

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
January 18-20, 2018

THURSDAY, JANUARY 18, 2018

The North Carolina State Board of Dental Examiners convened at 6:30 p.m., Thursday, January 18, 2018 at the Board's offices in Morrisville for the purposes of conducting a public Rule Making Hearing involving a proposed rule change to 21 NCAC 16G .0101 and 21 NCAC 16G .0103. Dr. Merlin Young presided over the hearing and Mr. Bobby White, CEO, appeared on behalf of the Board as legal counsel. The public hearing concluded at 6:40 p.m., at which time the Board recessed its meeting for the day.

FRIDAY, JANUARY 19, 2018

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM **Dr. Young**

A. Call to Order

Dr. Merlin Young, President of the Board, called the meeting to order at 12:00 noon, Friday, January 19, 2018, at the Board's offices in Morrisville, North Carolina. The start time was delayed due to inclement weather. 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.

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 except Dr. Millard Wester, III. The members included Dr. Merlin W. Young, Dr. William M. Litaker, Jr., Dr. Clifford O. Feingold, Dr. Catherine Watkins, Dr. Kenneth M. Sadler, 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, Ms. Betty Sines, Investigations Coordinator, Mr. Line Dempsey, Senior Investigator, Mr. Steve Brewington, Investigator, Ms. Amanda Carver, Investigative Assistant and Mr. Douglas Brocker, Legal Counsel for the Board, were also present.

C. Declaration of Quorum

With the majority 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. Feingold moved, which was seconded by Dr. Litaker, 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 12:10 p.m., Dr. Feingold made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct two (2) settlement conferences. Dr. Watkins seconded the motion, which passed by general consent. Dr. Wester joined the meeting at 12:30 p.m. The settlement conferences concluded at 2:30 p.m. at which time Dr. Feingold made a motion to move into open session. Dr. Sadler seconded the motion, which passed by general consent.

Once in open session, Dr. Gregory Essick gave a presentation on behalf of the University of North Carolina School of Dentistry regarding sleep dentistry. Dr. Essick's presentation concluded at 3:30 p.m. at which time the Board remained in open session to discuss Board business.

III. APPROVAL OF MINUTES

A. Minutes of December 8-9, 2017

[Item #1] Dr. Young

Following a review of the December 8-9, 2017 Minutes, Dr. Litaker moved to approve the Minutes as amended. Dr. Wester 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 (December)

[Item #2]

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

B. Personnel Matters

The Board discussed creating a formal evaluation process for the Chief Executive Officer. Dr. Sadler and Ms. St. Onge will work with Mr. White to develop such a process.

C. Miscellaneous

 JCNDE

[Item #3]

The Joint Commission on National Dental Examinations announced plans to implement the Integrated National Board Dental Examination (INBDE). The INBDE will be available for administration on August 1, 2020, with full replacement of the National Board Dental Examination Parts I and II scheduled to occur by August 1, 2022.

 Bylaws

[Item #4]

The Board's Bylaws were created and last updated in 2002. Dr. Feingold will chair a committee to review, revise and update these Bylaws. Dr. Litaker and Mr. Totman will also serve on the committee and report back to the Board.



Employee Classification [Item #5]

As of January 1, 2018, each licensee must certify that he/she has read the Public Notice Statement from the NC Industrial Commission regarding employee classification and he/she must certify that he/she has not been investigated for employee misclassification within the past 5 years. These certification questions have been added to all renewal and application forms.



NCDS Ethics Course [Item #6]

Based on the Dental Society's request, the Board is in the process of drafting language amending the continuing education rule to require all new licensees to complete continuing education in the subject matter of ethics and professionalism within the first year of licensure. Ms. St. Onge suggested that dental hygienists also be required to take a similar course. The Board instructed Mr. White to work with the Dental Society to develop course content and to discuss online course options.



2018 Tripartite Meeting

The Tripartite Meeting for 2018 will be hosted by the University of North Carolina School of Dentistry and will take place at the North Carolina Dental Society headquarters in Cary, North Carolina on Friday, April 6, 2018. The Board topics for discussion will be HbA1c testing and sleep dentistry. Dr. Young, Mr. Totman and Ms. St. Onge will represent the Board at the meeting.



NCDS Annual Presentation Topic

Dr. Watkins and the Brocker Law firm will present this year's annual presentation at the Dental Society's meeting held at the Kingston Plantation on May 17, 2018. Topic options may include the investigative process with case studies, record keeping, MSAs, and the CSRS. All attendees to the presentation will receive one hour of continuing education credit.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee

[No Report]

B. Finance Committee

[No Report]

C. Sedation/General Anesthesia Committee

Dr. Sadler discussed a calibration process for all sedation evaluators. Mr. White will poll the other states to see if anyone currently has a calibration process.

- a. Reinstatement Application **[Item #7] Dr. Sadler**
If a permit lapses and the permit holder has not utilized sedation for over one year, prior to reinstating, the permit holder will be required to complete the full evaluation process. Mr. Brocker has drafted a rule and will work with Dr. Sadler for approval for publication.

- b. Conscious Sedation Consulting **[Item #8] Dr. Sadler**
The Board recently became aware of an inaccurate statement found in an advertisement for I.V. sedation training offered by Conscious Sedation Consulting. A letter was drafted to Mr. Randy Pigg, CEO of Conscious Sedation Consulting, to request that the inaccurate statement be corrected. Upon review, the Board approved the letter as amended.

- c. Approve Sedation Course **[Item #9] Dr. Sadler**
Oregon Health & Science University submitted a course that meets the requirements of the new sedation rules for approval. Upon review of the documentation submitted, Dr. Wester made a motion to approve the course. Dr. Watkins seconded the motion. The motion passed by general consent.

VII. OLD BUSINESS

- A. HbA1c Testing
The Board instructed staff to conduct a survey to determine if licensees are utilizing HbA1c testing prior to initiating dental surgery. The Board approved the survey questions as amended.

VIII. NEW BUSINESS

- A. Coronal Polishing Course **[Item #10] Ms. St. Onge**
Ms. St. Onge requested clarification of the rule requiring the coronal polishing course to consist of a minimum of seven clock hours. The Board indicated that the coronal polishing course should be designed to cover all of the required topics and if situations arise in which the course is completed more quickly than seven clock hours, the attendee will still get full credit for the course completion.

IX. LICENSURE MATTERS

During the open session, and without conducting other business, Dr. Feingold made a motion, which was seconded by Dr. Sadler, to move into closed session, pursuant to NCGS §143-318.11(a)(1), §143-318.18(6) and §90-41(g), in order to discuss applicants for licensure and the status of individuals currently licensed, with all motions and votes taken in open session. The motion passed by general consent.

- A. Approval of Licenses/Permits/Reinstatements **[Item #11] Ms. Goode**
After some clarification, 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.

Following its discussion of applicants for licensure and the status of individuals currently licensed, Dr. Feingold made a motion to move back into open session to continue with Board business. Dr. Wester seconded the motion, which passed by general consent.

B. Examinations

Dr. Wester reported that CITA's annual meeting in San Antonio was a success. He informed the Board that ADEX has proactively hired three independent psychometricians who are currently evaluating the examination. He also informed the Board of a recent change to the WREB examination. WREB's new examination allows candidates who pass the first restorative procedure to bypass the second procedure. If the candidate fails the first restorative procedure, he/she may complete the second procedure and if the average score of the first and second procedures is a 3 or higher, the candidate passes.

Dr. Feingold congratulated Dr. Wester on his new position as president of CITA. He also announced that CDCA is offering exams to Puerto Rican dentists, who have been displaced as a result of last year's hurricane season, at a much reduced fee to aid in their eligibility for licensure in Florida.

The Board recessed its meeting for the day at 5:45 p.m.

SATURDAY, JANUARY 20, 2018

The North Carolina State Board of Dental Examiners reconvened at 7:45 a.m., Saturday, January 20, 2018, in order to conduct Board business. Dr. Young, 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, Ms. Casie S. Goode, Deputy Operations Officer; Ms. Betty Sines, Investigations Coordinator, Mr. Line Dempsey, Senior Investigator; Ms. Crystal Carlisle and Mr. Douglas Brocker, Legal Counsel.

X. REPORT FROM LEGAL COUNSEL

A. Rules Readoption Deadline

[Item #12] Mr. Brocker

The Rules Review Commission is proposing that the Board readopt the rules that have been deemed necessary with substantive public interest no later than May 31, 2019. Dr. Feingold made a motion that these rules be readopted in accordance with the May 31, 2019 deadline. Dr. Litaker seconded the motion, the motion carried.

During the open session, and without conducting other business, Dr. Litaker 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. Wester and passed by general consent. All motions and votes were taken in open session.

B. Advertising

[Item #13] Mr. Brocker

C. Digital Impressions

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

D. Sedation Amendment Updates

Mr. Brocker informed the Board that the most recent version of the sedation rule amendments has been submitted to the Rules Review Commission for pre-review and we are currently in the process of completing technical changes. The rules should be ready for publication before the February 2018 Board Meeting.

E. Botox Survey

The Board instructed staff to conduct a survey to determine if licensees are utilizing Botox as a treatment modality. The Board approved the survey questions as amended.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (December)

[Item #14] Dr. Wester

The Board reviewed investigative statistics for the month of December, as well as year to date. The statistics were accepted for informational purposes.

At 9:15 a.m., the Board remained in open session in order to hear testimony in the formal hearing involving Dr. Jean Woods, a general dentist practicing in Durham, North Carolina. Mr. Douglas Brocker and Ms. Crystal Carlisle served as legal counsel for the Investigative Panel and Mr. Fred Morelock served as legal counsel for the Hearing Panel. Dr. Woods failed to attend to the hearing and was not represented by legal counsel. A court reporter was present to transcribe the proceedings.

The Hearing Panel recessed for lunch to deliberate at 11:45 a.m. The formal hearing reconvened at 12:30 p.m. and concluded at 1:00 p.m.

B. Hearing Panel Decisions

During open session, and without conducting other business, Dr. Wester made a motion to move into closed session, pursuant to NCGS §143-318.18(6) and §90-41(g), in order to rule on a Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Watkins and passed by general consent.

a. Log #16-023 & 17-005

[Item #15] Dr. Young

b. Log #17-046

[Item #16] Dr. Young

C. Settlement Conferences

The Board conducted two (2) settlement conferences during the meeting. Ms. Whitney Waldenberg represented the Board at the conferences and standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Friday, February 16, 2018, 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. Wester made a motion to adjourn the meeting. Dr. Litaker seconded the motion, which passed by general consent. The meeting adjourned at 1:30 p.m.

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

Date of Approval: February 16, 2018

MEMBERS OF THE BOARD

Dr. Merlyn W. Young, President
Dr. Millard W. Wester, III, Secretary-Treasurer
Dr. William M. Litaker, Jr., Past-President
Dr. Clifford O. Feingold
Dr. Kenneth M. Sualler
Dr. Catherine Watkins
Ms. Nancy St. Onge, R.D.H., Dental Hygiene Member
Mr. Dominic Totman, Esq., Consumer Member