

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
March 12, 2021

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 8:30 a.m., Friday, March 12, 2021, 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 today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

If, during the discussion, 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 himself or herself.

B. Roll Call

All members of the Board were present at the Board office. The members present at the Board office included Dr. Millard Wester, III, Dr. Edward Clemons, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Raleigh Wright, III, Ms. Nancy St. Onge, RDH and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Amanda Carver, Investigator, Betty Sines, Investigations Coordinator, Dirk German, Investigator, Tyler Henderson, Investigator 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. Wester declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Wester

Dr. Litaker moved, which was seconded by Dr. Clemons, to accept the agenda as presented. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of February 11-12, 2021

[Item #1] Dr. Wester

Following a review of the February 11-12, 2021 Minutes, Dr. Litaker moved to approve the Minutes as amended. Dr. Lanier seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Wester

Dr. Wester thanked Dr. Clemons for chairing the February meeting.

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (February)

[Item #2]

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

B. Personnel Matters

Jamie Rivera had her baby and is on maternity leave. James Brocker is a temporary employee covering for Ms. Rivera during her leave.

C. Miscellaneous



Vaccinations

[Item #3]

On March 3, 2021, Dr. Mandy Cohen signed Secretarial Order No. 8 allowing licensed dentists to administer COVID-19 vaccinations. The Order will remain in effect until May 10, 2021. Dr. Wester commended Mr. White, Mr. Brocker and staff for doing such an excellent job on such a short notice.



Letter to the AADB

[Item #4]

The American Association of Orthodontists, the American Academy of Pediatric Dentistry and the American Association of Oral and Maxillofacial Surgeons submitted a letter to the American Association of Dental Boards to express displeasure that SmileDirectClub was the “Diamond Sponsor” for the 2021 Mid-Year Meeting. The letter was accepted for informational purposes.



Teledentistry Bill

A Teledentistry Bill was introduced on February 24, 2021. The Bill allows payment for services that are completed remotely. The Bill also allows dental hygienists to administer local anesthesia. The Board does not have any opposition to this Bill as currently written.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

Dr. Clemons was contacted by the CPA firm conducting the Board’s annual audit. During his conversation, he let them know that he did not have any discrepancies with the way things are currently being handled by Board staff.

C. Sedation/General Anesthesia Committee

Dr. Lanier attended a webinar through DOCS where she learned about what courses they have to offer for continuing education.

Board staff recently received inquiries about muscle relaxants and the requirement that moderate sedation permit holders and pediatric sedation permit holders are required to maintain them in the office. The concern is that moderate sedation permit holders and pediatric sedation permit holders do not need to have muscle relaxants because they are not equipped to manage airway issues. The Board directed staff to survey the sedation committee regarding this requirement.

VII. OLD BUSINESS

- A. Home Sleep Apnea Tests **[Item #5] Dr. Wester**
The American Academy of Sleep Medicine, The American Academy of Neurology, the American Academy of Otolaryngology-Head and Neck Surgery and the American Thoracic Society submitted a letter to the Board expressing concerns with dentists ordering, administering, and interpreting home sleep apnea tests. The Board accepted this letter for informational purposes; however, the Board's position remains the same. Dentists should not be prescribing home sleep apnea tests, not even as a screening tool because these are diagnostic tests for a medical condition. Dentists may utilize home sleep apnea tests following a diagnosis from a medical doctor and the fabrication of dental appliance. The test should only be used to determine the effectiveness of the appliance.
- B. May 2021 Board Meeting Dates **Dr. Wester**
The Board Meeting dates did not change. However, the site of the meeting did. Therefore, the meeting will be held May 19-20, 2021 at the Board office in Morrisville, North Carolina.

VIII. NEW BUSINESS

- A. AADB February 2021 Meeting Discussion **Dr. Litaker/Dr. Wright/Ms. St. Onge**
Dr. Litaker, Dr. Wright and Ms. St. Onge attended the virtual American Association of Dental Boards (AADB) meeting February 26-28, 2021. The meeting was sponsored by SmileDirectClub. A new membership category has been created to allow companies such as SmileDirectClub to become members of the AADB; however, the membership does not include voting rights or the right to hold office.

It was reported that the AADB is continuing to pursue the continuing education accreditation process and will be adding a second office in Washington, DC.

- B. Out-of-State Consultations **[Item #6] Mr. White**
Mr. White received an inquiry from Mr. Peter Finn with Bradley Curley Barrabee & Kowalski regarding the permissibility for an out-of-state licensed dentist to provide consultation on x-ray images for a North Carolina licensed dentist. Consulting with fellow experts is not prohibited by the Dental Practice Act; therefore, out-of-state consultations are permitted.
- C. Report on Radiation Protection Meeting **Dr. Clemons**
Dr. Clemons discussed a recent meeting that he attended with Radiation Protection. The main goal of the meeting was to discuss ways of decreasing radiation exposure. One idea to

accomplish this goal is changing from circular collimation to rectangular collimation. The need for a shielding plan other than lead aprons was also discussed.

- D. October 2021 Board Meeting Dates - **Dr. Wester**
The meeting dates originally scheduled for October 8-9, 2021 have been changed and the October Board Meeting will be held on October 1-2, 2021 at the Board office in Morrisville.
- E. 16W
In scenarios where FQHCs are utilizing a public health hygienist, the hygienist may supervise a dental assistant. Also, non-clinical office staff can collect basic health information and data and enter the information into the patient record.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #7] Ms. Goode**
Dr. Litaker 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. Johnson and passed by general consent.
- B. Examinations
An examination is being administered by CITA at the University of North Carolina, today, March 12, 2021.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

- A. Nitrous Oxide Instructor Requirements
Following a discussion, the consensus was that the didactic portion of the Nitrous Oxide monitoring course may be taught by anyone approved by the Board, however; the clinical portion must be overseen by a dentist. The dentist must be in a supervisory role over the person teaching the didactic portion.
- B. Immigration Categories **[Item #8]**
The Bashyam Shah LLP Immigration Law Group completed a Memorandum of Law regarding licensing requirements in North Carolina for various immigration categories. The memo was presented and accepted for informational purposes.

Mr. Totman 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 Dr. Litaker and passed by general consent. Following advice from legal counsel, Dr. Wright made a motion to move into open session to vote on the decision in this matter. Dr. Litaker seconded. Motion carried.

- C. Unauthorized Practice of Dentistry **[Item #9]**
- D. Rules for Permanent Adoption **[Item #10]**
Amendments to 16J, the sanitation rule, were presented for approval and permanent adoption. Prior to voting, the Board requested that Mr. Brocker and Ms. Bartley research

organizations that are qualified to train and certify facility dogs and alter the current language according to the findings.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (February) **[Item #11] Dr. Clemons**
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. Litaker 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. Johnson and passed by general consent.

a. Log #18-257 **[Item #12] Dr. Wester**

b. Log #16-052 **[Item #13] Dr. Litaker**

C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, April 8, 2021 and will be held at the Board's offices in Morrisville, North Carolina to conduct a rulemaking hearing and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Lanier made a motion to adjourn the meeting. Dr. Wright seconded the motion, which passed by general consent. The meeting adjourned at 2:10 p.m.

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

Date of Approval: April 9, 2021

MEMBERS OF THE BOARD

- Dr. Millard W. Wester, III, President*
- Dr. Edward Clemons, Jr., Secretary-Treasurer*
- Dr. Karen Lanier*
- Dr. Raleigh Wright, III*
- Dr. William Litaker*
- Dr. Mark Johnson*
- Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member*
- Mr. Dominic Totman, Esq., Consumer Member*