF MINUTES

A. Minutes of May 17-18, 2017

[Item #1] Dr. Litaker

Following a review of the May 17-18, 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 reminded Board members of the upcoming Southern Conference of Dental Deans and Examiners being held in Memphis, Tennessee on January 26 – 28, 2018. Dr. Young moved to approve any expenses for Board Members and necessary staff to attend this meeting. Dr. Feingold seconded, motion carried. All Board Members interested in attending the meeting will let Ms. Goode know.

Dr. Litaker discussed the Board's position regarding the sterilization of hand pieces. The Board has requested an opinion from the CDC regarding this issue and until we receive a response, the Board position is to follow the manufacturer recommendations for sterilizing hand pieces.

### V. REPORT FROM CHIEF OPERATIONS OFFICER

Mr. White

A. Financial Report (May)

[Item #2]

Following a review of the May 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

Mr. White announced that Ms. Terry Friddle is officially retired. Ms. Casie Goode will be taking her place as Deputy Operations Officer/Director of Investigations. Mr. White announced that we have filled all three vacant employee positions. New employees include: Mr. Steven Brewington, Investigator, Ms. Cheri Ramos, administrative support staff, and Ms. Amanda Carver, Investigative Assistant.

C. Miscellaneous



Expense Reports

Mr. White reminded the Board Members to please check their credit card bills and statements for duplicate charges prior to submitting reimbursement requests to the Board office.



AADB Membership

[Item #3]

Dr. Young made a motion to renew the individual memberships for all Board Members in the American Association of Dental Boards, along with Mr. White and Ms. Goode. Dr. Allen seconded the motion. The motion passed by general consent.

4 Military Licenses

A new law recently passed, effective July 1, 2017, which requires the Board to issue military licenses without charging a fee. It also requires the Board to issue a temporary permit that will allow the military licensee to practice for up to one year pending the final approval of his/her licensure application. Dr. Feingold made a motion for Mr. White to conduct additional research regarding the issuance of a temporary permit. Mr. White will report back at the next meeting. Dr. Wester seconded the motion which passed by general consent.

**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. NPI – Shep’s Center **[Item #4] Mr. White**  
The Shep’s Center has requested that the Board begin collecting National Provider Identifier (NPI) numbers for all dentists. The Shep’s Center wants to use the numbers to do global analysis for Medicaid providers. Following a discussion, Dr. Young made a motion to deny the request at this time. Dr. Wester seconded the motion, which passed by general consent.
- B. AADB Annual Meeting **Mr. White**  
Dr. Wester moved to approve any expenses for Board Members and necessary staff to attend this meeting. Dr. Feingold seconded, motion carried.
- C. ADA letter  
Mr. White’s letter to the American Dental Association (ADA) regarding the proposed development of an OSCE examination was approved to be sent to the ADA president, ADA officers and ADA trustees. All Board Member signatures will be affixed to the letter.

**VIII. NEW BUSINESS**

- A. Elections **Mr. White**
  - a. Dental  
Mr. Totman announced the results of the dental election. Since the minimum number of required votes was not received by any candidate, the statute requires a

run-off election between the four candidates receiving the highest number of votes. The run-off election will be between Dr. Michael Riccobene, Dr. Catherine Watkins, Dr. John Stuart Williams and Dr. Merlin Young. Dr. Litaker directed staff to set up the election schedule and communicate with Mr. Totman, as election chair, regarding the details.

- b. **Dental Hygiene**  
Dr. Feingold made a motion to approve and certify Ms. Nancy St. Onge as our new Dental Hygiene Board Member. Dr. Litaker seconded the motion, which passed by general consent.

- B. **Prescribing Options** **[Item #5] Dr. Sadler**  
Dr. Sadler reported that Dr. Dionne from the East Carolina University School of Dentistry recently gave a presentation on pain management and prescribing. Dr. Sadler requested that the Board consider sharing this information with all licensees. Dr. Feingold made a motion to defer this discussion until next month after everyone has had a chance to review it. Dr. Young seconded the motion, which passed by general consent.

## 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. Goode**  
Dr. Young 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. 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 the first ADEX Dental Hygiene was successfully administered at the University of North Carolina School of Dentistry on June 2-3, 2017.
- C. **Licensure by Credentials Question – Written Exams** **Mr. White**  
Mr. White requested clarification regarding a candidate's eligibility for licensure by credentials if he/she fails the written jurisprudence and/or sterilization/infection control examinations three times. It was determined that if a candidate fails either of the written

examinations three times, he/she is no longer eligible for licensure by credentials and therefore may not reapply for a license by credentials. The candidate would be required to successfully complete the ADEX examination to apply for a license.

## **X. REPORT FROM LEGAL COUNSEL**

### **A. Licensure by Credentials Question – Out of State**

**Mr. White**

Mr. White presented a scenario in which a licensee that was licensed by credentials several years ago has been required to leave the state due to a family emergency. The licensee has not been able to sell her practice and has requested permission to hire a dentist to work in the practice while she is attempting to sell it. Following a discussion, Dr. Young made a motion to allow her a wind down period until her current license expires. Dr. Wester seconded the motion, which passed by general consent.

### **B. Instructor's License Inquiry**

**[Item #7] Mr. Brocker**

An inquiry was received requesting the Board's interpretation of the word "adjacent" as it applies to the teaching and practicing of dentistry at any teaching hospital adjacent to a dental school or an academic medical center by a dentist holding a Dental Instructor's License. The Board will continue to interpret that statute that instructors can teach and practice in any of the three locations cited in the statute. Mr. Brocker will respond to the inquiry.

### **C. New Member Training [Postponed]**

**Mr. White**

### **D. Sedation Questions**

**Mr. Brocker**

Mr. Brocker requested guidance regarding several questions that have arisen as a result of the new General Anesthesia and Sedation Rules. Mr. Brocker recommended that current permit holders and pending permit applicants be given until the end of the 2018 renewal period to meet the new requirements.

Mr. Brocker reported a conflict in the rule pertaining to the late renewal fee and recommended that the Board collect the lesser amount until the rule can be corrected. Also, the inspection fee for minimal sedation was unintentionally deleted during the rule making process and Mr. Brocker recommended that the Board stop charging the inspection fee until the rule can be amended.

Mr. Brocker also recommended updating the Minimal Sedation Rules to clarify education requirements and adopting rules to add a Moderate Itinerate Permit.

Dr. Wester made a motion to approve Mr. Brocker's recommendations and to postpone the discussion regarding the use of Propofol by Moderate IV Sedation Permit holders until the July Meeting. Dr. Young seconded the motion, which passed by general consent.

**XI. INVESTIGATIVE MATTERS**

- A. Investigative Statistics **[Item #8] Dr. Young**  
The Board reviewed investigative statistics for the month of May, 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 Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Sadler passed by general consent.
  - a. Log #13-014 **[Item #9] Dr. Allen**
  - b. Log #16-046 **[Item #10] Dr. Wester**
  - c. Log #17-021 **[Item #11] Dr. Feingold**
  
- 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 Friday, July 14, 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 11:30 a.m.

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

Date of Approval: July 15, 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. Stock, R.D.H., Dental Hygiene Member*  
*Mr. Dominic Totman, Esq., Consumer Member*