

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Sunset Beach, North Carolina
May 15-16, 2024

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 8:34 a.m., Wednesday, May 15, 2024, at the Thistle Golf Club in Sunset Beach, 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. Stan Hardesty, Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, Dr. Catherine Watkins, Dr. Edward Clemons, Ms. Lori Hendrick and Mr. Dominic Totman, Esq. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, and Mr. Douglas Brocker, 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.

II. APPROVAL & ORDER OF AGENDA

Dr. Watkins

Dr. Litaker moved, which was seconded by Dr. Hardesty, to accept the agenda with permission for the President to take items out of order to facilitate business. The motion passed by general consent.

At 8:36 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. Clemons seconded the motion. The motion carried. The conference concluded at 10:44 a.m. At 11:07 a.m., Dr. Clemons made the motion to move into open session to resume Board business. Dr. Hardesty seconded the motion, and the motion passed.

III. APPROVAL OF MINUTES

- A. Minutes of April 18-19, 2024 **[Item #1] Dr. Watkins**
Following a review of the April 18-19, 2024, Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Clemons seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

[None]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (April) **[Item #2]**
Following a review of the April Financial Report, Dr. Clemons moved to accept the report for informational purposes. Dr. Johnson seconded the motion which passed by general consent.

- B. Personnel Matters
[None]

- C. Miscellaneous

❖ Board of Elections

Mr. Totman was nominated and will serve as election chair for this year's election.

Mr. White presented a proposed ballot preparation and election timeline to include, Thursday, May 23, 2024, to prepare and mail ballots. The preparation will take place at the Board Office in Morrisville and is open to the public. Ballots must be received at the office of Norton Lund Collar Lilley CPA, PLLC by 5:00 p.m. on Thursday, June 6, 2024. The ballots will be counted on Friday, June 7, 2024, at noon at the Board Office in Morrisville and the tabulation will be open to the public. Dr. Hardesty made a motion to approve the timeline as presented. Dr. Clemons seconded the motion. The motion carried.

❖ Compact Update

At the Board's direction, Mr. White requested that the Council of State Governments (CSG) clarify that North Carolina's involvement during the drafting phase of the compact was not an endorsement of the final draft. As a result, the CSG promptly responded to the request and corrected the language on their website.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[No Report]
- C. Sedation/General Anesthesia Committee
 - a. General Anesthesia Exam Questions [Item #3] Dr. Lanier
[Tabled]
 - b. Moderate/Minimal Sedation Exam [Item #4] Dr. Lanier
[Tabled]
 - c. Pediatric Moderate Sedation Exam [Item #5] Dr. Lanier
[Tabled]
- D. Radiology Committee
 - a. Approve Radiology Courses [Item #6] Dr. Watkins
The Radiology Committee presented recommendations to approve radiology courses that have been modified to meet the requirements of the new radiology rule which outlines minimum course requirements. Dr. Hardesty made a motion to approve courses offered by Hooper's Dental Consulting Continuing Education, LLC, Piedmont Dental Assistants, and Premier Dental Assisting Academy Charlotte. Dr. Litaker seconded the motion. The motion passed.

VII. OLD BUSINESS

[None]

VIII. NEW BUSINESS

- A. Approve Radiology Instructor [Item #7] Ms. Goode
Dr. Johnson made a motion to approve Oliva DeBerry as a radiology instructor. Ms. DeBerry may teach any Board approved radiology course. Dr. Litaker seconded the motion. The motion carried.
- B. CDCA-WREB-CITA Meeting
Dr. Litaker moved to approve any expenses, including one travel day before the meeting and one travel day after the meeting, for all Board Members and necessary staff to attend the upcoming CWC/ADEX/AADB Meeting being held on September 25-29, 2024 in Louisville, Kentucky. Dr. Hardesty seconded; motion carried.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements [Item #8] Ms. Goode
- B. Dr. Johnson 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.

- C. Examinations
Dr. Litaker reminded Board Members to review the upcoming examination schedule and respond to CWC regarding availability.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker/Mr. White

- A. Teledentistry **[Item #9]** **Mr. Brocker**
Dr. Litaker made a motion that Mr. Brocker draft a response informing Marty Folliard, of K&L Gates LLP law firm, that the proposed teledentistry model as presented is not permissible under the NC Teledentistry statute and the Dental Hygiene Act. Dr. Watkins seconded the motion. The motion carried.

Dr. Hardesty made a motion to move into closed session, pursuant to NCGS §143-318.11(3), in order to receive the advice of legal counsel. Dr. Litaker seconded the motion, which passed by general consent. Following advice from legal counsel, and without taking action, Dr. Hardesty made a motion to move into open session in order to vote on how to proceed in this matter. Dr. Litaker seconded the motion, which passed by general consent.

- B. Legislative Meeting **[Item #10]** **Mr. White**
Dr. Hardesty made a motion to approve the talking points as presented by Mr. White. Dr. Litaker seconded the motion. The motion carried.
- C. Potential Injunction – Log #24-137 **Mr. Brocker**
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.
- D. Potential Injunction – Log #24-138 **Mr. Brocker**
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.
- E. Guidance – unauthorized practice of dentistry **Mr. Brocker**
The Board does not wish to pursue individuals who are placing gems on teeth if they are not altering tooth structure during the placement process nor providing any other dental services.

Mr. Brocker reported on the hearing that was held on May 7, 2024, on the Motion for Injunctive Relief filed on behalf of Dr. Andrew Kelly for a stay of the Board's Final Agency Decision revoking Dr. Kelly's dental license, which was entered on April 22, 2024. After the hearing, the court informed the parties that it would deny Dr. Kelly's motion for injunctive relief and the Dental Board's Final Agency Decision revoking his dental license became effective May 9, 2024. Dr. Kelly's petition for judicial review will be scheduled at a future date.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (April) [Item #11] Dr. Johnson
The Board reviewed investigative statistics for the month of April, as well as the year to date. The statistics were accepted for informational purposes.

- B. Hearing Panel Decisions
During open session, and without conducting other business, Dr. Hardesty 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. Litaker and passed by general consent.
 - a. Log #23-165 [Item #12] Dr. Litaker
 - b. Log #23-039 [Item #13] Dr. Clemons
 - c. Log #23-305 and #23-308 [Item #14] Dr. Johnson
 - d. Log #22-146 [Item #15] Dr. Clemons

- C. Settlement Conferences
The Board conducted one settlement conference, during the meeting. Mr. Douglas Brocker represented the Investigative Panel. Standard protocol was followed.

XII. NEXT MEETING

The Board’s next regularly scheduled meeting will begin on Friday, June 7, 2024, and will be held at the Board’s offices in Morrisville, North Carolina for the purposes of conducting disciplinary conferences and to conduct routine Board business.

XIII. ADJOURNMENT

There being no further business, Dr. Hardesty made a motion to adjourn the meeting. Dr. Litaker seconded the motion which passed by general consent. The meeting was adjourned at 3:34 p.m.

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

Date of Approval: June 7, 2024

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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