MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
October 13, 2023

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

A. Call to Order
Dr. Catherine Watkins, President of the Board, called the business meeting to order at 8:33 a.m., Friday, October 13, 2023, at the Board’s offices in Morrisville, North Carolina. Dr. Watkins 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 the 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 meeting. The members present at the Board office included Dr. Edward Clemons, Dr. Stan Hardesty, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins, Ms. Lori Hendrick, RDH and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Rick Hetzel, Investigator, Tyler Henderson, Investigator, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, Kevin Snead, 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. Watkins declared a quorum for the purposes of conducting a disciplinary hearing and the business of the Board.

At 8:35 a.m., Dr. Hardesty made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Litaker seconded the motion. The motion carried. The conference concluded at 10:15 a.m., at which time Dr. Hardesty made the motion to move into open session to resume Board business. Dr. Lanier seconded the motion, and the motion passed.
II. APPROVAL & ORDER OF AGENDA

Dr. Hardesty moved, which was seconded by Dr. Clemons, to accept the agenda with permission for the President to add emergency items or those without public interest and take items out of order to facilitate business. The motion passed by general consent.

III. APPROVAL OF MINUTES

A. Minutes of September 8, 2023 [Item #1] Dr. Watkins

Following a review of the September 8, 2023 Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Hardesty seconded the motion which was passed by general consent.

IV. REPORT FROM PRESIDENT

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

A. Financial Report (September) [Item #2] Mr. White

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

B. Personnel Matters

[None]

C. Miscellaneous

❖ RDH staggering appointments [Item #3]

The Board received an inquiry regarding “staggering” dental hygiene appointments. The question is, may a dental office stagger dental hygiene appointments to avoid cancellations while complying with the statute that requires a dentist in private practice to supervise no more than two hygienists who are employed in clinical hygiene positions [G.S. 90-233(b)]?

Dr. Hardesty made a motion to approve the position statement making it clear that a dentist may not supervise more than two hygienists and staggering more than two hygienists is not acceptable. Dr. Litaker seconded the motion, the motion carried.

❖ Database Estimate [Item #4]

Dr. Hardesty made a motion to approve moving forward with Thought Span to design a new database. Dr. Litaker seconded the motion, the motion carried.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[None]

B. Finance Committee

[None]
C. Sedation/General Anesthesia Committee
   a. Approve Moderate Sedation Course  [Item #5]  Dr. Lanier
   Chris Richards, Executive Director of the Colorado Surgical Institute, requested approval of the Institute’s Moderate Sedation Course as an avenue for practitioners to obtain a Moderate Sedation Permit in North Carolina upon successful completion. The General Anesthesia and Sedation Advisory Committee has reviewed the course and recommends its approval. Dr. Litaker made a motion to approve the course. Dr. Watkins seconded the motion. The motion carried.

D. Radiology Committee
   Dr. Watkins announced that the Radiology Advisory Committee will hold a meeting, at the Board office, directly following the completion of the October 13, 2023, Board Meeting.

VII. OLD BUSINESS
   A. Dental/Dental Hygiene Compact  [Item #6]  Mr. White
   Mr. White updated the Board regarding the two compacts that have been drafted. One version comes from the Council of State Governments and the other from the American Association of Dental Boards. The Board accepted this update for information purposes and will continue to monitor this issue.

VIII. NEW BUSINESS
   A. Approve Medical Emergency Course  [Item #7]  Mr. White
   Eileen Clark, RDH, an instructor at Central Piedmont Community College, request approval of a 6-hour Office/Medical Emergencies course, designed for Limited Supervision Dental Hygienists to meet the state requirement to practice in that capacity. Dr. Hardesty made a motion to approve the course, Dr. Johnson seconded the motion. The motion carried.

   B. SCDAE Annual Meeting  [Item #8]  Ms. Goode
   Dr. Hardesty moved to approve any expenses for Board Members and necessary staff to attend the Southern Conference of Dental Deans and Examiners Annual Meeting, to be held January 19-21, 2024, in Charleston, South Carolina. Dr. Litaker seconded the motion, which passed by general consent.

   C. NC Society of Oral and Maxillofacial Surgeons  [Item #9]  Mr. White
   Dr. Hardesty moved to approve any expenses for Dr. Mark Johnson to attend the NC Society of Oral and Maxillofacial Surgeons Annual Meeting, to be held October 27-29, 2023, in Charlotte, North Carolina. Dr. Litaker seconded the motion, which passed by general consent.

IX. LICENSURE MATTERS
   A. Approval of Licenses/Permits/Reinstatements  [Item #10]  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. Clemons and passed by general consent.
B. Examinations
   [No Report]

X. REPORT FROM LEGAL COUNSEL

A. Potential Injunction
   Mr. Brocker
   Mr. Brocker informed the Board of an ongoing investigation into the unlicensed practice of
   dentistry. Dr. Hardesty made a motion to allow the investigative panel to initiate a lawsuit
   through the NC Court System. Dr. Litaker seconded the motion. The motion carried.

B. Rules for administering clinical exams
   Mr. White
   Mr. White updated the Board regarding its request to CDCA/WREB/CITA that Board
   Members currently serving be given priority to participate in North Carolina clinical
   competency examinations. CDCA/WREB/CITA agreed to honor the Board’s request;
   therefore, Mr. White inquired about moving forward with drafting rules that would require
   this action, in light of this update.

   Dr. Hardesty made a motion to move forward with drafting rules. Dr. Litaker seconded the
   motion. The motion carried.

C. Scope of Practice Question
   [Item #11] Mr. White
   The Lightwalker Laser (Smoothlase) is used in a variety of ways in dentistry, such as
   endodontics, periodontics and oral surgery. Additionally, it can be used to treat those with
   Bell’s Palsy, TMD and facial pain as well as stroke patients who have partial facial paralysis.
   The positive aesthetic effects were a secondary discovery. The question before the Board is,
   would Smoothlase (a nonsurgical method to tighten skin) be considered within the scope of
   dentistry since the procedure itself is accomplished intraorally?

   Following a discussion, the Board determined that this question has already been addressed
   in the Board’s most current Cosmetic Procedures Policy (Botox ®) and a dentist may not
   utilize this or any other treatment modality that is for cosmetic purposes only. It can be
   used when treating a dental condition, as defined in NCGS 90-29(b).

D. Rules for Permanent Adoption
   [Item #12] Mr. Brocker
   Dr. Hardesty made a motion to approve for permanent adoption amended Rules 21 NCAC
   16B .0101 and 16B .0501, and new Rule 16B .0502. Dr. Litaker seconded the motion. The
   motion carried.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (September)
   [Item #13] Dr. Johnson
   The Board reviewed investigative statistics for the month of September, as well as the year to
date. The statistics were accepted for informational purposes.

B. Hearing Panel Decisions
   [None]
C. Settlement Conferences
   The Board conducted one (1) settlement conference throughout the meeting. Mr. Douglas Brocker represented the Board’s Investigative Panel in the matter. Standard protocol was followed.

XII. NEXT MEETING
   The Board’s next regularly scheduled meeting will begin on Friday, November 17, 2023, and will be held at the Board’s offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences and routine Board business.

XIII. ADJOURNMENT
   There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Lanier seconded the motion which passed by general consent. The meeting was adjourned at 1:51 p.m.

   Reported by: Casie S. Goode
   Deputy Operations Officer

   Date of Approval: November 17, 2023

MEMBERS OF THE BOARD
Dr. Catherine Watkins, President
Dr. Mark Johnson, Secretary-Treasurer
Dr. Karen Lanier, Immediate Past President
Dr. William Litaker
Dr. Edward Clemmons, Jr
Dr. W. Stan Hardesty
Ms. Lori Hendrick, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member