

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
September 8, 2023

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Watkins

A. Call to Order

Dr. Catherine Watkins, President of the Board, called the business meeting to order at 8:33 a.m., Friday, September 8, 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 and Ms. Crystal Carlisle, 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. Johnson seconded the motion. The motion carried. The conference concluded at 12:05 p.m., at which time the Board recessed for lunch. The meeting was reconvened at 12:45 p.m., at which time the Board remained in closed session to conduct a settlement conference. The conference concluded at 3:03 p.m., and the Board remained in closed session to conduct another settlement conference. The conference concluded at 4:38 p.m., at which time Dr. Hardesty made the motion to move into open session to resume Board business. Dr. Clemons seconded the motion, and the motion passed.

II. APPROVAL & ORDER OF AGENDA

Dr. Watkins

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 August 18, 2023

[Item #1] Dr. Watkins

Following a review of the August 18, 2023 Minutes, Dr. Hardesty moved to approve the Minutes as presented. Dr. Litaker seconded the motion which was passed by general consent.

IV. REPORT FROM PRESIDENT

[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. Litaker moved to accept the report for informational purposes. Dr. Johnson seconded the motion which passed by general consent.

B. Personnel Matters

Mr. White introduced and welcomed the Board's new investigator, Kevin Snead.

Mr. White acknowledged the passing of Dr. Jennifer Hunter-Riley and Dr. Litaker's attendance at her memorial service. He acknowledged her longstanding service to dental clinical competency testing and the dental profession in general.

Mr. White also acknowledged the passing of Ms. Zannie Efird, former Consumer Member of the Board. Mr. White submitted the following to Ms. Efird's family on the Board's behalf:

"I write on behalf of a grateful Dental Board where Zannie served six years as the governor-appointed consumer member. In her hands this was not a ceremonial position. She was an active member of the Board and was diligent in attending local, state, and national meetings. She gained a reputation as a knowledgeable advocate who zealously represented the patient's point of view and played a vital role in making sure that dentistry in North Carolina continued, "to merit the confidence of the public." Current and former Dental Board members and staff continue to remember and appreciate her thoughtful suggestions, good humor, and perceptive insights that contributed to making us better people and a stronger Board. We pray God's peace to all who loved her."

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)]?

[Postponed]

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[None]
- B. Finance Committee
[None]
- C. Sedation/General Anesthesia Committee
[None]
- D. Radiology Committee
[None]

VII. OLD BUSINESS

- A. 2024 Meeting Dates **[Item #4] Ms. Goode**
Dr. Litaker made a motion to approve the 2024 meeting dates as published. Dr. Hardesty seconded the motion. The motion carried.

VIII. NEW BUSINESS

- A. Dental/Dental Hygiene Compact **[Item #5] Mr. White**
Mr. White explained that two compacts have been drafted. One version comes from the Council of State Governments and the other from the American Association of Dental Boards. Dr. Litaker made a motion for staff to draft a statement regarding the Board's position on the dental and dental hygiene compacts for the Board's consideration. Dr. Hardesty seconded the motion. The motion carried.
- B. Approve Rotation Site – CCCC **[Item #6] Ms. Goode**
Coastal Carolina Community College (CCCC) requested Board approval of Building 65 Dental Clinic located on Marine Corps Base Camp Lejeune as a rotation site for dental hygiene students currently enrolled in the dental hygiene program at CCCC. Upon review of the documentation, Dr. Hardesty made a motion to approve the proposed rotation sites. Dr. Litaker seconded the motion. The motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #7] Ms. Goode**
Dr. Hardesty 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. Hardesty made a motion for staff to draft rules that would require our Board Members to participate in clinical competency examinations administered in North Carolina. Dr. Litaker seconded the motion. The motion carried.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker

- A. Potential Injunction
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. Mr. Totman seconded the motion. The motion carried.
- B. Lawsuit Update – Default Judgment Entered
Mr. Brocker updated the Board regarding a recent lawsuit that the Board initiated through the NC Court System following an investigation into the unlicensed practice of dentistry.

On August 30, 2023, a Default Judgment Permanently Enjoining Rontesha Jones and Magnified Beauty & Cosmetics, LLC from Practicing Dentistry was entered.

- C. Scope of Practice Question **[Item #8] 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?

[Postponed]

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (August) **[Item #9] Dr. Johnson**
The Board reviewed investigative statistics for the month of August, as well as year to date. The statistics were accepted for informational purposes.
- B. Hearing Panel Decisions
During open session, and without conducting other business, Dr. Johnson 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. Hardesty and passed by general consent.

- a. Log #11-020 **[Item #10] Dr. Watkins**

- C. Settlement Conferences
The Board conducted three (3) settlement conferences throughout the meeting. Mr. Douglas Brocker and Ms. Crystal Carlisle represented the Board's Investigative Panel in the matters. Standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, October 13, 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. Clemons made a motion to adjourn the meeting. Dr. Hardesty seconded the motion which passed by general consent. The meeting was adjourned at 5:23 p.m.

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

Date of Approval: October 13, 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 Clemons, Jr
Dr. W. Stan Hardesty
Ms. Lori Hendrick, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member