

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
March 15-16, 2019

FRIDAY, MARCH 15, 2019

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Wester

A. Call to Order

Dr. Millard “Buddy” Wester, President of the Board, called the business meeting to order at 8:00 a.m., Friday, March 15, 2019, at the Board’s offices in Morrisville, North Carolina. Dr. Wester 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. Edward J. Clemons, Jr., Dr. Catherine Watkins, Dr. Kenneth M. Sadler, Dr. William Litaker, Ms. Nancy St. Onge, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Betty Sines, Investigations Coordinator, Line Dempsey, Senior Investigator, Amanda Carver, Investigator, Tyler Henderson, Investigator, and Mr. Douglas Brocker, Ms. Whitney Waldenberg and Ms. Crystal Carlisle Legal Counsel for the Board were also present.

C. Declaration of Quorum

With all eight members of the Board present, Dr. Wester declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Wester

Dr. Young moved, which was seconded by Dr. Litaker, 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.

Dr. Watkins made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Young seconded the motion, which passed by general consent. The conference concluded at 9:00 a.m., at which time Dr. Litaker made the motion to move into open session to conduct a formal hearing involving Dr. William Boles, Jr. Mr. Douglas Brocker and Ms. Crystal Carlisle 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. Boles. A court reporter was present to transcribe the proceedings. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Betty Sines, Investigations Coordinator, Ms. Amanda Carver, Investigator and Mr. Line Dempsey, Senior Investigator.

The respondent made a motion to close the hearing based on federal laws 45 CFR §§160.103, 164.502 and 42 CFR §§2.2, 2.12, which prohibits disclosure of protected health information and disclosure of patient records involving substance use disorder. The Board granted the respondent's motion to close the hearing and only the parties identified in the motion and addendum were permitted to remain. The formal hearing recessed at 12:00 p.m. at which time Dr. Litaker made a motion to move into open session to conduct Board business. Dr. Young seconded the motion, which passed by general consent.

III. APPROVAL OF MINUTES

- A. Minutes of February 12, 2019 **[Item #1] Dr. Wester**
Following a review of the February 12, 2019 Minutes, Dr. Sadler moved to approve the Minutes as drafted. Ms. St. Onge seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT Dr. Wester

Dr. Wester thanked everyone for their participation at the recent AADB meeting in Chicago. He announced that Dr. Clifford Feingold was nominated to serve on behalf of the Southern Caucus as the upcoming Secretary of the AADB.

Dr. Wester recently met with the fourth-year dental students at UNC for a lunch and learn where he spoke to them about the new rules addressing informed consent.

V. REPORT FROM CHIEF EXECUTIVE OFFICER Mr. White

- A. Financial Report (February) **[Item #2]**
Following a review of the February Financial Report, Dr. Young moved to accept the report for informational purposes. Dr. Litaker seconded the motion, which passed by general consent.
- B. Personnel Matters
Mr. White informed the Board that Line Dempsey was serving on the Board of Directors for CLEAR. Tyler Henderson was introduced as the new Investigator. Mr. White informed the Board that Mark Hall is the new private investigator that will contract with the Board to assist in the investigation of cases involving the unlicensed practice of dentistry.

C. Miscellaneous

✚ Tripartite Meeting Topics and Attendees

The Board is hosting this year's tripartite meeting which will be held in the Chadwick room of the Dental Society building. Dr. Wester, Dr. Young and Mr. Totman will attend and discuss the topics of informed consent, management arrangements, and advertising.

✚ Affordable Care Clinic

Affordable Care is interested in partnering with the UNC School of Dentistry to open an outreach clinic in Durham whose primary focus will be to treat veterans and the homeless population. The clinic will be a place where the dental students can train and the areas access to care can benefit in the process. Dr. Wester requested that Mr. White contact Affordable Care about presenting their ideas to the Board at a future meeting.

The Board recessed for lunch at 1:00 p.m. and reconvened at 2:00 p.m. to continue with the Formal Hearing involving Dr. William Boles, Jr. The formal hearing recessed for the day at 6:00 p.m.

SATURDAY, MARCH 16, 2019

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Saturday, March 16, 2019, at the Board's offices in Morrisville for the purposes of resuming the formal hearing in the matter of Dr. William Boles, Jr. Dr. Millard "Buddy" Wester presided over the hearing. All members of the Board were present. Mr. Douglas Brocker and Ms. Crystal Carlisle 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. Boles. A court reporter was present to transcribe the proceedings. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Ms. Betty Sines, Investigations Coordinator, and Mr. Line Dempsey, Senior Investigator. The hearing adjourned for the day at 8:30 p.m.

✚ Cyber Security
[Postponed]

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

[None]

VIII. NEW BUSINESS

- A. Public Health Hygienists **[Item #3] Mr. White**
NCDS submitted a request for rule changes to address access to care issues within certain dental settings. A portion of the rule would address the current 2:1 ratio regarding RDH:DDS. Private practices would not be impacted by this rule change as it would be very specific to public health settings. Staff will draft rule language and present to the Board at a future meeting.
- B. 21 NCAC 16H .0207 **[Item #4] Mr. White**
Dr. Litaker made a motion to have staff draft language to amend this rule to extend the exception for dental assistants assisting dental hygienists in certain settings to include ECU. Dr. Young seconded the motion, which passed by general consent.
- C. Dental Licensing Compact **[Item #5] Mr. White**
Mr. White informed the Board that he was asked to participate on this committee as the representative for the AADA but has declined to do so.
- D. Approve Nitrous Oxide Course **[Item #6] Ms. Goode**
[Postponed]
- E. ADEX – House of Representative/Exam Committee **[Item #7] Dr. Wester**
[Postponed]

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #8] Ms. Goode**
[Postponed]
- B. Examinations
[No Report]

X. REPORT FROM LEGAL COUNSEL

- [No Report] **Mr. Brocker**

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (February) **[Item #9] Dr. Sadler**
[Postponed]
- B. Hearing Panel Decisions
 - a. Log #08-179 **[Item #10] Dr. Sadler**
[Postponed]
 - b. Log #17-243 **[Item #11] Dr. Sadler**

[Postponed]

C. Settlement Conferences

The Board conducted one (1) settlement conference throughout the meeting. Ms. Whitney Waldenberg represented the Board. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, April 12, 2019, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting several settlement conferences and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Sadler made a motion to adjourn the meeting. Dr. Young seconded the motion, which passed by general consent. The meeting adjourned at 8:30 p.m.

Reported by: _____

Casie S. Goode

Casie S. Goode

Deputy Operations Officer

Date of Approval: _____

April 13, 2019

MEMBERS OF THE BOARD

Dr. Millard W. Wester, III, President

Dr. Kenneth M. Sadler, Secretary-Treasurer

Dr. Merlin W. Young, Past-President

Dr. William M. Lstake, Jr.

Dr. Catherine Watkins

Dr. Edward J. Clemons, Jr.

Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member