

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Morrisville, North Carolina**  
**September 6-8, 2018**

**THURSDAY, SEPTEMBER 6, 2018**

The North Carolina State Board of Dental Examiners convened at 6:40 p.m., Thursday, September 6, 2018 at the Board's offices in Morrisville for the purposes of conducting motion hearings in the matter of Dr. Carolyn Kelly-Mueller. Dr. Millard "Buddy" Wester presided over the motion hearings. All members of the Board were present except for Dr. Edward Clemons. Mr. Douglas Brocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Ms. Carrie Meigs and Mr. Justin May served as legal counsel for Dr. Kelly-Mueller. A court reporter was present to transcribe the proceedings. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, and Mr. Steven Brewington, Board Investigator. The hearings concluded at 8:30 p.m.

**FRIDAY, SEPTEMBER 7, 2018**

**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, September 7, 2018, 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. The members included Dr. Merlin W. Young, Dr. Millard Wester, III, Dr. Edward J. Clemons, Jr., Dr. Catherine Watkins, Dr. Kenneth M. Sadler, Dr. William Litaker, Ms. Nancy St. Onge, R.D.H. and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie S. Goode, Deputy Operations Officer, Steve Brewington, Investigator and Mr. Douglas Brocker and Ms. Whitney Waldenberg 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.

---

---

Following the declaration of a quorum, the Board remained in open session for the purposes of conducting a formal hearing involving Dr. Carolyn Kelly-Mueller. Douglas Brocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Ms. Carrie Meigs and Mr. Justin May served as legal counsel for Dr. Kelly-Mueller. A court reporter was present to transcribe the proceedings. The hearing recessed for lunch at 12:30 p.m. At 1:00 p.m., the Board reconvened and remained in open session to conduct Board business. All members of the Board were present except for Dr. Edward Clemons.

---

---

**II. APPROVAL & ORDER OF AGENDA**

**Dr. Wester**

Dr. Litaker moved, which was seconded by Dr. Young, 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 August 10, 2018

**[Item #1] Dr. Wester**

Following a review of the August 10, 2018 Minutes, Dr. Litaker moved to approve the Minutes as written. Dr. Watkins seconded the motion, which passed by general consent.

**IV. REPORT FROM PRESIDENT**

**Dr. Wester**

Dr. Wester reported that he and Mr. White recently attended the Guy Willis Study Club where Dr. Wester gave an overview of the Board's many functions.

**V. REPORT FROM CHIEF EXECUTIVE OFFICER**

**Mr. White**

Mr. White expressed condolences to Dr. Wester on the recent passing of his mother as well as Dr. Sadler on the recent passing of his brother.

A. Financial Report (August)

**[Item #2]**

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

B. Personnel Matters

[None]

C. Miscellaneous

 Electrical Outlets

Dr. Young made a motion to approve the bid for the addition of several electrical outlets in the Board Meeting Room. Dr. Litaker seconded the motion which passed by general consent.

- ✚ New Board Member Orientation  
Mr. White and Ms. Goode met with Dr. Clemons last month for a new member orientation covering the subject areas outlined in G.S. 93B – 5 (g) (1-6).
- ✚ Annual NCDS Professional Relations Meeting  
Dr. Young agreed to attend and represent the Board at the upcoming NCDS Professional Relations meetings scheduled on Saturday, September 29, 2018, and held at the Chadwick Conference Room adjacent to the NCDS office in Cary, NC.

## VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee  
[No Report]
- B. Finance Committee  
[No Report]
- C. Sedation/General Anesthesia Committee  
[No Report]

## VII. OLD BUSINESS

## VIII. NEW BUSINESS

- A. Delegable Functions **[Item #3] Ms. Goode**  
The Board received an inquiry asking if completing the final torque on a prosthesis is a delegable function. The Board determined that as long as the torquing is completed extra-orally, it is delegable.

## IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #4] 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. Litaker and passed by general consent.
  - a. Credentialing Reinstatement **Mr. White**  
Following discussion, Dr. Young made a motion to follow the same reinstatement process for licensure by examination and licensure by credentials. Dr. Sadler seconded the motion, which passed by general consent.
  - b. Review of Applications for Licensure by Credentials **Mr. White**  
Dr. Sadler made a motion to have applications for licensure by credentials reviewed by two staff members prior to issuing a license. Any applicants with any background actions will be presented to the Secretary-Treasurer for review. Dr. Young seconded the motion, which passed by general consent.

- c. **Application Refunds** **Mr. White**  
Dr. Young made a motion to have staff screen all applications for licensure by credentials and when military service is indicated, staff should contact the applicant to see if he/she is interested in licensure by military endorsement. If applicants wish to change their application, money sent for licensure by credentials will be refunded. Dr. Litaker seconded the motion, which passed by general consent.
- d. **Re-examination Rules** **[Item #5] Dr. Wester**  
In order to make the dental and dental hygiene rules consistent, the Board instructed staff to draft a rule amendment to 21 NCAC 16C .0311, which will eliminate the remediation requirement for dental hygiene applicants who fail the clinical examination three times.
- e. **ADEX Update** **Dr. Wester**  
Dr. Wester updated the Board following the ADEX House of Representatives meeting held in Chicago on August 11, 2018. He reported no substantive exam changes for the upcoming exam season. He also announced that SRTA is in the process of merging with CITA and the merger should be complete by the summer of next year.

**X. REPORT FROM LEGAL COUNSEL**

**Mr. Brocker**

- A. **Rules for Permanent Adoption (16R)** **[Item #6]**  
Dr. Young made a motion to approve the permanent adoption of 21 NCAC 16R .0201 to include the correction of the typographical error where the "American Dental Association" was mistakenly referred to as the "American Dental Society." Ms. St. Onge seconded the motion which passed by general consent.
- B. **Rule for Re-adoption** **[Item #7]**  
Dr. Litaker made a motion for the Board not to approve the re-adoption of 21 NCAC 16H .0207 since the grant referenced in the rule will no longer be in effect. Dr. Young seconded the motion which passed by general consent.

During the open session, and without conducting other business, Dr. Young made a motion to move into closed session, pursuant to NCGS §143-318.11(a)(3), in order to consult with legal counsel. The motion was seconded by Dr. Watkins and passed by general consent. All motions and votes were taken in open session.

- C. **Rule for Permanent Adoption (16H)** **[Item #8]**  
Proposed amendments to 21 NCAC 16H .0203 regarding dental images were discussed and information was presented for the Board to consider. Dr. Young made a motion to table the discussion until a future meeting. Dr. Litaker seconded the motion. The motion carried.

Following the advice from legal counsel, Dr. Young made a motion to move back into open session. Ms. St. Onge seconded the motion, which passed by general consent.

**XI. INVESTIGATIVE MATTERS**

- A. Investigative Statistics (August) **[Item #9] Dr. Sadler**  
The Board reviewed investigative statistics for the month of August. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions  
During open session, and without conducting other business, Dr. Sadler 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 Dr. Litaker and passed by general consent.
- a. Log #18-104 **[Item #10] Dr. Wester**
- b. Log #16-131 & 17-034 **[Item #11] Dr. Wester**
- c. Log #15-080 **[Item #12] Dr. Litaker**
- C. Settlement Conferences  
[None]

---

---

Following its discussion of investigative matters, Dr. Young made a motion to move back into open session to resume the formal hearing involving Dr. Carolyn Kelly-Mueller. Dr. Watkins seconded the motion, which passed by general consent. Dr. Clemons re-joined the meeting and the hearing resumed at 2:15 p.m. The hearing recessed for the day at 6:15 p.m.

---

---

**SATURDAY, SEPTEMBER 8, 2018**

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Saturday, September 8, 2018, at the Board's offices in Morrisville, North Carolina in order to continue the formal hearing involving Dr. Carolyn Kelly-Mueller. All members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Mr. Steven Brewington, Investigator. Douglas Brocker and Ms. Whitney Waldenberg served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Ms. Carrie Meigs and Mr. Justin May served as legal counsel for Dr. Kelly-Mueller. A court reporter was present to transcribe the proceedings. The hearing concluded at 5:00 p.m.

**XII. NEXT MEETING**

The Board's next regularly scheduled meeting will begin on Thursday, October 11, 2018, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a rule making hearing and for the consideration of 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 5:15 p.m.

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

Date of Approval: October 9, 2018

**MEMBERS OF THE BOARD**

*Dr. Millard W. Wester, III, President*  
*Dr. Kenneth M. Sadler, Secretary-Treasurer*  
*Dr. Merton 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*