

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
September 13, 2019

FRIDAY, SEPTEMBER 13, 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, September 13, 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.

Let the record reflect that Dr. Wright indicated that he may have a conflict with respect to the settlement conference scheduled for 10:00 a.m. and will recuse if it becomes necessary.

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 apart from Ms. Nancy St. Onge. 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 and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Ms. Betty Sines, Investigations Coordinator, Amanda Carver, Investigator, Tyler Henderson, Investigator, Jamie Rivera, Paralegal, and Mr. Douglas Brocker Legal Counsel for the Board were also present.

C. Declaration of Quorum

With seven 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. Watkins moved, which was seconded by Dr. Clemons, 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 8:35 a.m., Mr. Danny McGann from WinTech gave a presentation to the Board regarding cyber security. Mr. McGann informed the Board that our current system is very safe, and the Board's vulnerability is very minimal. The Board directed Mr. McGann to update all equipment necessary to eliminate potential risks as much as possible. Mr. McGann's completed his presentation at 8:45 at which time the Board resumed its general meeting.

III. APPROVAL OF MINUTES

A. Minutes of August 16, 2019

[Item #1] Dr. Young

Following a review of the August 16, 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 (August)

[Item #2]

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

B. Personnel Matters

[None]

C. Miscellaneous

⚡ AAPD Safety Symposium

[Item #3]

The American Academy of Pediatric Dentistry's Safety Symposium will be held November 8-9, 2019 at the Renaissance Hotel in downtown Chicago, Illinois. The notice was accepted for informational purposes.

⚡ NCDS – Professionalism for New Dentists **[Item #4]**

On Friday, September 20, 2019, a continuing education course designed to fulfill the Board's current Rule which requires licensees to take a six-hour professionalism and ethics course in the first year that the licensee is required to meet the continuing education requirements for renewal. The course is hosted by the NCDS and is being held at the Hilton Garden Inn in Cary, North Carolina. The Board supported Dr. Wright's interest in attending.

- ⌄ Board Photographs
Mr. White discussed adding individual photographs of current Board Members and Board Staff to the North Carolina State Board of Dental Examiners website. Dr. Wester made a motion to approve adding photographs for all who consent. Dr. Watkins seconded the motion, which passed by general consent.
- ⌄ Direct Deposit
Mr. White requested Board approval to move forward with offering a direct deposit option for Board member reimbursements to all Board members who are interested. Dr. Wester made a motion to approve, Dr. Watkins seconded. Motion passed.
- ⌄ SB 553
Senate Bill 553 is an Act to Provide Further Regulatory Relief to the Citizens of North Carolina. This proposed legislation, in part, will require all occupational licensing boards to study and report on any available options offered by the Board for online continuing education.
- ⌄ National Commission on Recognition of Dental Specialties
The National Commission of Recognition of Dental Specialties and Certifying Boards is inviting public comment regarding applications requesting approval that Orofacial Pain and Oral Medicine be recognized as dental specialties.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[No Report]
- C. Sedation/General Anesthesia Committee
Dr. Lanier announced that a meeting with former committee chairs, Dr. Stanley Allen and Dr. Kenneth Sadler, was scheduled for Monday, September 16, 2019 at the Grandover Hotel in Greensboro, North Carolina to discuss the history and future direction of the Sedation Advisory Committee now chaired by Dr. Lanier.

VII. OLD BUSINESS

- A. 2020 Meeting Dates **[Item #5] Ms. Goode**
Ms. Goode presented the Board with a proposed Board meeting schedule for 2020. Dr. Wester made a motion to approve the schedule. Dr. Clemons seconded the motion. The motion carried.

VIII. NEW BUSINESS

- A. Question Regarding Periodontal Maintenance **[Item #6] Mr. White**

A North Carolina licensed dentist requested Board guidance regarding Medicaid billing restrictions for periodontal maintenance. It is the Board's opinion that all licensees must use billing codes for the procedures that are completed and changing codes for payment is not acceptable. Furthermore, licensees should never consider violating the standard of care in order to be compensated for a procedure. The Board directed staff to draft a response for the Executive Committee to approve.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #7] 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. Watkins and passed by general consent.
- B. Examinations
Dr. Wester encouraged all Board Members to participate in the 2019-2020 ADEX exam season.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

- A. Rules for Publication – 21 NCAC 16B .0801 **[Item #8]**
The proposed amendments to the Temporary Volunteer Dental Permit Rule in part, eliminates the background check requirement for the temporary permit. Dr. Wester made a motion to approve the amendments for publication. Dr. Wright seconded the motion, which passed by general consent.
- B. Rules for Publication – 21 NCAC 16A .0106 **[Item #9]**
The proposed rule for adoption outlines the process for an individual who wishes to file a petition for predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a dental or dental hygiene license. Dr. Watkins made a motion to approve the rule for publication. Dr. Wester seconded the motion, which passed by general consent.
- C. Website and Application Language **[Item #10]**
Dr. Wester made a motion to approve the language that explains how the Board considers applications from individuals with criminal convictions to be published on our website and to accompany the Board's application for licensure. Dr. Wright seconded the motion. The motion passed.
- D. Predetermination Procedures **[Item #11]**
Dr. Wester made a motion to approve the draft language outlining the procedure for requesting predetermination of licensure eligibility for publication on the website. Dr. Wright seconded the motion, which passed by general consent. Dr. Wester made a motion that all predetermination recommendations should be presented by the Investigative Panel in summary form without names and the final decision should be voted on by the entire Board. Dr. Clemons seconded the motion. The motion carried.
- E. Military Endorsement Question

Board staff received an inquiry from a potential applicant regarding the Board's position on issuing a license by credentials to a dentist who has never taken and/or passed a clinical licensure examination, but has been licensed in another jurisdiction based on completing a post graduate year of study at an ADA accredited dental school. The Board directed staff to conduct additional research and report back at the October Board Meeting.

At 10:00 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 11:45 a.m. at which time the Hearing Panel met to deliberate. The Hearing Panel returned from deliberating at 12:15 at which time to Dr. Wester made the motion to move into open session to resume Board business. Dr. Watkins seconded the motion, motion passed, and the Board recessed for lunch. At 1:00 p.m. the Board resumed at which time Dr. Wester 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.

F. Reconsideration of Summary Suspension
[Closed Session]

Following its discussion of investigative matters, Dr. Wester made a motion to move back into open session. Dr. Lanier seconded the motion, which passed by general consent.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (August) **[Item #12] Dr. Watkins**
The Board reviewed investigative statistics for the month of August. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
[None]
- C. Settlement Conferences
The Board conducted one settlement conference throughout the meeting. Mr. Douglas Bocker represented the Investigative Panel. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, October 10, 2019, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a rule making hearing, several disciplinary proceedings 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 1:45 p.m.

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

Date of Approval: October 11, 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