

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**March 13, 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 8:00 a.m., Friday, March 13, 2020, 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. 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, Betty Sines, Investigations Coordinator, Dirk German, Investigator, Amanda Carver, Investigator, Tyler Henderson, Investigator, Jamie Rivera, Paralegal, and Ms. Dauna Bartley and Mr. Douglas Broucker Legal Counsel for the Board were 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. Lanier, 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 February 7, 2020 **[Item #1] Dr. Young**

Following a review of the February 7, 2020 Minutes, Dr. Wester moved to approve the Minutes as amended. Dr. Watkins seconded the motion which passed by general consent.

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At 8:05 a.m., Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct two settlement conferences. Dr. Clemons seconded the motion which passed by general consent. The conferences concluded at 11:30 a.m. at which time Dr. Wester made the motion to move into open session to resume Board business. Dr. Clemons seconded the motion, and the motion passed.




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**IV. REPORT FROM PRESIDENT**  
[None]

**Dr. Young**

**V. REPORT FROM CHIEF EXECUTIVE OFFICER**

**Mr. White**

- A. Financial Report (February) **[Item #2]**  
Following a review of the February Financial Report, Dr. Wright moved to accept the report for informational purposes. Dr. Watkins seconded the motion which passed by general consent.
- B. Personnel Matters
- a. Cell Phones  
The Board approved cell phone reimbursements of \$50.00 per month for all field investigators, using their personal cell phones to conduct Board business.
- b. Sterilization/Infection Control Investigator Certifications  
Mr. White informed the Board that the Dental Assisting National Board (DANB) organization is offering certifications with OSAP. Mr. Henderson will be pursuing this certification.
- C. Miscellaneous
-  Tripartite Meeting  
Dr. Wester moved to approve any expenses, for Dr. Watkins and Dr. Lanier to attend the upcoming Tripartite Meeting held on April 17, 2020 at the Dental Society in Cary, North Carolina. Dr. Wright seconded; motion carried.
-  Report on Teledentistry Conference  
Ms. St. Onge reported that the recent teledentistry conference held at MUSC was informative. Dr. Wright followed up by reporting that the recent conference held in North Carolina at the Friday Center generated a lot of excitement within the profession and several levels of teledentistry were discussed.
-  Report on Insurance Review  
Mr. White reported that staff recently met with an insurance firm to analyze the Board's risks and determine what types of insurance is needed.

- ✚ COVID-19  
Mr. White reported that we have a COVID-19 Policy and directives from the Governor. He further announced that staff is prepared in the event that they are called upon to telecommute.

## VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee  
[None]
- B. Finance Committee  
[None]
- C. Sedation/General Anesthesia Committee  
[None]

## VII. OLD BUSINESS

- A. Intern Permit Questions **[Item #3] Mr. White**  
[Tabled]
- B. Delegable Functions – Lasers **[Item #4] Ms. St. Onge**  
The Board received another request to allow the use of diode lasers by dental hygienists. Following a discussion, the Board determined that the use of lasers by a dental hygienist is still not a delegable function.
- C. Home Sleep Tests **[Item #5] Mr. White**  
The Board received information from Dr. Tracy Johnson and Dr. Theodore Roberson, II regarding Home Sleep Testing (HST). Drs. Johnson and Roberson explained that in their opinion, using HST as an adjunct to initially screen patients for sleep related breathing disorders is not serving as a diagnosis. Following discussion, it was the Board's decision not to change its current policy regarding the use of HST.

## VIII. NEW BUSINESS

- A. Approve Nitrous Instructors **[Item #6] Ms. Goode**  
Ms. Robyn Klose, RDH with the NC Dental U/Evolve Dental Institute requested approval of new instructors to teach the nitrous-oxide monitoring course. Dr. Wester made a motion to approve Ms. Kathy Reece, Ms. Kim Venable, Ms. Monique Dean and Ms. Cassandra Nichols as instructors. Dr. Lanier seconded the motion, which passed by general consent.
- B. Approve Annual Events – ECU **[Item #7] Ms. Goode**  
East Carolina School of Dental Medicine (ECU) requested Board approval of the school's clinical outreach activities for 2020 for dental students currently enrolled in the dental program at ECU. Upon review of the documentation, Dr. Wester made a motion to approve the proposed activities. Dr. Watkins seconded the motion. The motion carried.

- C. Delegable Functions – OrallD **[Item #8] Dr. Young**  
OrallD is a portable, hand-held light designed to be used as an adjunctive device for oral mucosal screening and should be interpreted by a licensed dentist.
  
- D. Approve Radiology Course **[Item #9] Ms. Goode**  
Isothermal Community College requested retroactive approval of their radiology course for dental assistants in the first graduating class, while this new program is completing the accreditation process. The Board agreed to retroactively approve the course for the first-year class, provided that Dr. Joseph Hendrick review each student's test radiographs and didactic test scores and certify that they are competent. Until the dental assisting program is accredited, the instructor teaching this course must take the UNC Radiology Instructor's course, going forward.

**IX. LICENSURE MATTERS**

- A. Approval of Licenses/Permits/Reinstatements **[Item #10] 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 Ms. St. Onge and passed by general consent.
  
- B. Examinations  
Dr. Wester announced that in the wake of COVID-19, CITA may be cancelling or rescheduling examinations.

**X. REPORT FROM LEGAL COUNSEL**

**Mr. Brocker/Mr. White**

- A. Rules for Publication **[Item #11]**  
Following the pre-review of several amendments to the Board's Rules, the RRC had substantive changes to 16C .0303 and 16H .0104, therefore, requiring additional review by the Board. Following discussion, Dr. Wester made a motion to approve the rules for publication as amended. Dr. Clemons seconded the motion, which passed by general consent.
  
- B. Auxiliaries Assisting in Administering GA/Sedation **[Item #12]**  
Dr. Wright made a motion to approve the publication of 21 NCAC 16G .0103 as amended. He further moved to approve the interpretive statement and allow the release of the statement prior to the rule being passed. Ms. St. Onge seconded the motions, which passed by general consent.
  
- C. Itinerant Permit Holders **[Item #13]**  
Dr. Wester made a motion to approve and publish the language notifying all current itinerant permit holders of the responsibility to make sure they are complying with all guidelines related to the transporting of sedation/anesthesia medications. Dr. Lanier seconded the motion, which passed by general consent.

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Dr. Clemons made a motion to move into closed session, pursuant to NCGS §143-318.11(3) in order to receive advice from legal counsel. The motion was seconded by Ms. St. Onge and passed by general consent.

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D. Scope of Management Arrangement Review

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Dr. Wester made a motion to move into open session and resume regular Board business. The motion was seconded by Ms. St. Onge and passed by general consent.

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E. Limited Supervision Hygiene

**[Item #14]**

Dr. Timothy Spilliards submitted a request for the Board to make an exception so that his private dental office in Cashiers, North Carolina may offer unsupervised hygiene services one or two days per week. Since the supervision requirement for private practice dental hygienists prohibits such acts, the Board lacks the legal ability to make exceptions.

F. Reinstatement Rules

Dr. Wester made a motion confirming that the Board's current and proposed amendments to its reinstatement rules, 21 NCA 16B .1101 and 16C .0601, require the submission of an application for reinstatement following a revocation, suspension, expiration or to change from retired status, unless a disciplinary order specifically grants the return of the license. Dr. Lanier seconded the motion. Motion carried.

**XI. INVESTIGATIVE MATTERS**

A. Investigative Statistics (February)

**[Item #15] Dr. Watkins**

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

B. Hearing Panel Decisions

During open session, and without conducting other business, Dr. Clemons 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. Wright and passed by general consent.

a. Log #20-025

**[Item #16] Dr. Watkins**

b. Log #16-198, 17-088, #19-144 and #19-204

**[Item #17] Dr. Young**

c. Log #19-244 – Closure Report

**[Item #18] Dr. Wester/Mr. Totman**

C. Settlement Conferences

The Board conducted two settlement conferences throughout the meeting. Mr. Douglas Broucker and Ms. Dauna Bartley represented the Investigative Panel. The respondents were not represented. Standard protocol was followed.

**XII. NEXT MEETING**

The Board's next regularly scheduled meeting will begin on Wednesday, April 8, 2020 and will be held via conference call for the consideration of routine business.

**XIII. ADJOURNMENT**

There being no further business, Dr. Wester made a motion to adjourn the meeting. Dr. Wright seconded the motion, which passed by general consent. The meeting adjourned at 4:00 p.m.

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

Date of Approval: April 8, 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 Lanser*  
*Dr. Raleigh Wright, III*  
*Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member*  
*Mr. Dominic Totman, Esq., Consumer Member*