

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Sunset Beach, North Carolina
May 16 - 17, 2018

WEDNESDAY, MAY 16, 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 8:40 a.m., Wednesday, May 16, 2018 at Sea Trail Resort Convention Center in Sunset Beach, 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.

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. 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, Mr. Line Dempsey, Senior Investigator, Ms. Betty Sines, Investigations Coordinator, Ms. Amanda Carver, Investigative Assistant, and Mr. Douglas Brocker, Legal Counsel, were also present.

C. Declaration of Quorum

With all eight 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. Feingold moved, which was seconded by Dr. Wester, 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 8:45 a.m., Dr. Litaker made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct two (2) settlement conferences. Dr. Feingold seconded the motion, which passed by **general consent**. The second conference concluded at 12:15 p.m., at which time the Board recessed for lunch. The Board reconvened at 1:00 p.m. to conduct two (2) additional settlement conferences. The last conference concluded at 4:45 p.m. At that time, Dr. Litaker made the motion to move into open session. Mr. Totman seconded the motion. The motion carried. Dr. Young recessed the meeting for the day at 5:00 p.m.

THURSDAY, MAY 17, 2018

The North Carolina State Board of Dental Examiners reconvened at 8:30 a.m., Thursday, May 17, 2018, at Sea Trail Convention Center in Sunset Beach, North Carolina in order to conduct one (1) additional settlement conference and to complete its consideration of agenda items. 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 Goode, Deputy Operations Officer; Ms. Betty Sines, Investigations Coordinator; Ms. Amanda Carver, Investigative Assistant; Mr. ~~Line~~ Dempsey, Senior Investigator; and Ms. Crystal Carlisle and Mr. Douglas Brocker, Legal Counsel.

III. APPROVAL OF MINUTES

- A. Minutes of April 10, 2018 **[Item #1] Dr. Young**
Following a review of the April 10, 2018 Minutes, Dr. Feingold moved to approve the Minutes as drafted. 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 (April) **[Item #2]**
Following a review of the April Financial Report, Dr. Litaker moved to accept the report for informational purposes. Dr. Sadler seconded the motion, which passed by general consent.
- B. Personnel Matters
Mr. White reported that the Board is negotiating terms for a new private investigator, Mr. Steve Annis, who will be employed as an independent contractor.
- C. Miscellaneous
✚ Evaluator Recruitment **[Item #3]**
Mr. White presented a draft of an evaluator recruitment letter to disseminate to the presidents of several dental organizations in North Carolina. Mr. White also recommended that the Board set standard fees for our evaluators and presented sample letter templates to send evaluators once they have agreed to assist in the investigative process. Following discussion, the Board agreed that evaluators may

donate their time, but if compensation is desired, the standard reimbursement rate is \$200 per hour for evaluating the patient and the patient's records and \$100 per hour for evaluating records only.



Office Inspections

[Item #4]

In 2015, the Office of the State Auditor of the State of North Carolina conducted an audit of the Dental Board's programs and procedures. Based on the audit, Mr. White presented a plan for conducting risk-based inspections of dental offices offering anesthesia or sedation services. Inspections will begin in 2019 and permit holders will be given a one-week notice prior to inspection.



Electronic Meetings

Dr. Young directed staff to research video conferencing going forward to conduct Board business. The Board will not conduct its regular business at the Board meeting held on June 7-9, 2018 due to a scheduled formal hearing. Therefore, a video conference meeting to conduct Board business at a later date will be scheduled.



Prudential Account

When an employee leaves a company and has an unvested portion of money in the company's defined contribution retirement plan, the employee forfeits those funds which he/she is not vested in, thereby creating a forfeiture. Mr. White informed the Board that a forfeiture account in the amount of \$43,000 currently exists in the matched retirement plan provided to all Board staff. This is the amount of forfeiture accrued since the inception of the Board's current retirement plan, approximately 30 years ago. Mr. White will conduct additional research regarding options pertaining to the dissemination of the money in that account and report back at the June meeting.



Email Addresses

Mr. White informed that Board that staff is currently working to establish Board issued email accounts to all members. All Board Members will be transitioned to a Board issued email account by August 1, 2018.



Legislative Update

The Administrative Oversight Committee will introduce a bill to make the fiscal year and all financial reporting uniform for all Occupational Licensing Boards.

VI. REPORTS OF STANDING COMMITTEES

A. Executive Committee
[No Report]

B. Finance Committee
[No Report]

- C. Sedation/General Anesthesia Committee
Dr. Sadler announced an upcoming small group meeting scheduled for Monday, May 21, 2018, to prepare for the next full sedation meeting. The committee is working to generate back-up questions to generate alternative versions of the written examinations. Dr. Sadler discussed the need to consider a rule change to require the written examinations and to address what steps should be taken when an applicant fails the written examination three times.

VII. OLD BUSINESS

- A. Bylaws [Item #5] Mr. White
[Tabled until June 2018 Board Meeting]

VIII. NEW BUSINESS

- A. Approve Volunteer Site [Item #6] Ms. Goode
The Board received a request from Agape Dental Ministry to approve awarding continuing education credit for volunteering at their clinic in Charlotte, North Carolina. Dr. Wester made a motion to approve this clinic as a volunteer site for continuing education credit. The motion was seconded by Dr. Watkins and passed by general consent.
- B. ECU
ECU requested approval for currently enrolled students to participate in the following outreach activities: Special Olympics screenings, ONSDS Colgate bus, and Military stand-down screenings of veterans. Dr. Litaker made a motion to approve the request. The motion was seconded by Dr. Wester and passed by general consent.
- C. Elections
Mr. White notified the Board that, as of this meeting, three (3) nominations had been received for two dental openings on the Board of Dental Examiners, so an election would be necessary. The current nominees include: Dr. Edward Clemons, Jr., Dr. Millard W. (Buddy) Wester, and Dr. Raleigh Wright, III. The deadline for nominations is midnight, May 20th. The Board appointed Mr. Totman as the Chairman of Elections.
- D. Old North State Meeting
The Old North State Dental Society is holding its annual meeting on June 23, 2018 in Greensboro, North Carolina. Dr. Litaker moved that the Board approve and pay the expenses for Dr. Sadler to attend this meeting on the Board's behalf. Dr. Wester seconded the motion, which passed by general consent.

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. Litaker and passed by general consent.
- B. Examinations

Dr. Litaker reported that local anesthesia was administered by a licensed dentist to patients at a recent CITA administered ADEX dental hygiene examination at AB-Tech in Asheville, NC. The contracted dentist came and administered local anesthesia to the patients for the examination since the candidates themselves cannot administer local anesthesia. Following a discussion, it was the Board's decision to inform CITA that local anesthesia should not be administered at all at any North Carolina dental hygiene examination.

At 10:30 a.m., Dr. Litaker made a motion to move into closed session, pursuant to NCGS §143-318.18(6), in order to conduct one (1) settlement conference. Dr. Feingold seconded the motion, which passed by general consent. The conference concluded at 12:30 p.m., at which time the Board recessed for lunch. The Board reconvened at 2:30 p.m. at which time, Dr. Wester made the motion to move into open session in order to conduct further business of the Board. Dr. Feingold seconded the motion. The motion carried.

Dr. Litaker, Dr. Sadler, and Ms. St. Onge did not re-join the meeting after lunch.

X. REPORT FROM LEGAL COUNSEL

Mr. Brocker

- A. Rules for Permanent Adoption **[Item #8]**
21 NCAC 16Q .0202, 21 NCAC 16Q .0204, 21 NCAC 16Q .0206, 21 NCAC 16Q .0207, 21 NCAC 16Q .0301, 21 NCAC 16Q .0302, 21 NCAC 16Q .0304, 21 NCAC 16Q .0305, 21 NCAC 16Q .0306, 21 NCAC 16Q .0404, 21 NCAC 16Q .0405, 21 NCAC 16Q .0406, 21 NCAC 16Q .0407, 21 NCAC 16Q .0408, 21 NCAC 16Q .0501, 21 NCAC 16Q .0502, 21 NCAC 16Q .0503, were placed before the Board for final adoption. Dr. Wester moved for final approval for permanent adoption of these rules. Dr. Feingold seconded the motion. The motion carried.
- B. Informed Consent **[Item #9]**
Dr. Feingold made a motion to approve the proposed language amending 21 NCAC 16T .0100 and 21 NCAC 16T .0103. Mr. Totman seconded the motion which passed by general consent. Mr. Brocker will make changes to the interpretive statement regarding these rules for the Board's consideration at the next meeting.

XI. INVESTIGATIVE MATTERS

- A. Investigative Statistics (April) **[Item #10] Dr. Wester**
The Board reviewed investigative statistics for the month of April. The statistics were accepted for informational purposes.
- 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 Hearing Panel Decisions and other investigative matters. The motion was seconded by Dr. Watkins and passed by general consent.

- a. Log #07-055 **[Item #11] Dr. Sadler**

- b. Log #11-004 [Item #12] Dr. Sadler
- c. Log #16-195 [Item #13] Dr. Sadler
- d. Log #17-068 [Item #14] Dr. Sadler

C. Settlement Conferences

The Board conducted five (5) settlement conferences during the meeting. Mr. Douglas Broucker and Ms. Crystal Carlisle represented the Investigative Panel at the conferences and standard protocol was followed.

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, June 7, 2018, and will be held at the Board's offices in Morrisville, North Carolina for the purposes of conducting a rule making hearing and a Formal Hearing in the matter of Dr. Carlos Privette.

XIII. ADJOURNMENT

There being no further business, Dr. Watkins made a motion to adjourn the meeting. Dr. Feingold seconded the motion, which passed by general consent. The meeting adjourned at 3:30 p.m.

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

Date of Approval: 6/7/18

MEMBERS OF THE BOARD

- Dr. Merlin W. Young, President*
- Dr. Millard W. Westor, III, Secretary-Treasurer*
- Dr. William M. Lstaker, Jr., Past-President*
- Dr. Clifford O. Feingold*
- Dr. Kenneth M. Sadler*
- Dr. Catherine Watkins*
- Ms. Nancy S. Onge, R.D.H., Dental Hygiene Member*
- Mr. Dominic Totman, Esq., Consumer Member*