

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**March 8-10, 2018**

**THURSDAY, MARCH 8, 2018**

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, March 8, 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 16Q.0202, 16Q.0204, 16Q.0206, 16Q.0207, 16Q.0301, 16Q.0302, 16Q.0304, 16Q.0305, 16Q.0306, 16Q.0404, 16Q.0405, 16Q.0406, 16Q.0407, 16Q.0408, 16Q.0501, and 16Q.0503 and the repeal of 21 NCAC 16Q.0502. Dr. Merlin Young presided over the hearing and Mr. Douglas Brocker appeared on behalf of the Board as legal counsel. The public hearing concluded at 6:35 p.m., at which time the Board recessed its meeting for the day.

**FRIDAY, MARCH 9, 2018**

**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM** **Dr. Young**

A. Call to Order

Dr. Merlin Young, President of the Board, called the meeting to order at 8:30 a.m., Friday, March 9, 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. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. William M. Litaker, Jr., 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, Ms. Betty Sines, Investigations Coordinator, Mr. Line Dempsey, Senior Investigator, Mr. Steve Brewington, Investigator, Ms. Amanda Carver, Investigative Assistant 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. Young declared a quorum for the purposes of conducting the business of the Board.

**II. APPROVAL & ORDER OF AGENDA**

**Dr. Young**

Dr. Litaker moved, which was seconded by Dr. Wester, 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 16-17, 2018

**[Item #1] Dr. Young**

Following a review of the February 16-17, 2018 Minutes, Dr. Litaker 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 (February)

**[Item #2]**

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

B. Personnel Matters

[None]

C. Miscellaneous

✚ CSRS Request

During the February meeting, Mr. Alex Asbun, Drug Control Unit Manager, spoke with the Board and requested that the Board share statistical data with the CSRS system so that analysis could be completed on dental opioid prescribing. The Medical, Nursing and Pharmacy Boards will be sharing their data with the CSRS as well. Dr. Wester made a motion to approve the request. Dr. Watkins seconded, motion passed.

✚ November/December 2018 Board Meeting

The Board discussed relocating an already scheduled meeting to the western part of the state to make the meeting more convenient for our licensees and members of the public in that area to attend. The Board decided to hold the December 7-8, 2018 Board Meeting in Asheville, North Carolina. The location is to be determined.

✚ April 2018 Board Meeting

Following discussion, Dr. Wester made a motion to reschedule and hold the April 2018 Board Meeting via telephone conference on Tuesday, April 10, 2018 beginning at 6:30 p.m. Dr. Litaker seconded the motion which passed by general consent.

- ✎ Agendas and Settlement Conference Packets  
Information for upcoming Board meetings will be shared via ShareFile on the Friday the week before the scheduled meeting. If an individual Board Member wants the information earlier, he/she will contact staff.

## VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee  
Dr. Litaker reported that he was approached by Dr. Scott De Rossi, the Dean of the University of North Carolina School of Dentistry, about establishing a liaison position to be fulfilled by a member of the Dental Board. Dr. Litaker has agreed to serve in that capacity.
- B. Finance Committee  
[No Report]
- C. Sedation/General Anesthesia Committee  
Dr. Sadler discussed the written examinations required to obtain general anesthesia and sedation permits. The Board needs to determine what percentage constitutes a passing score on these exams. Dr. Sadler will address this issue during the April meeting and make recommendations for the Board to consider.

## VII. OLD BUSINESS

- A. Botox Update  
Mr. Brocker presented the results and his analysis of the data collected as a result of the recent survey requesting feedback regarding the dental uses for Botox. The Board directed staff to meet with the Attorney General for clarification regarding the latest opinion concerning who can administer Botox.
- B. HbA1c Update  
Mr. Brocker presented the results and his analysis of the data collected as a result of the recent survey requesting feedback regarding HbA1c testing. Following a discussion of the data, Dr. Wester made a motion to allow dental practitioners to utilize the HbA1c test if it is being used to determine the appropriateness of dental care. Dr. Litaker seconded the motion, which passed by general consent.
- C. Informed Consent  
Mr. Brocker provided an update regarding efforts to address the issue of informed consent. He will continue drafting rules to address this issue and report back in April with recommendations.
- D. Sleep Apnea  
Diagnosing sleep apnea and determining the mechanism for treating it is the responsibility of a medical doctor. Mr. Brocker recommended drafting language for the Board to approve that will educate our licensees regarding the Board's current position regarding diagnosing and treating sleep apnea for the upcoming newsletter.

- E. Bylaws Committee Report  
Dr. Feingold presented a draft with revisions to the current North Carolina State Board of Dental Examiners Plan of Organization and Bylaws. All Board Members were encouraged to review the documents and be ready to discuss in April.
- F. Continuing Education **[Item #3] Mr. White**  
Based on the North Carolina Dental Society's request and the Board's directive, Mr. White drafted amendments to 21 NCAC 16R .0201 which will require new licensees to complete a six (6) hour course in professionalism and ethics during the first year that the applicant is required to complete continuing education requirements. The Dental Society has agreed to offer a course that will meet this requirement. Following a discussion, Dr. Watkins made a motion to approve the rule for publication after adding that this requirement will also apply to newly licensed instructors. Dr. Wester seconded the motion, which passed by general consent.

#### VIII. NEW BUSINESS

- A. NC Division of Public Health Representative **[Item #4] Mr. White**  
15A NCAC 19A .0207 requires certain healthcare workers, including dentists, to self-report certain conditions and communicable diseases that may require the State to issue an isolation order. The NC Division of Public Health (DPH) requested that the Board appoint a representative to serve on the panel that reviews the facts surrounding NC dentists who self-report any of the specified conditions. DPH further requested a Board member to take part in its antimicrobial stewardship efforts. Dr. Sadler nominated Dr. Watkins to fulfill that position and all Board Members agreed.
- B. Approve Nitrous Instructor **[Item #5] Ms. Goode**  
NC Dental U and The Dental Assistant Academy of Charlotte requested approval of a new instructor to teach the nitrous course offered at these schools. The nitrous course has already been approved. Upon review of the documentation submitted, Dr. Litaker made a motion to approve Ms. Diana Huff as an instructor. Dr. Feingold seconded the motion. The motion passed by general consent.
- C. Approve Extramural Sites – ECU **[Item #6] Ms. Goode**  
East Carolina School of Dental Medicine requested Board approval for upcoming community outreach events that will involve clinical activity by current faculty, students, residents, and staff. The planned events will be held at the following: Gates County Health Fair, New Hope Clinic in Boiling Spring Lakes, NCMOM events in Fayetteville and Salisbury, College of the Albemarle Nurses' Wellness Fair, Special Olympics, Give Kids a Smile, Gibson Cancer Center, Greenlee Primary School, Gouge Primary School, Blue Ridge Free Dental Clinic, Jackson County Health Fair, Healthy Living Festival at Cullowhee Recreation Center, Bernstein Dental Clinic, Lucille Gorman ECU International Center, and Vidant Cancer Center. Upon review of the documentation from Dr. Margaret Wilson, Dr. Litaker moved to approve these events. Dr. Watkins seconded the motion, which passed by general consent.

**IX. LICENSURE MATTERS**

- A. Approval of Licenses/Permits/Reinstatements **[Item #7]** **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  
[No Report]

**X. REPORT FROM LEGAL COUNSEL**

**Mr. Brocker**

- A. Rule Amendment regarding specialty advertising **[Item #8]**  
Dr. Feingold made a motion to approve the language amending 21 NCAC 16P .0105 concerning the requirements for dentists advertising as a specialist. Dr. Wester seconded the motion which passed by general consent.

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At 11:30 a.m., Dr. Young recessed the meeting for lunch. The meeting resumed at 12:15 p.m.

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- B. Evaluation Check-list **[Item #9]**  
Mr. Line Dempsey, Senior Investigator, developed an Evaluation Checklist Cover Sheet to be utilized going forward for all investigative cases that are sent to third party evaluators for assessment. Dr. Sadler made a motion to utilize this checklist on all future investigative cases requiring an evaluation. Dr. Wester seconded the motion which passed by general consent.
- C. Scope of Practice Question **[Item #10]**  
The Board received an inquiry regarding the scope of practice. Specifically, a dental office asked if they could offer nutrient testing as well as give orders to an on-staff paramedic to administer Vitamin C IV drips. After reviewing the facts, the Board made the determination that administering vitamin C through an IV and administering a blood test and then tailoring vitamins to the results of that blood test are activities that are outside the scope of the practice of dentistry. The Board did not believe it would be appropriate for a dentist to engage in those activities. The Board generally does not prohibit a dentist from selling vitamins or other supplements that a member of the public also could sell but could not offer those or hold those out as providing dental services or treatment.
- D. Military Endorsement **[Item #11]**  
A potential applicant for dental licensure via military endorsement inquired as to whether the Board required licensees to complete the prosthodontic portion of a clinical examination to be eligible for licensure. According to the inquirer, she completed the WREB examination but did not take the optional prosthodontic portion. In North Carolina, the requirements for licensure by military endorsement are set out in North Carolina General Statute 93B-15.1 and by the Board's regulations 21 NCAC 16B .1001. In general, licensure by military endorsement requires testing or training and experience equivalent to or greater than

required for licensure as a dentist in North Carolina. There is an exemption for the examination requirement for licensure by military endorsement if one meets the equivalent training and experience component. However, in general, it would be advisable to take all optional portions of the WREB or other live patient examinations to increase the chances that the examination would be accepted in the future in NC.

- E. Forensic Dentistry **[Item #12]**  
Dr. Edward Marshall, a retired dentist formally licensed in Ohio and current NC resident, inquired as to whether the Board would require him to obtain a NC dental license to perform forensic dentistry in this State. The Board determined that a NC dental license is not required to engage in these activities in this state. However, anyone engaging in forensic odontology must be careful not to imply that he/she is able to engage in the practice of dentistry or the practice of medicine in North Carolina, including while working in forensic odontology.
- F. CDP Bylaws **[Item #13]**  
Mr. Brocker reviewed the current CDP Bylaws and presented some suggestions for modifications to the bylaws to make them consistent with existing law and to eliminate confusion regarding voting members. Dr. Watkins made a motion to move forward with the recommended changes to the CDP bylaws. Dr. Litaker seconded the motion which passed by general consent.
- G. Settlement Conferences  
Previously, staff was given the authority to grant the initial request for the continuance of a settlement conference. Dr. Young recommended that in the future, continuances for scheduled settlement conferences only be granted on a case by case basis with input from the Case Officer for the Investigative Panel and the ultimate decision being made by the presiding officer of the Hearing Panel. Dr. Feingold made a motion to approve this recommendation. Dr. Litaker seconded the motion which passed by general consent.

## XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (February) **[Item #14] Dr. Wester**  
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. Feingold 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. Wester and passed by general consent.
- a. Log #17-243 **[Item #15] Dr. Sadler**
- b. Log #18-042 **Dr. Sadler**

Upon completion of Hearing Panel decisions, Dr. Wester made a motion to move back into open session. Dr. Feingold seconded the motion, which passed by general consent. Once in open session, Dr. Young recessed the meeting for the day at 1:30 p.m.

## **SATURDAY, MARCH 10, 2018**

The North Carolina State Board of Dental Examiners reconvened at 8:00 a.m., Saturday, March 10, 2018, in order to participate in the Board's annual photograph. 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 S. Goode, Deputy Operations Officer; Mr. Line Dempsey, Senior Investigator, and Ms. Crystal Carlisle, Legal Counsel.

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At 8:30 a.m., Dr. Feingold made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct one (1) settlement conference. Dr. Wester seconded the motion, which passed by general consent. The settlement conference concluded at 10:30 a.m. at which time Dr. Watkins made a motion to move into open session. Dr. Wester seconded the motion which passed by general consent.

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C. Settlement Conferences

The Board conducted one (1) settlement conference during the meeting. Ms. Crystal Carlisle represented the Board at the conference and standard protocol was followed.

## **XII. NEXT MEETING**

The Board's next meeting will begin on Tuesday, April 10, 2018, and will be held via telephone conference call and staff will be present at the Board's offices in Morrisville, North Carolina during the call for interested members of the public to attend. The purpose of this meeting is for the consideration of routine business.

## **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 10:30 a.m.

Reported by: \_\_\_\_\_

*Casie S. Goode*

Casie S. Goode  
Deputy Operations Officer

Date of Approval: April 10, 2018

**MEMBERS OF THE BOARD**

*Dr. Merlyn W. Young, President*  
*Dr. Millard W. Wester, III, Secretary-Treasurer*  
*Dr. William M. Lataker, 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*