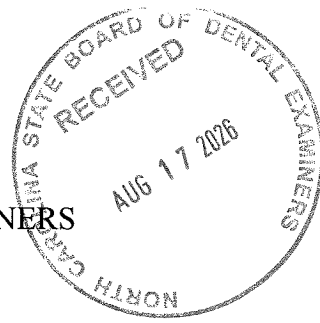




BEFORE THE NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

PETITION FOR RULEMAKING

Proposed Rule Concept: Establishment of a Structured Rehabilitative Pathway for Restoration of
Indirect Supervision Eligibility Following a Public Reprimand

Submitted Pursuant to N.C. Gen. Stat. § 150B-20 and 21 NCAC 16N .0101

Petitioner:

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North Carolina Dental Hygiene License No. 7668

Subject of Petition:

Request for Rulemaking Concerning Eligibility for Indirect Supervision Following a Public
Reprimand Under N.C. Gen. Stat. § 90-233(a3)

Date Submitted:

August 12, 2026

Submitted To:

North Carolina State Board of Dental Examiners
Attn: Rulemaking Petition Review
2000 Perimeter Park Drive, Suite 160
Morrisville, NC 27560

PETITION FOR RULEMAKING

Submitted to:

North Carolina State Board of Dental Examiners

Pursuant to:

N.C. Gen. Stat. § 150B-20

21 NCAC 16N .0101

This petition requests adoption of a rule establishing a structured process through which a dental hygienist who has received a public reprimand may, after demonstrating sustained compliance and rehabilitation, petition the Board for restoration of eligibility to practice under G.S 90-233(a1). The proposal preserves the Board's discretion, maintains public protection, and promotes access to preventive oral health services through an objective, evidence-based review process.

1. Introduction

Pursuant to G.S. § 150B-20 and 21 NCAC 16N .0101, the Petitioner respectfully requests that the North Carolina State Board of Dental Examiners initiate rulemaking to establish a petition process by which a dental hygienist who has received a public reprimand may, after demonstrating sustained compliance and rehabilitation, petition for restoration of eligibility to practice under G.S. § 90-233(a1). If the Board concludes that such authority cannot be exercised through rulemaking alone, the Petitioner respectfully requests that the Board consider supporting a legislative amendment establishing a rehabilitative pathway. The proposed process promotes public safety while providing an objective mechanism for evaluating rehabilitation, competency, and continued fitness to practice.

2. Purpose and Need for Rule Change

The current language of G.S. § 90-233(a3) provides that a dental hygienist who has been disciplined by the Board may not practice outside the direct supervision of a dentist under G.S. § 90-233(a1). A dentist who has been disciplined by the Board may not allow a hygienist to work outside of that dentist's direct supervision under G.S. § 90-233(a1). This prohibition applies indefinitely and without regard to the severity of the disciplinary action, the elapsed time since the event, or demonstrated evidence of rehabilitation. The statute provides no mechanism by which a hygienist may demonstrate and seek restoration of eligibility after a public reprimand. The current framework does not distinguish between a public reprimand and more serious

disciplinary actions such as suspension, probation or revocation. As a result, disciplinary consequences affecting eligibility for indirect supervision may be disproportionate to the underlying conduct and do not provide a mechanism for the Board to evaluate rehabilitation, current competency, or evidence of sustained compliance.

The purpose of professional discipline is to protect the public by promoting safe and competent practice, rather than imposing perpetual punishment once rehabilitation and continued competence have been demonstrated. When a licensee has demonstrated sustained compliance, continuing competence, and adherence to all Board requirements over an extended period, providing an opportunity for individualized review is consistent with sound regulatory principles while preserving the Board's discretion to deny relief whenever public safety concerns remain.

A public reprimand is generally recognized as the least severe form of public professional discipline. Although it serves an important accountability function, it differs substantially from disciplinary actions involving suspension, probation, or revocation, which reflect more significant concerns regarding a licensee's ability to practice safely. The proposed petition process recognizes these distinctions while preserving the Board's authority to determine, on an individualized basis, whether restoration of eligibility is appropriate.

The current statutory framework treats all forms of discipline identically for purposes of eligibility under G.S. § 90-233(a1), regardless of severity. As a result, it provides no pathway for restoration following years of compliant practice, unnecessarily limits service in underserved settings, and removes incentives for rehabilitation and professional development.

A structured, time-limited, evidence-based approach maintains patient safety while allowing professionals to demonstrate rehabilitation and return to broader service roles. This proposed amendment balances public protection, administrative fairness, workforce needs, and accepted principles of rehabilitative licensure.

North Carolina continues to experience disparities in access to preventive oral health services, particularly in rural communities, long-term care facilities, public health settings, school-based programs, and federally qualified health centers. Dental hygienists practicing under prescriptive supervision play an important role in expanding access to care in these settings. A permanent prohibition, regardless of the nature of the disciplinary action or subsequent rehabilitation, may unnecessarily limit the available workforce without providing a corresponding public safety benefit.

3. Proposed Rule Concept for Restoration of Eligibility Under § 90-233(a3)

The following proposed rule concept is offered to illustrate the substantive elements of a rehabilitative petition process. The specific language and format of any rule adopted by the Board would remain within the Board's discretion.

A dental hygienist who has received a public reprimand and is therefore ineligible to practice under prescriptive supervision pursuant to G.S. § 90-233(a3) may petition the Board for restoration of eligibility no sooner than five (5) years after entry of the reprimand. After such period, the hygienist may petition the Board for restoration of indirect supervision eligibility. The proposed rule could require the petitioner to demonstrate:

1. The petitioner has practiced for at least five consecutive years without additional disciplinary action following entry of the public reprimand;
2. Completed twenty (20) hours of continuing education in ethics, jurisprudence, public health, or related subjects approved by the Board;
3. Complied with all Board orders and requirements;
4. Demonstrated continued competence, ethical practice, and fitness to practice, including, where applicable, documentation of employment history, continuing education, and letters of recommendation; and
5. Submitted any additional information the Board deems relevant to determining whether restoration of eligibility is consistent with public safety and the protection of the public.

The Board may grant or deny the petition based upon its determination that restoration of eligibility is consistent with public safety and the protection of the public. Nothing in this rule shall create an entitlement to restoration of eligibility, and the burden shall remain on the petitioner to demonstrate that restoration is consistent with protection of the public.

The Board shall evaluate petitions on a case-by-case basis and may restore indirect supervision authority upon determining that the hygienist has demonstrated rehabilitation and continued fitness to practice with reasonable safety.

4. Public Benefits and Justification

The proposed rule change would:

- Expand access to preventive oral health services in underserved and rural communities.
- Encourage disciplined licensees to pursue remediation and continued professional development.

- Maintain public safety through objective rehabilitation standards and Board review;
- Create consistency with rehabilitation principles recognized throughout professional licensure regulation.
- Support workforce retention while preserving Board oversight.
- Offer administrative clarity by defining a transparent pathway for restoration.
- Encourage consistent, objective decision-making through clearly defined eligibility criteria while preserving individualized review.
- Align with widely accepted licensure rehabilitation standards used across health professions in North Carolina.

The proposed rule serves the public interest by:

- Improving access to preventive oral health services in underserved communities.
- Encouraging disciplined licensees to pursue remediation, continuing education, and professional accountability.
- Providing the Board with a structured process to evaluate rehabilitation and current fitness to practice.
- The five (5) year period provides sufficient time for the Board to evaluate sustained compliance, professional conduct, and rehabilitation while ensuring that disciplinary restrictions remain meaningful.
- Preserving the Board's authority to deny restoration when public safety concerns remain.
- Supporting workforce retention while maintaining regulatory oversight.

Because restoration would occur only after Board review and satisfaction of objective eligibility criteria, the proposal maintains public protection while allowing consideration of rehabilitation in appropriate cases.

5. Conclusion

For the reasons stated above, the Petitioner respectfully requests that the North Carolina State Board of Dental Examiners initiate rulemaking to adopt a rule establishing a rehabilitative petition process for restoration of eligibility under G.S. § 90-233(a3), thereby creating a defined process through which eligible hygienists may petition for restoration following a public reprimand.

The proposed Rule change supports public safety, administrative clarity, fairness in the regulatory process, and improved access to dental hygiene services for North Carolina residents, particularly those in underserved and public health settings.

Modern professional regulation increasingly recognizes rehabilitation, remediation, and demonstrated competency as important components of public protection. A structured petition process would allow the Board to evaluate individual circumstances while maintaining its primary responsibility to safeguard the public.

The proposed rule would not eliminate discipline, shorten disciplinary sanctions, or diminish the Board's authority. Rather, it would establish a carefully structured process through which the Board could, in appropriate cases and after substantial evidence of rehabilitation, determine whether restoration of indirect supervision eligibility remains consistent with its statutory mission to protect the public.

This petition is intended to request rulemaking to the fullest extent authorized by law and, if necessary, to encourage consideration of legislative changes that would permit implementation of the proposed rehabilitative process.

The Petitioner appreciates the Board's consideration and stands ready to provide supporting information, documentation, or testimony upon request.

Respectfully Submitted,

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