

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
October 10-11, 2019

THURSDAY, OCTOBER 10, 2019

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, October 10, 2019, for the purposes of conducting a public Rule Making Hearing involving proposed rule changes to 21 NCAC 16W. All members of the Board were present, with the exception of Dr. Karen Lanier. Also present was Mr. Bobby D. White, Chief Executive Officer, Casie S. Goode, Deputy Operations Officer and Mr. Douglas Brocker, the Board's legal counsel. Approximately forty members of the public were also in attendance. The proceeding was recorded, and a copy of the proposed rules is attached to the Minutes. The public hearing concluded at 7:00 p.m., at which time the Board recessed its meeting for the day.

FRIDAY, OCTOBER 11, 2019

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Young

A. Call to Order

Dr. Merlin Young, President of the Board, called the business meeting to order at 8:30 a.m., Friday, October 11, 2019, at the Board's offices in Morrisville, North Carolina. Dr. Young 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. Catherine Watkins, Dr. Edward Clemons, Jr., 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, Betty Sines, Investigations Coordinator, Dirk German, Investigator, Amanda Carver, Investigator, Tyler Henderson, Investigator, Jamie Rivera, Paralegal, and Ms. Crystal Carlisle 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. Young declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Young

Dr. Wester moved, which was seconded by Dr. Watkins, 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.

At 8:30 a.m., 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. Wester seconded the motion which passed by general consent. The conference concluded at 10:25 a.m. at which time the Hearing Panel met to deliberate. The Hearing Panel returned from deliberating at 11:15 a.m. at which time to Dr. Wester made the motion to move into open session to resume Board business. Dr. Clemons seconded the motion, and the motion passed.

III. APPROVAL OF MINUTES

A. Minutes of September 13, 2019

[Item #1] Dr. Young

Following a review of the September 13, 2019 Minutes, Dr. Wester moved to approve the Minutes as drafted. Dr. Watkins seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

Dr. Young

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

A. Financial Report (September)

[Item #2]

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

B. Personnel Matters

Mr. White announced that we are fully staffed, and that Mr. Dirk German will complete his 90-day probationary period next Tuesday, October 15, 2019.

C. Miscellaneous



Research Published on Limited Supervision Dental Hygiene

A graduate student at UNC-Chapel Hill published a research book on the limited supervision of dental hygiene (NCGS §90-233 (a1) – (a5)). The research concluded that the statutes and rules governing limited supervision dental hygiene are often misunderstood and under-utilized.



Electronic Prescribing

Beginning January 1, 2020, all prescriptions for controlled substances must be submitted electronically. Information will be posted on the Board's website to give our licensees resources for implementing this requirement.



Disciplinary Action on the Website

Dr. Wester made a motion to update the disciplinary action page of the website quarterly. Dr. Clemons seconded the motion which passed by general consent.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[No Report]

B. Finance Committee
[No Report]

C. Sedation/General Anesthesia Committee
Dr. Lanier informed the Board that she met with Dr. Stanley Allen and Dr. Kenneth Sadler on Monday, September 16, 2019 to discuss the history and future direction of the Sedation Advisory Committee now chaired by Dr. Lanier. Dr. Lanier is currently working with Ms. Cheri Ramos to schedule a meeting with all of the committee members.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

A. Question Regarding Scaling **[Item #3] Ms. St. Onge**
After receiving information that there may be some general confusion amongst licensees regarding dental assistants supragingivally scaling, the Board directed staff to remind all licensees in the next newsletter that dental assistants may NOT scale supragingivally or subgingivally. The next email blast to all licensees should reflect this reminder as well.

B. Approve Radiology Course **[Item #4] Ms. Goode**
North Carolina Dental Assistant School and Vandelay Education submitted a radiology course for Board approval. Dr. Wright made a motion to approve the course but suggested that the instructor consider adding more about digital imaging to the curriculum. He further suggested that she consider adding a component regarding cone beam imaging and the use of a handheld x-ray system. Dr. Wester seconded the motion which passed by general consent.

C. Approve Minimal Sedation/Nitrous Course **[Item #5] Dr. Lanier**
Dr. Larry J. Sangrik submitted a minimal sedation course and a nitrous-oxide conscious sedation and monitoring course for approval. Upon review of the documentation submitted, Dr. Wright made a motion to approve the courses and to approve Dr. Sangrik as the course instructor. Dr. Wester seconded the motion. The motion passed by general consent.

D. April 2020 Meeting Date **Dr. Young**
Dr. Wester made a motion to change the April 10-11, 2020 meeting date to April 8, 2020. The meeting will be held via conference call beginning at 6:00 p.m. Dr. Clemons seconded the motion. Motion carried.

E. Light Therapy **[Item #6] Ms. Goode**
The Board received an inquiry asking if a dental assistant is permitted to perform low-level light therapy with a laser extra-orally to the TMJ. The Board requested that staff obtain more information about the procedure before responding.

F. Laser technology **[Item #7] Ms. Goode**
The Board received an inquiry asking if a dental hygienist may utilize a laser for bacterial decontamination. Following a discussion, it was determined that under the current rules, laser use is not permitted by dental hygienists in North Carolina.

G. Miska Study Club **Dr. Wright**
On October 4, 2019, Dr. Wright attended the Monte Miska Study Club. At the meeting, Dr. Wright assured the study club members that the Board members and Board staff are very approachable and responsive, and he welcomed any questions.

Mr. White reminded the Board members that staff is available to offer support to all Board members as needed when members are invited to make appearances and speak at different events.

The Board recessed for lunch from 12:25 p.m. until 1:15 p.m. at which time the business meeting was resumed.

IX. LICENSURE MATTERS

A. Approval of Licenses/Permits/Reinstatements **[Item #8] Ms. Goode**
Dr. Wester 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
Dr. Wester announced that CITA ADEX exam assignments are being disseminated soon and he expressed his appreciation for all the Board members' participation in the 2019-2020 exam cycle.

X. REPORT FROM LEGAL COUNSEL

A. Policy on Animals in Dental Offices **Mr. Brocker [Item #9]**
Current Board rules do not allow animals except certified assistance animals required to assist disabled individuals in clinical areas. A question of therapy dogs being allowed into clinical areas has arisen and the Board requested Ms. Goode to obtain more information regarding the process and training requirements to become a certified therapy dog before responding.

B. Notice of Complaint Letter

Dr. Wester made a motion which was seconded by Dr. Clemons to add a verification requirement to the standard form letter that is sent to a respondent by the Board when a complaint is received. The form will verify that the respondent has read the response and that all of the information contained in the response is true and accurate. Motion carried.

C. Licensure Rules

Currently, there is a provision in the Limited Volunteer Dental License section that allows for a clinical simulation examination administered by the Board if based on the applicant's history, the Board thinks it is necessary. The Board no longer administers its own clinical examination and this provision is not reciprocated in any other licensure rule. Dr. Watkins made a motion to remove the language from the current rule through the rule-making process. Dr. Wester seconded the motion. Motion carried.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (September)

[Item #10] Dr. Watkins

The Board reviewed investigative statistics for the month of September. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions

During open session, and without conducting other business, Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on several Hearing Panel Decisions and other investigative matters. The motion was seconded by Ms. St. Onge and passed by general consent.

- a. Log #19-220 – Closure Report
[Decision Postponed]

[Item #11] Dr. Wester/Mr. Totman

- b. Log #19-067

[Item #12] Dr. Watkins

- c. Log #18-170 and #18-243

[Item #13] Dr. Young

C. Settlement Conferences

The Board conducted one settlement conference throughout the meeting. Ms. Crystal Carlisle represented the Investigative Panel. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, November 15, 2019, and will be held at the Board's office in Morrisville, North Carolina for the purposes of conducting a formal hearing and to consider routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Watkins made a motion to adjourn the meeting. Dr. Lanier seconded the motion, which passed by general consent. The meeting adjourned at 2:30 p.m.

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

Date of Approval: November 15, 2019

MEMBERS OF THE BOARD

Dr. Merlin Young, President
Dr. Catherine Watkins, Secretary-Treasurer
Dr. Millard W. Wester, III, Past-President
Dr. Edward Clemons, Jr.
Dr. Karen E. Lanier
Dr. Raleigh T. Wright, III
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member