

**MINUTES**  
**NC STATE BOARD OF DENTAL EXAMINERS**  
**BOARD MEETING**  
**Asheville, North Carolina**  
**December 7-8, 2018**

**FRIDAY, DECEMBER 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, December 7, 2018, at the Renaissance Hotel in Asheville, 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 and Legal Counsel, Ms. Casie S. Goode, Deputy Operations Officer, Ms. Betty Sines, Investigations Coordinator, Line Dempsey, Senior Investigator, Amanda Carver, Investigative Assistant and Mr. Douglas Bocker 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.

**II. APPROVAL & ORDER OF AGENDA** **Dr. Wester**

Dr. Young moved, which was seconded by Dr. Sadler, 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 November 8-10, 2018 **[Item #1] Dr. Wester**

Following a review of the November 8-10, 2018 Minutes, Dr. Young moved to approve the Minutes as written. Dr. Watkins seconded the motion, which passed by general consent.

**IV. REPORT FROM PRESIDENT**

**Dr. Wester**

A. Guidelines for Disciplinary Action

Dr. Wester discussed working with staff to draft a series of guidelines to assist the Hearing Panel when making decisions concerning disciplinary actions.

**V. REPORT FROM CHIEF EXECUTIVE OFFICER**

**Mr. White**

A. Financial Report (November)

**[Item #2]**

Following a review of the November 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

Dr. Young made a motion, which was seconded by Dr. Litaker, to move into closed session, pursuant to NCGS §143-318.11(a)(6), in order to discuss performance and fitness of current employees. The motion carried.

Following the discussion of personnel matters, Dr. Young made a motion to move back into open session in order to continue with the consideration of Board business. Ms. St. Onge seconded the motion. The motion carried.

C. Miscellaneous

✚ Tripartite Meeting

The North Carolina State Board of Dental Examiners is hosting the Tripartite meeting in 2019. The meeting is currently scheduled for April 12, 2019. Dr. Wester encouraged continued participation and cooperation between the groups.

✚ Approve 2019 Budget

**[Item #3]**

Upon review of the proposed budget for 2019, Dr. Litaker made a motion to approve the budget as amended. Dr. Young seconded the motion. The motion passed by general consent.

✚ Report of NCDS Sleep Medicine Policy

Mr. White reported that a video conference was held on Monday, November 26, 2018 with the members of the North Carolina Dental Society's Dental Sleep Medicine Task Force to discuss their proposed Policy Statement on the role of NC dentists in the management of sleep-related breathing disorders.

**VI. REPORTS OF STANDING COMMITTEES**

A. Executive Committee

[No Report]

B. Finance Committee  
[No Report]

C. Sedation/General Anesthesia Committee

a. Course Approval

[Item #4] Dr. Sadler

Dr. Sadler discussed the current medical emergency course being offered by MAHEC. This course does meet the requirements for dental auxiliaries and may be taken for continuing education credit by dentists and dental hygienists, however, it is not sufficient for a dentist to apply towards the renewal of a sedation or general anesthesia permit.

## VII. OLD BUSINESS

[No Old Business]

## VIII. NEW BUSINESS

A. SCDDE Meeting

Dr. Young moved to approve any expenses for Board Members and necessary staff to attend the upcoming SCDDE Meeting, January 25-27, 2019 in Augusta, Georgia. Dr. Clemons seconded, motion carried.

B. AADB Meeting

Dr. Young moved to approve any expenses for Board Members and necessary staff to attend the upcoming AADB Meeting, March 9-10, 2019 in Chicago, Illinois. Dr. Litaker seconded, motion carried.

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At 10:00 a.m., and while in open session, Dr. William Claytor presented a one hour continuing education course regarding opioid prescribing. The course was open to members of the public at no charge and continuing education credit was given to all attendees. Following the course and after a brief recess, Ms. Carol Little, RDH and Ms. Brenda Fisher, RDH met with the Board to discuss implementing a process that would allow a licensed dentist to administer local anesthetic to patients during North Carolina Dental Hygiene Examinations. Following the discussion, the Board thanked Ms. Little and Ms. Fisher for the information and indicated they would discuss this matter further and let them know of their decision. The Board recessed for lunch at 12:00 p.m. and reconvened at 12:45 p.m. to continue with its discussions of routine Board business.

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B. Approve Rotation Sites – CVCC

[Item #5] Ms. Goode

Catawba Valley Community College (CVCC) requested Board approval of Foothills Correctional Institute, Broughton Hospital, Kimberly Jones, DDS and Veteran's Stand Down as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at CVCC. Upon review of the documentation, Dr. Litaker made a motion to approve the proposed rotation sites. Dr. Young seconded the motion. The motion carried.

- C. Approve Nitrous Oxide Course **[Item #6]** Ms. Goode  
Ms. Tyisha Brown Baker with Coastal Dental Solutions submitted a course outline and post-test for a proposed nitrous oxide conscious sedation course for the Board's approval. Upon review, Dr. Litaker moved to approve the course. Ms. St. Onge seconded the motion, which passed by general consent.

**IX. LICENSURE MATTERS**

- A. Approval of Licenses/Permits/Reinstatements **[Item #7]** 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.
- B. Examinations
- a. Revisiting the use of anesthesia in NC Hygiene Exams **Dr. Wester**  
Dr. Wester thanked everyone for agreeing to participate in the 2019 CITA exam cycle and encouraged continued involvement of all Board Members. The Board discussed Ms. Little and Ms. Fisher's earlier request to allow local anesthesia to be administered at NC Dental Hygiene Examinations. Following a discussion, Ms. St. Onge made a motion to have staff draft a policy in conjunction with CITA that will allow the incorporation of local anesthesia into these examinations. Following the draft proposal, the Executive Committee should review and approve the policy before the beginning of the 2019 examination cycle. Dr. Litaker seconded the motion, motion carried.

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At 1:30 p.m., Dr. Litaker made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Young seconded the motion, which passed by general consent. The conference concluded at 3:30 p.m., at which time Dr. Litaker made the motion to move into open session. Mr. Totman seconded the motion. The motion carried.

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**X. REPORT FROM LEGAL COUNSEL**

- A. Rules for Permanent Adoption **[Item #8]** Mr. Brocker  
Dr. Young made a motion for the Board to approve the permanent adoption of the amendments to 21 NCAC 16Q .0202, et. seq. Dr. Watkins seconded the motion which passed by general consent.
- B. Rules – Technical Amendments **[Item #9]**  
Dr. Sadler made a motion for the Board to approve the publication of 21 NCAC 16A .0105 and the publication of technical amendments to: 21 NCAC 16A .0101, 21 NCAC 16A .0105, 21 NCAC 16B .0101, 21 NCAC 16B .0301, 21 NCAC 16B .0303, 21 NCAC 16B .0501, 21 NCAC 16B .0601, 21 NCAC 16B .0701, 21 NCAC 16B .1002, 21 NCAC 16C .0101, 21 NCAC 16C .0301, 21 NCAC 16C .0501, 21 NCAC 16D .0104, 21 NCAC 16E .0102, 21 NCAC 16E .0103, 21 NCAC 16E .0104, 21 NCAC 16H .0201, the title of subchapter 16I, 21 NCAC 16I .0106, 21 NCAC 16N .0305, 21 NCAC 16N .0501, 21 NCAC

16N .0603, the title of subchapter 16R, 21 NCAC 16V .0101, 21 NCAC 16V .0102, 21 NCAC 16W .0102. Dr. Watkins seconded the motion, motion carried.

Mr. Brocker requested that the Board complete rule changes annually unless a rule needs immediate attention. This would facilitate easier tracking of rule changes by staff and licensees. Approved by consensus.

- C. 21 NCAC 16P .0105 – Advertising as a Specialist **[Item #10]**  
Mr. Totman made a motion to approve 21 NCAC 16P .0105 (Exhibit B) for permanent adoption after incorporating the technical changes. Dr. Sadler seconded the motion, motion carried.

## XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (November) **[Item #11] Dr. Sadler**  
The Board reviewed investigative statistics for the month of November, 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. 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 #17-259 and #18-080 **[Item #12] Dr. Sadler**  
[Tabled]

- b. Log #11-167 **[Item #13] Dr. Sadler**

## SATURDAY, DECEMBER 8, 2018

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Saturday, December 8, 2018, at the Renaissance Hotel in Asheville, North Carolina in order to conduct one additional settlement conference and to complete its consideration of Board business. Dr. Wester, President of the Board, called the meeting to order. All members of the Board were present. Also present were Mr. Bobby D. White, Chief Executive Officer and Legal Counsel; Ms. Casie Goode, Deputy Operations Officer; Mr. Line Dempsey, Senior Investigator for the Board, Ms. Amanda Carver, Investigations Assistant, Mr. Douglas Brocker and Ms. Whitney Waldenberg, Legal Counsel.

Following the opening of the meeting, Mr. White announced that the Board recently purchased an AED for the office and further discussed the need to have all Board staff trained in its use as well as basic life support. Dr. Young made a motion to approve expenses associated with this training to be administered by Dr. Kenneth Sadler and his staff, since Dr. Sadler is a certified instructor and agreed to wave his normal instructor's fee for this session. The Board will also invite the staff of the NCDS to participate in the training. Dr. Litaker seconded the motion, motion carried.

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At 8:40 a.m., Dr. Young made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct a settlement conference. Dr. Watkins seconded the motion, which passed by general consent. The conference concluded at 11:30 a.m., at which time the Board moved into open session. Dr. Sadler made the motion to move into open session. Dr. Clemons seconded the motion, which passed by general consent.

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C. Settlement Conferences

The Board conducted two (2) settlement conferences throughout the meeting. Mr. Douglas Broucker and Ms. Whitney Waldenberg represented the Board. Standard protocol was followed.

**XII. NEXT MEETING**

The Board's next regularly scheduled meeting will begin on Thursday, January 10, 2019 and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting disciplinary hearings and for the consideration of routine business.

**XIII. ADJOURNMENT**

There being no further business, Dr. Young made a motion to adjourn the meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 11:45 a.m.

Reported by: \_\_\_\_\_

*Casie S. Goode*

Casie S. Goode

Deputy Operations Officer

Date of Approval: \_\_\_\_\_

*January 10, 2019*

**MEMBERS OF THE BOARD**

*Dr. Millard W. Wester, III, President*

*Dr. Kenneth M. Sadler, Secretary-Treasurer*

*Dr. Merlin 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*

*Mr. Dominic Totman, Esq., Consumer Member*