

North Carolina State Board of Dental Examiners

Special Meeting Minutes

27 May 2019

A properly noticed special meeting of the NC State Board of Dental Examiners was conducted by conference call on 27 May 2019. Three members of the public and one Board member attended at the Board's office and were able to listen to the call.

Dr. Wester called the meeting to order at 12:00 noon. He noted that the purpose of the meeting was to consider evidence and rule on a petition submitted by Dr. Raleigh Wright challenging the validity of Dr. Kenneth Sadler and Dr. Cliff Feingold as candidates for open positions in the upcoming Dental Board election.

Board members present: Dr. Wester, Nancy St. Onge RDH, [attended at the Board's office], Dr. William Litaker, Dr. Merlin Young, Dr. Catherine Watkins, Dr. Edward Clemons.

Absent: Mr. Dominic Totman, Case Officer who directed the investigation.

Recused: Dr. Kenneth Sadler

Staff: Betty Sine, Bobby White [attended at the Board's office]

Legal Counsel: Doug Brocker

A quorum was present for the purpose of conducting business. It was noted that Mrs. St. Onge is eligible to vote on this matter since it is not a matter of discipline for a dentist and, therefore, not prohibited by statute.

Mr. Brocker reviewed the issue and the substance of Dr. Wright's challenge. Essentially, Dr. Wright alleges that Drs. Sadler and Feingold are or were not actually engaged in the practice of dentistry at the time of nomination and election as required by the statute. [A copy of Dr. Wright's letter is attached to these minutes.] Dr. Sadler and Feingold were notified of the challenge on 21 May 2019 and shortly thereafter submitted notarized affidavits and other documentation attesting to how they have been and currently are engaged in the practice of dentistry. [Copies of these documents are attached.]

Mr. Brocker made the members of the Hearing Panel aware that legal challenges may result from this investigation and requested that the group go into closed session to receive the advice of legal counsel. At 12:15 p.m. Dr. Young moved and Dr. Litaker seconded a motion to enter closed session to receive the advice of legal counsel. The motion passed.

Ms. St. Onge left the Board room and continued the call from the Board's deliberation room. Members of the public and staff dropped the call with the proviso that they would be notified when the Hearing Panel returned to open session.

At 12:31 p.m. staff was notified that a proper motion and second had been made to return to open session. Thereafter, the members of the public and staff were re-connected to the call.

Dr. Watkins moved, Dr. Clemons seconded a motion stating that based on the evidence submitted both candidates were licensed and met the statutory definition of practicing dentistry at the time of nomination and election. The motion passed unanimously.

With no further business, the meeting was adjourned at 12:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bobby D. White". The signature is stylized and cursive.

Bobby D. White
CEO, Legal Counsel
NC State Board of Dental Examiners

Dr. Raleigh Wright

NC License #6396

188 Ruffed Grouse • Chapel Hill, NC • 919-880-3913 • raleighwright.iii@gmail.com

North Carolina State Board of Dental Examiners
2000 Perimeter Park Drive, Suite 160
Morrisville, NC. 27560

May 14, 2019

To Whom It May Concern:

I would like to officially protest the nomination and potential/subsequent election of Dr. Kenneth Sadler and Dr. Clifford Feingold to the NC Board of Dental Examiners. Neither of these dentists currently, or in the past year or more, are or have been 'actually engaged in the practice of dentistry'. I was informed by Dr. Sadler's receptionist that he 'hasn't seen or treated patients in over two years', and he apparently has recently sold his dental office. Additionally, I spoke with a receptionist at the most recent business address of Dr. Feingold, and was informed that he has 'retired' and no longer treats patients.


Article 2: 90-22 of the Dental Practice Act states:

"No dentist shall be nominated for or elected to membership on said Board, unless, at the time of such nomination and election such person is licensed to practice dentistry in North Carolina and actually engaged in the practice of dentistry."

I realize that an extraneous 'interpretation' of 'practicing dentistry' will probably be proposed. However, I have spoken to administrators at several other State Dental Boards with similar laws - and they all have interpreted their laws to imply that their Board members should be actually **treating patients on a regular basis**. It seems obvious to me that the purpose of this designation in our Dental Practice Act is so that the members of the Dental Board - who approve, investigate, evaluate and ultimately judge the other dentists in the state - should be actively 'engaged' in 'wet-fingered' dentistry. My honest opinion is that the other dentists of North Carolina would agree with upholding this statute, and I request that both applicants' names be removed from consideration for this year's election.

Please let me know of your final determination and if I need to submit this official protest to a higher authority.

Sincerely,



Dr. Raleigh Wright

NC License #6396

raleighwright.iii@gmail.com

910-880-3913

AFFIDAVIT

State of North Carolina

Forsyth

County

I Kenneth M. Sadler, DDS, first being duly sworn, deposes and says:

I live at 8519 Brook Meadow Lane Lewisville, NC 27023

I am 69 years old and I am employed at Kenneth M. Sadler, DDS and Associates, PA.

Below is a description of the events as they occurred.

I am writing in response to the challenge regarding my eligibility "to stand for the upcoming election to the" North Carolina State Board of Dental Examiners. I qualify for the upcoming election to the Dental Board by virtue of satisfying as is required by GS 90-29 at least one or more of the items listed therein. Specifically, as noted above, I represent myself as a DDS "qualified to do or perform any one or more of the acts or practices set forth in subdivisions (1) through (10)", additionally, I review radiographs/roentgenograms on a regular basis and make decisions relative to the referral of patients for oral surgical procedures., I also consult with dentists within the practice regarding treatment matters. I oversee by delegation the referral process to external providers of dentistry and medicine.

I participate on a regular basis in the administration of dental licensure examinations which involves the review of "x-rays", inspection of teeth and the review of medical records.

I participate in a consultative role in the management of the dental practice and supervise by delegation both clinical and administrative staffs.

I routinely offer advice regarding patient complaints in my current role as a member of the Dental Board. This involves the review of diagnostic information/material as well as the review of dental records.

Julia C. Parks
SIGNATURE

Sworn to and subscribed before me
This the 21 day of May, 2019.

Julia C. Parks, Julia C. Parks
, Notary Public

My Commission Expires:

February 22, 2021

JULIA C. PARKS
Notary Public - North Carolina
Forsyth County

AFFIDAVIT

State of North Carolina

Buncombe County

Clifford O. Feingold, D.D.S., first being duly sworn, deposes and says:

I live at 4 Stuart Cir., Asheville, NC 28804
I am 69 years old and I am employed at Dr. Feingold, PA

Below is a description of the events as they occurred.

1). I have participated as a grader and/or clinic floor examiner in ten CDCA and CITA licensure examinations from January, 2019 until present wherein diagnosis of dental disease and reading of x-rays are regularly performed by me. I am represented to the testing agencies and participants in the examination process as being qualified to do or perform any of the acts as defined in NC GS 90-29 b.

2). I have attached a letter from one of the North Carolina dental offices in which I have provided *locum tenens* services on multiple occasions in as recently as 2019. As Dr. Keating attests, I diagnose, make impressions for dental prostheses, administer local anesthetic, and adjust teeth and dental prostheses.


SIGNATURE

Sworn to and subscribed before me
This the 21st day of May, 2019.

Wona J. Malo
Notary Public

My Commission Expires: 2-28-22

