

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
November 6, 2020

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, November 6, 2020, 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 with the exception of Dr. Karen Lanier, who joined us via Zoom. The members present at the Board office included Dr. Millard Wester, III, Dr. Edward Clemons, Dr. William Litaker, Dr. Mark Johnson, 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 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 October 9, 2020

[Item #1] Dr. Wester

Following a review of the October 9, 2020 Minutes, Ms. St. Onge moved to approve the Minutes as amended. Dr. Litaker seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Wester

[None]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (October)

[Item #2]

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

B. Personnel Matters

Mr. White reported that between now and the December meeting, he, Ms. Goode and Ms. McCullough would be conducting end of the year evaluations with staff. Board members were asked to contact our office in the next couple of weeks if they had any information they wanted to contribute to a specific employee's evaluation.

C. Miscellaneous



AADB Mid-Year Meeting

The AADB will hold a virtual Mid-Year Meeting on February 27-28, 2021. Despite the virtual nature of the meeting, the AADB fees associated with participating will be the same as past fees for in person meetings.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

a. 2021 Budget

[Item #3]

Dr. Clemons

Dr. Clemons and Mr. White presented a draft of the 2021 budget for the Board's review. Board members were encouraged to review the proposed budget and be prepared to approve a final version at the December meeting.

C. Sedation/General Anesthesia Committee

[None]

VII. OLD BUSINESS

A. Dental Sleep Subcommittee

[Postponed]

Dr. Johnson

Dr. Wright

B. 21 NCAC 16J .0101 and .0103

[Item #4]

Mr. Brocker

At its August 2020 meeting, the Board voted to approve for publication amendments to two rules, 21 NCAC 16J .0101 and .0103, governing sanitation, sterilization, and infection control. Upon receiving Board approval, the rules were submitted to the Rules Review Commission (RRC) for pre-review. The RRC pre-review resulted in substantive changes, therefore additional amendments have been incorporated.

Dr. Litaker made a motion to approve the amendments to 21 NCAC 16J .0101 and 21 NCAC 16J .0103 for publication. Dr. Wright seconded the motion. The motion carried.

VIII. NEW BUSINESS

- A. UNC Rotation Sites **[Item #5] Ms. Goode**
UNC requested Board approval of NC Division of Safety, Division of Adult Correction and Juvenile Justice, the W.G. Bill Hefner VA Medical Center, Durham County Health Department, Indian Health Service Hospital and Orange County Health Department as rotation sites for dental students currently enrolled at UNC. Upon review of the documentation, Dr. Litaker made a motion to approve the proposed rotation sites. Dr. Johnson seconded the motion. The motion carried.
- B. Approve Radiology Course/Instructors **[Item #6] Ms. Goode**
Ms. Christina Hill submitted a radiology course for approval. Upon review of the documentation submitted, Dr. Johnson made a motion to approve the course and to approve Drs. Devinn Geeson and Danielle Gough as course instructors. Dr. Wright seconded the motion. The motion passed by general consent.
- C. Prescribing Outside the Scope **Dr. Wright**
A question was posed regarding whether a dentist can prescribe medication to treat a vaginal yeast infection that was caused by an antibiotic prescribed by the dentist for a dental condition. Following a discussion, the Board decided that a dentist may not prescribe medications to treat medical conditions, even if the condition was caused by a prescription issued by the dentist.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #7] Ms. Goode**
Dr. Wright 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. Litaker and passed by general consent.
- B. Examinations
- a. CDCA/ADEX Presentation
Ms. St. Onge and Dr. Litaker gave a report about the ADEX presentation given by CDCA. Several changes are being proposed for the 2021 examination cycle. The proposed changes will be presented for a vote at the November 7, 2020 ADEX meeting.

X. REPORT FROM LEGAL COUNSEL

- A. 21 NCAC 16W Question **[Item #8] Mr. Brocker/Mr. White**
Dr. Quiana Robinson with the Charlotte Community Health Clinic requested approval to utilize public health hygienists at this Charlotte based clinic. Following a discussion, Dr. Wright made a motion to have Mr. White notify Dr. Robinson that the clinic may utilize

limited supervision hygienists but does not qualify to utilize public health hygienists. Dr. Clemons seconded the motion. The motion carried.

- B. Recodification in Subchapter 16Q **[Item #9]**
Dr. Wright made a motion to approve the recodification in Subchapter 16Q. Dr. Johnson seconded the motion. The motion carried.
- C. Sedation Question **[Item #10]**
Dr. Steven Hamrick requested the Board reconsider their recent decision regarding the use of Ketamine.

Dr. Litaker 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. Clemons 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. Clemons seconded. Motion carried.

Dr. Wright made a motion to have Mr. White and Mr. Brocker respond to Dr. Hamrick, by clarifying the Ketamine decision and informing Dr. Hamrick that the Board will not make advisory statements on issues that involve the standard of care and when a practitioner is seeking advice about the actions or potential actions of others and not his or her own actions. Each scenario will be investigated, and a decision rendered on a case-by-case basis. Dr. Johnson seconded the motion. The motion carried.

- D. Auxiliaries assisting in GA/Sedation **[Item #11]**
Dr. Bonnicks requested that the Board edit its interpretive statement regarding auxiliaries providing assistance in administering sedation or anesthesia to allow dental assistants to prepare or draw sedation/anesthesia drugs into the syringe prior to use on a patient. Mr. White will inform Dr. Bonnicks that the revision to the statement cannot be made, as the prohibition was approved by the General Anesthesia and Sedation Advisory Committee, is found in the Board's rules and furthermore, the Board believes it is not in the best interest of the public to make this requested change.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (October) **[Item #12] Dr. Clemons**
The Board reviewed investigative statistics for the month of October as well as year to date. The statistics were accepted for informational purposes.
- Dr. Clemons commended staff and Board Members for their hard work with respect to investigating cases.
- B. Hearing Panel Decisions
During open session, and without conducting other business, Dr. Clemons 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 #18-254 [Item #13] Dr. Wright
- b. Log #19-062 [Item #14] Dr. Watkins
- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board’s next regularly scheduled meeting will begin on Friday, December 11, 2020 and will be held at the Board office, in Morrisville, for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Wright made a motion to adjourn the meeting. Dr. Johnson seconded the motion, which passed by general consent. The meeting adjourned at 1:35 p.m.

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

Date of Approval: December 11, 2020

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*