

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Sunset Beach, North Carolina
May 15-16, 2019

WEDNESDAY, MAY 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 8:30 a.m., Wednesday, May 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 except for Dr. William Litaker and Dr. Catherine Watkins. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. Edward J. Clemons, Jr., 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 Goode, Deputy Operations Officer, Ms. Betty Sines, Investigations Coordinator, Amanda Carver, Investigator, and Mr. Douglas Brocker, Legal Counsel for the Board was also present.

C. Declaration of Quorum

With six 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

Ms. St. Onge moved, which was seconded by Dr. Clemons, 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 April 12-13, 2019

[Item #1]

Dr. Wester

Following a review of the April 12-13, 2019 Minutes, Dr. Clemons moved to approve the Minutes as drafted. Ms. St. Onge seconded the motion, which passed by general consent.

IV. REPORT FROM PRESIDENT
[None]

Dr. Wester

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (April)

[Item #2]

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

B. Personnel Matters

Mr. White updated the Board regarding the current search to fill the vacant investigator position.

C. Miscellaneous



Legislative Update

[Item #3]

Mr. White gave a brief report regarding proposed HB 484. This Bill is an act to require that all state agencies and licensing boards verify the immigration status of applicants for public benefits and use the systematic alien verification for entitlements to obtain that verification.



AADB

Dr. Young moved to approve any expenses, including one travel day before the meeting and one travel day after the meeting, for Board Members and necessary staff to attend the upcoming AADA/AADB Meeting held on October 17-20, 2019 in Las Vegas, Nevada. Dr. Sadler seconded, motion carried.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

[None]

C. Sedation/General Anesthesia Committee

Dr. Sadler reported that the sedation committee met on Friday, May 10, 2019 to finalize test questions for the office evaluation process. The committee is also conducting research to determine if PEARS should be accepted as well as PALS for Pediatric Moderate Sedation permit holders.

Dr. Sadler reported that during the in-person office inspections, staff is discovering deficiencies other than permit holders failing to display certificates. The Board discussed giving the licensee 15 days to get into compliance with the Board's Rules or it becomes an investigative matter. The Board requested that the sedation committee develop guidelines

for handling minor administrative noncompliance. However, critical issues of noncompliance will result in a request that the permit holder voluntarily cease the administration of general anesthesia or sedation until compliance is achieved. In those instances, failure to voluntarily stop performing general anesthesia or sedation could result in the summary suspension of the permit.

Dr. Young made a motion for the Board to purchase 24 sedation textbooks written by Dr. Stanley Malamed for the sedation committee to utilize for purposes of serving on this committee. Dr. Clemons seconded the motion, the motion carried.

VII. OLD BUSINESS

- A. Home Sleep Testing **[Item #4] Mr. White**
Dr. Young made a motion to approve amending the Board’s current position statement regarding dental sleep screening to clarify that it is the Dental Board’s opinion, being involved in diagnosing OSA, including dispensing home sleep test for any reason prior to diagnosis by an MD, would fall outside the scope of the practice of dentistry. Mr. Totman seconded the motion, which passed by general consent.

VIII. NEW BUSINESS

- A. Approve Volunteer CE **[Item #5] Ms. Goode**
The Board received a request from Ms. Angela Campbell-Clontz, RDH to approve a Dentistry from the Heart free dental day as a volunteer event, whereby any participating licensee can receive continuing education credit hours. Ms. St. Onge made a motion to approve this event for volunteer continuing education hours. Dr. Clemons seconded the motion, which passed by general consent.
- B. Elections
Mr. Totman was nominated and will serve as election chair for this year’s election.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #6] Ms. Goode**
Dr. Young 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. Clemons and passed by general consent.
- B. Examinations
[no report]

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker

- A. Rules – Update on Technical Changes **[Item #7]**
Dr. Young made a motion to publish the amendment of 21 NCAC 16E .0102 and 21 NCAC 16V .0101 and not proceed with the publication of 21 NCAC 16N .0305. Mr. Totman seconded the motion, which passed by general consent.
- B. Rules for Publication **[Item #8]**

In response to a recent petition for rulemaking, Mr. Totman made a motion to approve the amendments to Subchapter 16W for Public Health Hygienists. Dr. Young seconded the motion. The motion carried.

- C. Rules for Publication - 16H .0207 **[Item #9]**
In response to a recent request from the East Carolina School of Dental Medicine, Dr. Young made a motion to approve the publication of amendments to 21 NCAC 16H .0207. Ms. St. Onge seconded the motion, which passed by general consent.

The Board recessed from 11:45 – 1:30 for lunch. At 1:30, Dr. Wester resumed the meeting at which time, Dr. Young made a motion to move into closed session, pursuant to NCGS §143-318.11(3), in order to receive the advice of legal counsel regarding a petition submitted by Dr. Raleigh Wright. Dr. Wright alleges in his petition that Drs. Sadler and Dr. Feingold are or were not actually engaged in the practice of dentistry at the time of nomination and election as required by statute. Mr. Totman seconded the motion, which passed by general consent. Dr. Kenneth Sadler recused himself from the discussion of this matter. Following the discussion, Dr. Young made a motion to move into open session to resume Board business. Dr. Clemons seconded the motion which passed by general consent.

The Board informed staff that Mr. Dominic Totman will chair an Investigative Panel to investigate Dr. Wright's allegations and the findings of that investigation will be reported to the Board in a special meeting at a time and date to be determined following the conclusion of the investigation. The Board decided that going forward, all nominees for election to the Board of Dental Examiners shall submit affidavits at the time of nomination that attest to the fact that the licensee is actively engaged in the practice of dentistry or dental hygiene.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (April) **[Item #10] Dr. Sadler**
The Board reviewed investigative statistics for the month of April, as well as year to date. The statistics were accepted for informational purposes..

- B. Hearing Panel Decisions
 - a. Log #18-198 **[Item #11] Dr. Sadler**

 - b. Log #19-056 **[Item #12] Dr. Sadler**

Amanda Carver, the Board's Investigator, gave a brief presentation of Sharefile and met with individual Board Members to answer questions and make sure each member is able to access information via Sharefle. Dr. Wester adjourned the meeting at 2:30 p.m.

THURSDAY, MAY 16, 2019

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Thursday, May 16, 2019, at The Thistle Golf Resort in Sunset Beach, North Carolina in order to conduct two (2) settlement conferences. Dr. Wester, President of the Board, called the meeting to order. All members of the Board were present except for Dr. William Litaker and Dr. Catherine Watkins. Also present were Mr. Bobby D. White, Chief Executive Officer; Ms. Casie Goode, Deputy Operations Officer; Ms. Betty Sines, Investigations Coordinator; Ms. Amanda Carver, Investigator; and Mr. Douglas Brocker, Legal Counsel.

C. Settlement Conferences

The Board conducted two (2) settlement conferences during the meeting. Mr. Douglas Brocker represented the Investigative Panel at the conferences and standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, June 13, 2019, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting several disciplinary hearings and to consider 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 11:30 a.m.

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

Date of Approval: June 14, 2019

MEMBERS OF THE BOARD

Dr. Millard W. Wester, III, President
Dr. Kenneth M. Sadler, Secretary-Treasurer
Dr. Merin W. Young, Past-President
Dr. William M. Litaker, Jr.
Dr. Catherine Watkins
Dr. Edward J. Clemons, Jr.
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member