

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16B .0303

DEADLINE FOR RECEIPT: Tuesday, November 8, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In paragraph (c), what is the statutory authority to require third party test development agencies to accept a member of the Dental Board on their boards of directors as a requirement for qualification?

Also, in paragraph (c), please define what you mean by "input." Must the testing agency merely consider any suggestions made by the Dental Board member of their board, or must they actually implement them?

In (d)(3)(F), who shall conduct the "annual review"?

In (d)(3)(G), what is a "task analysis"? Who shall perform it?

In (d)(3)(G), line 33, remove the comma following "years".

Part (d)(3)(I) reads as though it is an extension of (H), rather than its own individual idea. Consider adding language, such as "a system to ensure", to mimic (H).

In paragraph (e), how must an applicant "arrange" for scores to be sent?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: October 25, 2022

1 21 NCAC 16B .0303 is amended as published in 37:03 NCR 236-37 as follows:

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3 **21 NCAC 16B .0303 BOARD APPROVED EXAMINATIONS**

4 (a) All applicants for dental licensure shall achieve a passing score of at least 80 percent on the Board's sterilization
5 and jurisprudence examinations. Applicants may take reexamination in accordance with Rule .0317 of this Section.

6 (b) All applicants for dental licensure shall achieve passing scores on the examination administered by the Joint
7 Commission on National Dental Examinations and clinical examinations administered by Board approved testing
8 agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in
9 Paragraphs (c) and (d) of this Rule.

10 (c) To qualify as an approved testing agency, the test-development agencies shall allow a representative of the Board
11 to serve on the Board of Directors and the Examination Review Committee of the ~~agency.~~ agency and allow Board
12 input in the examination development and administration.

13 (d) To qualify as an approved testing agency, the clinical examination administered by a testing agency shall:

14 (1) include procedures performed on human subjects or an alternative method that simulates human
15 subjects, including manikins, as part of the assessment of restorative clinical competencies;

16 (2) include evaluations in clinical periodontics and at least three of the following subject matter areas:

- 17 (A) endodontics, clinical abilities testing;
18 (B) amalgam preparation and restoration;
19 (C) anterior composite preparation and restoration;
20 (D) posterior ceramic or composite preparation and restoration;
21 (E) prosthetics, written or clinical abilities testing;
22 (F) oral diagnosis, written or clinical abilities testing; or
23 (G) oral surgery, written or clinical abilities testing; and

24 (3) provide the following:

- 25 (A) anonymity between applicants and examination graders;
26 (B) standardization and calibration of graders;
27 (C) a mechanism for post exam analysis;
28 (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all
29 sections or areas tested and that does not allow weighted, averaged, or overall scoring to
30 compensate for failures in individual subject areas;
31 (E) a minimum passing score set by the testing agency for each subject area tested;
32 (F) an annual review of the examination;
33 (G) a task analysis performed at least once every seven years, that surveys dentists nationwide
34 to determine the content of the examination;
35 (H) a system of quality assurance to ensure uniform, consistent administration of the
36 examination at each testing site; and

1 (I) does not permit a dental instructor to grade candidates at any institution at which the
2 instructor is employed.

3 (e) The Board shall accept examination scores for five years following the date of the examinations. Each applicant
4 shall arrange for ~~and ensure the submission of the applicant's scores to be submitted to the Board office. office the~~
5 ~~applicant's scores.~~ Individuals who apply for licensure more than five years after the examination date ~~to seek licensure~~
6 shall re-take the examination.

7 (f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.
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9 *History Note: Authority G.S. 90-30; 90-48;*

10 *Eff. September 3, 1976;*

11 *Readopted Eff. September 26, 1977;*

12 *Amended Eff. September 1, 2014; June 1, 2009; March 1, 2006; August 1, 1998; March 1, 1988;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
14 *2018;*

15 *Amended Eff. December 1, 2022; October 1, 2019.*
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AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16C .0303

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In paragraph (c), what is the statutory authority to require third party test development agencies to accept a member of the Dental Board on their boards of directors as a requirement for qualification?

Also, in paragraph (c), please define what you mean by "input." Must the testing agency merely consider any suggestions made by the Dental Board member of their board, or must they actually implement them?

In (d)(3)(F), who shall conduct the "annual review"?

In (d)(3)(G), what is a "task analysis"? Who shall perform it?

In (d)(3)(G), line 33, remove the comma following "years".

Part (d)(3)(I) reads as though it is an extension of (H), rather than its own individual idea. Consider adding language, such as "a system to ensure", to mimic (H).

In paragraph (e), how must an applicant "arrange" for scores to be sent?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: October 25, 2022

1 21 NCAC 16C .0303 is amended as published in 37:03 NCR 237 as follows:

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3 **21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS**

4 (a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and
5 jurisprudence examinations. Reexamination shall be governed by Rule .0311 of this Section.

6 (b) All applicants for dental hygiene licensure shall achieve passing scores on the examination administered by the
7 Joint Commission on National Dental Examinations and clinical examinations administered by Board approved testing
8 agencies. The Board shall determine which testing agencies are approved based on the requirements set forth in
9 Paragraphs (c) and (d) of this Rule.

10 (c) To qualify as an approved testing agency, the test-development agencies shall allow Board representation on the
11 examination review committee and the board of directors of the agency and allow Board input in the examination
12 development and administration.

13 (d) To qualify as an approved testing agency, the clinical examination administered by a testing agency shall:

- 14 (1) include procedures performed on human subjects or an alternative method that simulates human
15 subjects, including manikins, as part of the assessment of clinical competency;
- 16 (2) include probing, supra- and subgingival scaling, and soft tissue management; and
- 17 (3) provide the following:
- 18 (A) anonymity between applicants and examination graders;
- 19 (B) standardization and calibration of graders;
- 20 (C) a mechanism for post exam analysis;
- 21 (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all
22 sections or areas tested and that does not allow weighted, averaged, or overall scoring to
23 compensate for failures in individual subject areas;
- 24 (E) a minimum passing score set by the testing agency for each subject area tested;
- 25 (F) an annual review of the examination;
- 26 (G) a task analysis performed at least once every seven years that surveys dentists nationwide
27 to determine the content of the examination;
- 28 (H) a system of quality assurance to ensure uniform, consistent administration of the
29 examination at each testing site; and
- 30 (I) does not permit a dental hygiene instructor to grade candidates at any institution at which
31 the instructor is employed.

32 (e) The Board shall accept examination scores for five years following the date of the examination. Individuals who
33 apply for licensure more than five years after the examination date shall re-take the examination. Each applicant shall
34 arrange for the applicant's scores to be submitted to the Board office.

35 (f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.
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37 *History Note: Authority G.S. 90-224;*

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Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. September 1, 2014; June 1, 2009; June 1, 2006; May 1, 1989; March 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,
2018;
Amended Eff. December 1, 2022; September 1, 2020.