

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

AGENCY: North Carolina Dental Board

RULE CITATION: 21 NCAC 16B .0501

DEADLINE FOR RECEIPT: Thursday, November 9, 2023.

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 (e), p.2, lines 12-13, is “advanced dental education program” defined anywhere? I saw in the answer to the pre-review, that this language is contained in G.S. 90-36(b1)(2), but I wonder if the Board has metrics for determining what is and what is not considered an “advance dental education program.”

In (g), line 24, I noted from your pre-review answers that “fraud or by any false representation” is a finding made by the Board pursuant to a disciplinary process. I think it might be good to say that explicitly here.

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 26, 2023

1 21 NCAC 16B .0501 is amended as published in 37:16 NCR 1099-1100 as follows:

2
3 **SECTION .0500 – LICENSURE BY CREDENTIALS**

4
5 **21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS**

6 (a) ~~An~~ Except for instructors applying under Rule .0502 of this Section, an applicant for a dental license by credentials
7 shall submit to the Board:

- 8 (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the
9 information and materials required by Rule .0301(a) of this Subchapter;
- 10 (2) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101;
- 11 (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
- 12 (A) the dates that and locations where the applicant has practiced dentistry;
- 13 (B) that the applicant has provided at least 5,000 hours of clinical care to patients, not including
14 ~~post graduate~~ postgraduate training, residency ~~programs~~ programs, or an internship; and
- 15 (C) that the applicant has held an active, unrestricted dental license issued by another U.S. state
16 or U.S. territory, without any period of interruption; and
- 17 (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal
18 agency complaints, judgments, or settlements that are related to licensure and are not disclosed
19 elsewhere in the application.

20 (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall
21 request the applicable entity to send the following required information or ~~documents~~ documents, in a sealed envelope
22 or via secure electronic transmission, directly from the entity to the Board office; ~~office, with each document in an~~
23 ~~unopened envelope sealed by the entity involved:~~

- 24 (1) the applicant's official transcripts from a dental school or college accredited by the Commission on
25 Dental Accreditation of the American Dental ~~Association;~~ Association ("CODA") showing the
26 applicant graduated with a DDS or DMD degree;
- 27 (2) a certificate of the applicant's licensure status from the dental regulatory authority or other
28 occupational or professional regulatory authority and a disclosure of any disciplinary action taken
29 or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held
30 a dental license or other occupational or professional license;
- 31 (3) ~~examination scores from:~~ required by Rule .0303(b) of this Subchapter;
- 32 (A) the National Board Dental Examination administered by the Joint Commission on National
33 Dental Examinations; and
- 34 (B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d)
35 of this Subchapter;
- 36 (4) a report of any pending or final malpractice actions against the applicant verified by ~~the~~ any
37 malpractice insurance carrier covering the applicant; and

1 (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering
2 the applicant.

3 ~~(c) The Board shall receive~~ An application shall be complete when the Board receives all information and
4 documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations
5 required by this Rule. Rule .0303 of this Subchapter for the application to be complete. Applications Partial
6 applications that are not completed within one year of the date the first document is being submitted to the Board shall
7 be disregarded as expired without a refund of the application fee.

8 (d) An applicant for dental licensure by credentials shall pass the Board's written examinations in sterilization and
9 jurisprudence as set out in Rule .0303(a) of this Subchapter. Individuals who do not pass ~~the either~~ written examination
10 after three attempts within one year in accordance with Rule .0317(b) of this Subchapter shall not be eligible for
11 reexamination under Rule .0317(c) of this Subchapter and may not reapply for licensure by credentials.

12 (e) If an applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education
13 program, the applicant shall be subject to all the requirements of this Rule, except:

14 (1) the applicant is not required to hold a dental license issued by any U.S. state or territory; and

15 (2) the applicant shall satisfy the educational credentials requirement set out in Subparagraph (b)(1) of
16 this Rule by requesting the applicable entity to send directly to the Board office, in a sealed envelope
17 or via secure electronic transmission:

18 (A) official transcripts from any school or college showing the applicant graduated with a
19 general dental degree; and

20 (B) official transcripts from a school or college showing the applicant graduated with a
21 certificate or a degree from a CODA-accredited advanced dental education program in the
22 school.

23 ~~(e)(f)~~ Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

24 ~~(f)(g)~~ Any license obtained through fraud or by any false representation shall be revoked.

25
26 *History Note: Authority G.S. 90-28; 90-36; 90-41;*

27 *Temporary Adoption Eff. January 1, 2003;*

28 *Eff. January 1, 2004;*

29 *Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;*

30 *Amended Eff. September 1, 2014; February 1, 2010;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
32 *2018;*

33 *Amended Eff. December 1, 2023; March 1, 2020.*

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

AGENCY: North Carolina Dental Board

RULE CITATION: 21 NCAC 16B .0502

DEADLINE FOR RECEIPT: Thursday, November 9, 2023.

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 (d), line 15, I noted from your pre-review answers that “fraud or by any false representation” is a finding made by the Board pursuant to a disciplinary process. I think it might be good to say that explicitly here.

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 26, 2023

1 21 NCAC 16B .0502 is adopted as published in 37:16 NCR 1100 as follows:

2

3 **21 NCAC 16B .0502 DENTAL LICENSURE VIA INSTRUCTOR'S LICENSE**

4 (a) An applicant for license by credentials who holds an unexpired instructor's license issued by the Board shall submit
5 to the Board:

6 (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes
7 information and materials required by Rule .0301(a) of this Subchapter;

8 (2) a letter of recommendation from the applicant's employing dental school or academic medical
9 center; and

10 (3) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101.

11 (b) An application shall be complete when the Board receives all information and documentation required by this
12 Rule. Partial applications that are not completed within one year of the date the first document is submitted to the
13 Board shall be disregarded as expired without a refund of the application fee.

14 (c) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

15 (d) Any license obtained through fraud or by any false representation shall be revoked.

16

17 *History Note: Authority G.S. 90-28; 90-36; 90-41;*

18 *Eff. December 1, 2023.*