

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
June 7-10, 2018

THURSDAY, JUNE 7, 2018

The North Carolina State Board of Dental Examiners convened at 6:00 p.m., Thursday, June 7, 2018 at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving proposed rule changes to 21 NCAC 16P .0105 and 21 NCAC 16R .0201. Dr. Merlin Young presided over the hearing and Mr. Douglas Brocker appeared on behalf of the Board as legal counsel. All members of the Board were present with the exception of Dr. Litaker. The public hearing concluded at 6:45 p.m., at which time Dr. Young called the business meeting to order.

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 6:45 p.m., Thursday, June 7, 2018, at the Board's offices in Morrisville, North Carolina. 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 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 except Dr. William Litaker, Jr.. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. Clifford O. Feingold, Dr. Catherine Watkins, Dr. Kenneth M. Sadler, Ms. Nancy St. Onge, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie S. Goode, Deputy Operations Officer, and Mr. Douglas Brocker Legal Counsel for the Board, was also present.

C. Declaration of Quorum

With seven members of the Board present, Dr. Young declared a quorum for the purposes of conducting the business of the Board.

At 6:45 p.m., Mr. Sean Murphy, JD and Dr. James Martin requested permission to address the Board regarding take home orthodontics. The presentation concluded at 7:00 p.m. at which time the Board remained in open session to discuss Board business.

II. APPROVAL & ORDER OF AGENDA

Dr. Young

Dr. Wester moved, which was seconded by Ms. St. Onge, 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 May 16-17, 2018

[Item #1] Dr. Young

Following a review of the May 16-17, 2018 Minutes, Ms. St. Onge moved to approve the Minutes as amended. Dr. Watkins seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Young

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (May)

[Item #2]

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

B. Personnel Matters

[None]

C. Miscellaneous

✚ Legislative Update

HB 689 – An Act Directing the Program Evaluation Division to Study the Average Time Between Application for Licensure and Granting of Licensure for Each Occupational Licensing Board of North Carolina. This Bill, in part, requires the Program Evaluation Division to report the results of the study to the chairs of the Joint Legislative Program Evaluation Oversight Committee on or before May 1, 2018.

HB 998 – Representative Bert Jones, DDS requested the Board's opinion regarding new legislation that he would like to introduce which proposes to improve access to dental care in North Carolina rural areas by amending N.C.G.S. §90-36. Dr. Sadler made a motion for Mr. White to contact Representative Jones to relay the Board's opinion that the statute could accomplish what he proposes if amended to allow those licensed by credentials to practice in North Carolina and their home state,

which would require amending the Dental Practice Act. Dr. Feingold seconded the motion which passed by general consent.

✦ **Ballot Counting**

Mr. White reported that this year's ballot to elect the upcoming two open Dental Board Member seats was disseminated with the incorrect return address. The accounting firm contracted to receive and monitor the election process merged with another firm and moved locations without informing the Board of their new address. However, the firm's mail is being forwarded to its current address. Mr. White contacted each candidate to inform him about the situation and request permission to canvass ballots on a later date to allow for additional time for the United States Postal Service to forward mail. All three candidates agreed and ballot counting will commence on Wednesday, June 13, 2018, at 12:00 noon, which comports with the statutory requirements.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[No Report]

B. Finance Committee
[No Report]

C. Sedation/General Anesthesia Committee
Dr. Sadler reported that the sedation advisory committee will meet, on Friday, July 27, 2018 at the Grandover Resort in Greensboro beginning at 8:00 am. The committee will work to generate back-up questions for the purposes of creating alternative versions of the written examinations.

VII. OLD BUSINESS

A. Prudential Account **[Item #3] Mr. White**
When an employee leaves employment at the Dental Board and has unvested funds in the defined contribution retirement plan, the employee forfeits those funds thereby creating a forfeiture account. Mr. White informed the Board that a forfeiture account in the amount of \$43,000 currently exists. This amount has accrued since the inception of the Board's current retirement plan, approximately 30 years ago. Dr. Wester made a motion to apply the current forfeiture amount toward the amount of Board contributions matched by the staff employees until the account balance is zero. Dr. Feingold seconded the motion which passed by general consent.

B. Bylaws **[Item #4] Dr. Feingold**
Mr. Totman made a motion to approve the revised bylaws after correcting typographical errors. Dr. Wester seconded the motion, which passed by general consent.

C. Informed Consent **[Item #5] Mr. Brocker**

Dr. Wester made a motion to approve rules pertaining to informed consent for publication and to approve the interpretive statement with amendments. Dr. Sadler seconded the motion. The motion passed.

The Board recessed its meeting for dinner at 7:30 p.m. and resumed to continue with business at 8:00 p.m.

VIII. NEW BUSINESS

- A. Approve Radiology Course **[Item #6] Ms. Goode**
Ms. Akilah Baptist submitted a radiology course on behalf of Dental Assistant Solutions, LLC for approval. Following a review of the course, the Board instructed staff to request additional information to include the following: a revised course content correcting typographical errors, the submission of sample radiograph requirements, the submission of the complete post-test and more detailed information about the Charlotte Dental Assistant School where Ms. Baptist is an instructor.
- B. Approve Radiology Course **[Item #7] Ms. Goode**
Brightwood College submitted a dental radiology course and radiology course instructors for approval. Upon review of the documentation submitted, Dr. Wester made a motion to approve the course and to approve Shannon Cogen-Knowles and Genise Kelley as the course instructors. Dr. Feingold seconded the motion. The motion passed by general consent.
- C. Dental Sleep Therapy **[Item #8] Mr. White**
Dr. Ashley Collins requested clarification from the Board regarding its position regarding dental sleep therapy. Specifically, Dr. Collins asked if the use of home sleep tests by dentists to determine the efficacy of dental appliances after a proper medical diagnosis of sleep apnea is permitted. Dr. Feingold made a motion to allow dentists to utilize this testing as a mechanism to follow up with a patient regarding the success of the sleep appliance. Dr. Watkins seconded the motion, which passed by general consent.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #9] 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. Feingold and passed by general consent.
- B. Examinations
[No Report]

X. REPORT FROM LEGAL COUNSEL **Mr. Brocker**

[No Report]

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (May) **[Item #10] Dr. Wester**

The Board reviewed investigative statistics for the month of May. The statistics were accepted for informational purposes.

- B. Hearing Panel Decisions
[None]
- C. Settlement Conferences
[None]

The Board recessed its meeting for the evening at 9:50 p.m.

FRIDAY, JUNE 8, 2018

The North Carolina State Board of Dental Examiners reconvened at 8:00 a.m., Friday, June 8, 2018, at the Board's offices in Morrisville, North Carolina in order to complete its consideration of Board business and to conduct a formal hearing. Dr. Young, President of the Board, called the meeting to order. All members of the Board were present except for Dr. Litaker. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Investigations Coordinator, Mr. Line Dempsey, Senior Investigator.

At 8:00 a.m., the Board met with Ms. Jennilee Richardson and Ms. Sandy Newall of Bernard Robinson & Company, L.L.P. Ms. Richardson and Ms. Newall presented the results of the Board's financial audit for the year ending December 31, 2017. It was the auditor's opinion that the financial statements of the Board fairly and accurately presented the Board's financial position and cash flow for 2017. Ms. Richardson and Ms. Newall left the meeting at 8:30 a.m. at which time the Board remained in open session to conduct a formal hearing involving Dr. Carlos J. Privette. Mr. Douglas Brocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Ms. Carrie Meigs and Mr. Justin May served as legal counsel for Dr. Privette. A court reporter was present to transcribe the proceedings. The hearing recessed for the day at 6:30 p.m..

SATURDAY, JUNE 9, 2018

The North Carolina State Board of Dental Examiners reconvened at 8:00 a.m., Saturday, June 9, 2018, at the Board's offices in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Carlos Privette. Dr. Young, President of the Board, called the meeting to order. 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, Investigations Coordinator, Mr. Line Dempsey, Senior Investigator. Douglas Brocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Ms. Carrie Meigs and Mr. Justin May served as legal counsel for Dr. Privette. A court reporter was present to transcribe the proceedings. The hearing recessed for the day at 7:45 p.m.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, July 12, 2018, and will be held at the Board's offices in Morrisville, North Carolina, for the purposes of conducting a public Rule Making Hearing, to consider routine business and to reconvene the formal hearing involving Dr. Carlos Privette.

XIII. ADJOURNMENT

There being no further business, Dr. Wester made a motion to adjourn the meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 7:50 p.m.

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

Date of Approval: 7/7/18

MEMBERS OF THE BOARD

Dr. Merhn W. Young, President
Dr. Milhard W. Wester, III, Secretary-Treasurer
Dr. William M. Litaker, Jr., Past-President
Dr. Clifford O. Feingold
Dr. Kenneth M. Sadler
Dr. Catherine Watkins
Ms. Nancy Si Onge, R.D.H., Dental Hygiene Member
Mr. Dominu Totman, Esq., Consumer Member