

MINUTES
NC STATE BOARD OF DENTAL EXAMINERS
BOARD MEETING
Morrisville, North Carolina
October 18, 2024

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Dr. Johnson

A. Call to Order

Dr. Mark Johnson, President of the Board, called the business meeting to order at 8:30 a.m., Friday, October 18, 2024, at the Board's offices in Morrisville, North Carolina. Dr. Johnson 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 except for Dr. Vincent Allison. The members present at the Board office included Dr. William Litaker, Dr. Mark Johnson, Dr. Karen Lanier, and Dr. Catherine Watkins. Dr. Stan Hardesty, Lori Hendrick, RDH, PhD, and Mr. Dominic Totman, Esq. joined the meeting virtually. Mr. Bobby D. White, Chief Executive Officer, Ms. Casie Goode, Deputy Operations Officer, Betty Sines, Assistant Director of Investigations, Jamie Rivera, Investigator/Paralegal, Rick Hetzel, Investigator, Tyler Henderson, Investigator, Kevin Snead, Investigator and Mr. Douglas Brocker, Legal Counsel for the Board were also present.

C. Declaration of Quorum

With seven members of the Board present, Dr. Johnson declared a quorum for the purposes of conducting the business of the Board.

II. APPROVAL & ORDER OF AGENDA

Dr. Johnson

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.

III. APPROVAL OF MINUTES

A. Minutes of September 13, 2024

[Item #1] Dr. Johnson

Following a review of the September 13, 2024, Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Watkins seconded the motion which passed by general consent.

- B. Minutes of October 10, 2024 **[Item #2]** **Dr. Johnson**
Following a review of the October 10, 2024, Minutes, Dr. Litaker moved to approve the Minutes as presented. Dr. Watkins seconded the motion which passed by general consent.

IV. REPORT FROM PRESIDENT

[No Report]

V. REPORT FROM CHIEF EXECUTIVE OFFICER

Mr. White

- A. Financial Report (September) **[Item #3]**
Following a review of the September 2024 Financial Report, Dr. Litaker moved to accept the report for informational purposes. Dr. Lanier seconded the motion which passed by general consent.
- B. Personnel Matters
The Executive Committee recently approved a salary adjustment for Jamie Rivera based on the additional duties that she has assumed.
- C. Miscellaneous
- ❖ 2025 Tripartite Meeting
The North Carolina State Board of Dental Examiners is hosting the Tripartite meeting in 2025.
 - ❖ Request to Utilize Board Room – NCBPTE **[Item #4]**
The North Carolina Board of Physical Therapy Examiners recently utilized the Boardroom for their September 18, 2024 meeting. NCBPTE expressed appreciation to the Dental Board and requested permission to utilize the space for their upcoming Board meetings currently scheduled for December 11, 2024, March 19, 2025, June 11, 2025, September 10, 2025 and December 10, 2025. Dr. Hardesty made a motion to approve NCBPTE's use of the Boardroom at the cost of \$125 per meeting with Mr. White having the discretion to adjust the fee if necessary. Dr. Litaker seconded the motion. The motion carried.
 - ❖ Request to Utilize Board Room – AAOMS **[Item #5]**
The American Association of Oral and Maxillofacial Surgeons had to cancel their upcoming OBEAM training meeting in Asheville as a result of the damage caused by Hurricane Helene. AAOMS has requested permission to utilize the Boardroom to conduct this training in November 2024. Dr. Litaker made a motion to approve AAOMS's use of the Boardroom. Dr. Watkins seconded the motion. The motion carried.

VI. REPORTS OF STANDING COMMITTEES

- A. Executive Committee
[No Report]
- B. Finance Committee
[No Report]

- C. Sedation/General Anesthesia Committee
[No Report]

VII. OLD BUSINESS

- A. 2025 Meeting Dates **[Item #6] Dr. Johnson**
The American Association of Dental Boards (AADB) has scheduled its Mid-Year Meeting for April 11-12, 2025 in Chicago, Illinois. Because this conflicts with the current Dental Board April meeting date Dr. Litaker made a motion to change the April meeting, which will include the Tripartite meeting, to be held on April 4, 2025. Dr. Watkins seconded the motion. The motion carried.
- B. Approve Rotation Sites – ABTech **[Item #7] Ms. Goode**
ABTech Community College (ABTech) requested Board approval for dental hygiene students currently enrolled in the dental hygiene program at ABTech to participate in Recovered Smiles outreach, a non-profit organization dedicated to providing free preventative dental care, at the office of Dr. Scott Miller in Candler, North Carolina. At the September 13, 2024 meeting, the Board deferred making a decision and requested staff to confirm that a dentist will be on-site to supervise. Ms. Jana Jones, RDH, the Dental Hygiene Department Chair confirmed that Dr. Scott Miller is always on site and usually has at least one other dentist volunteering. Upon review of the documentation, Dr. Hardesty made a motion to approve the proposed rotation site. Dr. Watkins seconded the motion. The motion carried.

VIII. NEW BUSINESS

- A. Approve Rotation Sites – WTCC **[Item #8] Ms. Goode**
Wake Technical Community College (WTCC) requested Board approval of Wake County Human Services and Wake Smiles as rotation sites for dental hygiene students currently enrolled in the dental hygiene program at WTCC. Upon review of the documentation, Dr. Hardesty made a motion to approve the proposed rotation sites. Dr. Lanier seconded the motion. The motion carried.
- B. Delegable Duties - 16W Clarification **[Item #9] Mr. White**
Dr. Ruma Simhan from the DHHS Division of Public Health presented to the Board via Zoom about the use of silver diamine fluoride (SDF) in the public health setting. The Board determined that in a public health setting, the application of SDF is considered preventative care and can be applied by a Public Health Dental Hygienist pursuant to a standing order.
- C. Oral Microbiome Testing **[Item #10] Ms. Goode**
Oral microbiome testing is a non-invasive test that analyzes the microorganisms living in the mouth. This testing is not FDA approved for evaluating the risk of periodontal disease, dental caries, or cancer. Dr. Amy Myers Martinez contacted the Board to inquire if this testing is permitted in North Carolina and if so, how should this testing be coded for billing purposes. The Board determined that since this testing is not FDA approved for dental purposes, there is not enough information to determine if its permissible. Dr. Martinez

should contact prospective insurance companies to inquire about the appropriate billing code should she elect to utilize this type of testing.

- D. Approval of Non-Profit Health Care Facility **[Item #11] Ms. Goode**
In accordance with NCGS 90-29 (c)(14), the North Carolina State Health Director recently approved Piedmont Smiles Mobile Dentistry as a nonprofit healthcare facility serving low-income populations. Based on this approval, Dr. Litaker made a motion for the Board to approve Piedmont Smiles Mobile Dentistry as a nonprofit healthcare facility serving low-income populations. Dr. Lanier seconded the motion. The motion carried.

- E. State of Emergency – Hurricane Helene Relief **[Item #12] Mr. White**
The North Carolina Dental Society (NCDS) submitted recommendations to help those dentists and dental hygienists impacted by Hurricane Helene and in disaster-declared counties. The recommendations included: suspending continuing education requirements for 2025, reducing renewal fees by 50%, suspending all late fees, allowing licensees to renew without penalty until June 30, 2025, and allowing temporary licensure to out-of-state clinicians providing care in the disaster-declared counties through September 30, 2025.

No action was taken at this time. The Board determined that implementing exemptions is premature at this time and directed staff to gather more information regarding the specific needs of licensees in the disaster-declared counties

- F. ABTech Request to utilize offsite clinic **[Item #13] Ms. Goode**
ABTech requested emergency approval to allow current dental hygiene students to utilize the private practice of Dr. Kevin Fox to resume clinical requirements until the school reopens and the program can resume normal activities in the school's clinic. Dr. Watkins moved to approve this request. Dr. Lanier seconded the motion. The motion carried.

- G. Approve Nitrous Oxide Course **[Item #14] Ms. Goode**
Southwestern Community College submitted a Nitrous Oxide monitoring course for the Board's approval. Dr. Litaker made a motion to approve the course. Dr. Watkins seconded the motion. The motion carried.

- H. CDEL Update **Dr. Watkins**
Dr. Watkins recently participated in a meeting with the Council on Dental Education and Licensure (CDEL). Dr. Watkins summarized two resolutions of particular interest to North Carolina. Resolution 404 contains language regarding the ADA/CSG Compacts and options for state licensure beyond the ADEX clinical exam. Resolution 407 acknowledges the ADA's concern regarding a perceived conflict of interest among the AADB dental board members who also serve as dental examiners.

- I. Approve Volunteer Clinic Event **[Item #15] Ms. Goode**
Sheila Williams, of the Adventist Medical Evangelism Network (AMEN), requested approval of their Triad Mega Clinic event scheduled to be held October 25-28, 2024, at the Greensboro Coliseum, to provide treatment to the community at no cost, and as a volunteer

site under 21 NCAC 16B .0801. Upon review, Dr. Hardesty moved to approve the clinic as a volunteer site. Dr. Litaker seconded the motion, which passed by general consent.

IX. LICENSURE MATTERS

- A. Approval of Licenses/Permits/Reinstatements **[Item #16] Ms. Goode**
Dr. Litaker 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.
- B. Examinations
Dr. Litaker gave an update regarding the validity of the ADEX examination. He discussed areas of failure and passing percentages.

X. REPORT FROM LEGAL COUNSEL

- A. Request for Rulemaking **[Item #17] Mr. Brocker/Mr. White**
Mr. White
The North Carolina Dental Hygienists' Association submitted a request to amend the current continuing education (CE) rule to increase the CE requirements for dental hygienists from six (6) hours to fifteen (15) hours annually. The request also included the association's specific interest in requiring CE on the following topics: Opioid Prescription and Utilization, Human Trafficking, and Ethics/Jurisprudence. Mr. White notified the Board that since this request would have a substantial economic impact of one million dollars or more, the Board is required to present a fiscal note to be approved by the Office of State Budget and Management before considering an increase in CE requirements.

Since the proposed rule change was submitted without any mention of its level of support among hygienists licensed in North Carolina, the Board surveyed licensed hygienists to see if they were in favor of the increase. The survey was sent to 8,899 dental hygienists. The Board received a total of 1,701 responses. Of those responses, 1,592 dental hygienists were opposed to the increase and 109 supported the increase.

Dr. Hardesty made a motion to deny the request for a rule change at this time. Dr. Litaker seconded the motion. The motion carried.

- B. Rotation Site Questions **[Item #18] Mr. White**
Dr. Edward Swift, from the University of North Carolina Adams School of Dentistry (ASOD), submitted three potential scenarios in which dental students enrolled in their program would practice outside of the dental school.

The first scenario addresses extramural sites. These sites require Board approval and are considered a part of the curriculum and therefore are permissible off-site clinics.

The second scenario addresses volunteer sites under the supervision of an ASOD faculty member. This scenario would only be permissible if the site is considered a part of the course of instruction and must be one of those designated and approved pursuant to NCGS 90-29 (c)(4). Simply having an ASOD faculty member acting as a supervisor at the volunteer site is not enough.

The third scenario addresses volunteer sites under the supervision of any NC-licensed dentist. The statute says the duly licensed supervising DDS must be “acting” as a teacher or instructor. 21 NCAC 16K .0103 says the DDS “acting” as an instructor must be “approved” by the dental school. The rule does not define the term “approved” but states the approval must be from the official generally responsible for faculty appointments.

Mr. White will draft a response for Board approval.

- C. Interpretive Statement – Emergency Care **[Item #19] Mr. Brocker**
Dr. Hardesty made a motion to approve the Interpretive Statement regarding the requirement to provide emergency care to a patient dismissed from a dental practice, which allows an exemption for providing 30 days of emergency care if the dentist reasonably believes it is unsafe to do so. Dr. Watkins seconded the motion. The motion carried.
- D. Interpretive Statement – Curodont **[Item #20] Mr. Brocker**
Dr. Hardesty made a motion to approve the Interpretive Statement regarding the application of Curodont as a duty that may be delegated to a dental hygienist. Ms. Hendrick seconded the motion. The motion carried.
- E. Proposed Rule Amendments **[Item #21] Mr. Brocker**
Six proposed rules are before the Board for consideration. Five are proposed rule amendments and one is a proposed new rule. The proposed rules are as follows:

21 NCAC 16B .1101 and 16C .0601

These proposed amendments address requirements to apply for reinstatement of a license that has been revoked, suspended, or expired.

21 NCAC 16Q .0701

This proposed amendment provides that failure to comply with the Board’s sedation rules may result in the suspension or revocation of the sedation permit as well as the dental license.

Dr. Hardesty made a motion to approve the above reference amendments. Dr. Litaker seconded the motion. The motion carried.

21 NCAC 16H .0205

This proposed amendment clarifies that dental assistants are not permitted to perform scaling for deposits either supragingivally or subgingivally.

Dr. Watkins made a motion to amend the rule to clarify that dental assistants may not scale at all. Dr. Lanier seconded the motion. The motion carried with one vote opposing.

21 NCAC 16W .0101

This proposed amendment provides that the dentist ordering the procedure, or another dentist designated by the ordering dentist, must be accessible for consultation while the

public health hygienist is performing the procedure and provide follow-up care as necessary.

21 NCAC 16T .0104

This is a proposed new rule to address requirements for winding down a dental practice, including issues such as notification to patients of the practice closure and license suspension or revocation, abandonment of records, and appointment of trustees. The rule provides that its provisions must be satisfied for an applicant to be eligible for reinstatement.

Dr. Litaker made a motion to approve the proposed rules as drafted and submit them to the Rule Review Commission for pre-review. Dr. Hardesty seconded the motion. The motion carried.

F. Supervision Discussion

Mr. Brocker

Dr. Hardesty made a motion to establish a subcommittee for the purpose of making recommendations to the Board regarding the role of owner dentists with respect to supervising his/her employees. The subcommittee will be comprised of Dr. Litaker, Dr. Watkins and Ms. Hendrick, with Dr. Litaker serving as chair. Dr. Lanier seconded the motion. The motion carried.

XI. INVESTIGATIVE MATTERS

A. Investigative Statistics (September)

[Item #22] Dr. Litaker

The Board reviewed investigative statistics for the month of September, 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 #23-214

[Item #23] Dr. Litaker

b. Log #23-057

[Item #24] Dr. Lanier

c. Log #24-231

[Item #25] Dr. Litaker

Following its discussion of investigative matters, Dr. Hardesty made a motion to move back into open session to continue with Board business. Dr. Lanier seconded the motion, which passed by general consent.

Dr. Hardesty made a motion to establish a “sleep study” subcommittee of the Board to review and research the issues surrounding the fabrication of snore devices prior to a medical diagnosis confirming the patient does not have a more serious condition, such as sleep apnea. The subcommittee will be comprised of Dr. Hardesty, Dr. Johnson, and Dr. Allison, with Dr. Hardesty serving as chair. Dr. Johnson seconded the motion. The motion carried.

- C. Settlement Conferences
[None]

XII. NEXT MEETING

The Board's next regularly scheduled meeting will begin on Thursday, November 14, 2024, at 6:30 p.m. if there are motions to be considered in the scheduled formal hearing. Otherwise, the meeting will begin on Friday, November 15, 2024, at 8:30 a.m. and will be held at the Board's offices in Morrisville, North Carolina to conduct a formal hearing and for the consideration of routine business.

XIII. ADJOURNMENT

There being no further business, Dr. Litaker made a motion to adjourn the meeting. Dr. Lanier seconded the motion, which passed by general consent. The meeting adjourned at 12:21 p.m.

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

Date of Approval: November 15, 2024

MEMBERS OF THE BOARD

- Dr. Mark Johnson., President*
- Dr. William Litaker, Secretary-Treasurer*
- Dr. Catherine Watkins., Immediate Past President*
- Dr. Karen Lanier*
- Dr. Vincent Allison*
- Dr. W. Stan Hardesty*
- Ms. Lori Hendrick, R.D.H., Dental Hygiene Member*
- Mr. Dominic Totman, Esq., Consumer Member*