

## Burgos, Alexander N

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**Subject:** FW: [External] Dental Board Rules for Permanent Adoption - August Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Friday, August 1, 2025 3:01 PM

**To:** Whitney Waldenberg <Whitney@brockerlawfirm.com>; Rules, Oah <oah.rules@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Sherri Roycroft <sherri@brockerlawfirm.com>; Doug Brocker <doug@brockerlawfirm.com>; File <file@brockerlawfirm.com>

**Subject:** RE: [External] Dental Board Rules for Permanent Adoption - August Meeting

Thank you, Whitney.

Alex and Julie,

These rules are final for review at the August RRC meeting.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**From:** Whitney Waldenberg <Whitney@brockerlawfirm.com>  
**Sent:** Friday, August 1, 2025 12:36 PM  
**To:** Rules, Oah  
**Cc:** Wiggs, Travis C; Burgos, Alexander N; Sherri Roycroft; Doug Brocker; File  
**Subject:** [External] Dental Board Rules for Permanent Adoption - August Meeting  
**Attachments:** 21 NCAC 16A .0101.docx; 21 NCAC 16V .0103.docx; 21 NCAC 16F .0111.docx

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Good afternoon,

On behalf of the North Carolina Board of Dental Examiners, attached please find electronic versions of the following rules which have been submitted for permanent adoption and reviewed for technical changes:

- 21 NCAC 16A .0101
- 21 NCAC 16F .0111 (reflects technical changes requested by RRC counsel)
- 21 NCAC 16V .0103

These rules are ready to be reviewed by the RRC at its August meeting.

Please let us know if you need anything additional.

Thank you,

Whitney



**Whitney Waldenberg\***

Of Counsel

The Brocker Law Firm, P.A.

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\*Licensed in North Carolina, located outside of the United States

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21 NCAC 16A .0101 is amended as published in 39:21 NCR 1406-07 as follows:

## CHAPTER 16 – BOARD OF DENTAL EXAMINERS

### SUBCHAPTER 16A – ORGANIZATION

#### 21 NCAC 16A .0101 DEFINITIONS

As used in this Chapter:

- (1) "Applicant" means a person applying for any license or permit issued by the Board.
- (2) "Board" means the North Carolina State Board of Dental Examiners.
- (3) "Current license" means a license that is renewed by the licensing board.
- (4) "CPR certification" means the licensee has completed a CPR course that meets American Red Cross or American Heart Association standards for certification and that provides manikin testing of cardiopulmonary resuscitation. The course shall also cover the use of an automatic external defibrillator, unconscious and conscious choking, and rescue breathing. The manikin testing shall be provided by an instructor who is present in the training room with the students.
- (5) "Internship" means practice in an educational training program. Internship does not mean practice under an intern permit while holding an unrestricted general dental or dental specialty license issued by a state, U.S. territory, or the District of Columbia.
- (6) "Secure electronic transmission" means an electronic method of communication that ensures that completeness, integrity, and confidentiality of information are maintained during transmission.
- (7) "Unrestricted license" means a license that is not under suspension or inactivation, or subject to the terms of a consent order or other disciplinary action imposed by the jurisdiction that issued the license, or limited by supervision or location requirements.
- (8) Except where otherwise defined by these Rules or by statute, "supervision," "direct supervision," and "supervision and direction" means that the dentist overseeing treatment is present in the same facility or location and available during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval and that the dentist shall examine and evaluate the results of such acts.
- (9) Except where otherwise defined by these Rules or by statute, "direction" or "under direction" means that the dentist ordering treatment does not have to be present in the same facility or location during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval, but that dentist shall be responsible for all consequences or results arising from such acts.
- (10) "Responsible dentist manager" means a North Carolina licensed dentist designated by a professional corporation pursuant to 21 NCAC 16F .0111 to oversee the provision of dental services at a specific dental facility and compliance with the Dental Practice Act, Dental Hygiene Act, and the Board's rules at the facility.

1       (11)   "Good standing" means that the licensee's license is not suspended, revoked, or subject to a  
2       disciplinary order with probationary terms.

3  
4   *History Note:*    *Authority G.S. 90-28; 90-29(a); 90-29.3; 90-29.4; 90-29.5; 90-30; 90-41; 90-48; 90-224; 90-224.1;*  
5                    *90-226;*  
6                    *Eff. September 3, 1976;*  
7                    *Readopted Eff. September 26, 1977;*  
8                    *Amended Eff. May 1, 1991; May 1, 1989; September 1, 1988; October 1, 1986;*  
9                    *Temporary Amendment Eff. January 1, 2003;*  
10                   *Amended Eff. May 1, 2011; January 1, 2004;*  
11                   *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
12                   *2018;*  
13                   *Amended Eff. August 1, 2024; October 1, ~~2019~~ 2019; September 1, 2025.*

1 21 NCAC 16F .0111 is adopted with changes as published in 39:21 NCR 1407 as follows:

2  
3 **21 NCAC 16F .0111 DESIGNATION OF RESPONSIBLE DENTIST MANAGER**

4  
5 With the application made pursuant to Rule 16F .0104 ~~or .0105~~ or .0105 of this Section, the professional entity may  
6 elect to designate a responsible dentist manager, as defined in 21 NCAC 16A .0101, for each of the professional  
7 entity's facilities. The responsible dentist manager for a facility shall sign or electronically submit the designation to  
8 be effective. If a professional entity does not designate a responsible dentist manager or does not update its designation  
9 if a responsible dentist manager leaves the practice, each owner of the professional entity operating the facility shall  
10 be responsible for overseeing the provision of dental services at the facility and compliance with the Dental Practice  
11 Act, Dental Hygiene Act, and the Board's rules at the facility, including implementation of policies, procedures, and  
12 corrective measures to prevent violations.

13  
14 *History Note: Authority G.S. 55B-10; 57D-2-01; 57D-2-02; 90-48;*  
15 *Eff. September 1, 2025.*  
16  
17  
18

21 NCAC 16V .0103 is adopted as published in 39:21 NCR 1407 as follows:

**21 NCAC 16V .0103 UNPROFESSIONAL CONDUCT BY A DENTIST, PRACTICE OWNER, OR RESPONSIBLE DENTIST MANAGER**

Unprofessional conduct as set out in G.S. 90-41(a)(26) by a dentist, practice owner, or responsible dentist manager shall include the following:

(1) A dentist commits unprofessional conduct if:

(a) another dentist, dental hygienist, dental assistant, or other personnel providing services within the same practice commits a violation of the Dental Practice Act, Dental Hygiene Act, or the Board's Rules; and

(b) the dentist:

(i) directed the conduct resulting in the violation;

(ii) ratified the violation by express or implied consent or approval; or

(iii) knew or should have known of the violation committed by someone required to be under the dentist's supervision or direction and permitted it to occur on a reoccurring basis or following a previous similar violation.

(2) An owner of a dental practice or professional entity commits unprofessional conduct if reoccurring violations under Sub-Item (1)(a) of this Rule occur at a facility, unless there had been a designation of a responsible dentist manager for the facility prior to the violations. An owner does not commit unprofessional conduct if written policies designed to prevent the reoccurrence of violations had been implemented at the facility, but the policies were violated.

(3) A responsible dentist manager commits unprofessional conduct if reoccurring violations under Sub-Item (1)(a) of this Rule occur at the facility. A responsible dentist manager does not commit unprofessional conduct if written policies designed to prevent the reoccurrence of violations had been implemented at the facility, but the policies were violated.

History Note: Authority G.S. 90-41;90-48;

Eff. September 1, 2025.

## Burgos, Alexander N

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**Subject:** FW: [External] Re: August RRC Meeting

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**From:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>

**Sent:** Friday, August 1, 2025 11:32 AM

**To:** Whitney Waldenberg <Whitney@brockerlawfirm.com>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>; File <file@brockerlawfirm.com>

**Subject:** RE: [External] Re: August RRC Meeting

Good morning Whitney,

Please include all the rules to be reviewed for RRC review in August when sending them to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The formatting looks correct, but Julie Eddins (Publication Coordinator) should notify you if formatting changes are needed. Please copy me and [alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov) to the email with all the rules for August.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

## Burgos, Alexander N

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**From:** Wiggs, Travis C  
**Sent:** Wednesday, July 23, 2025 3:56 PM  
**To:** Whitney Waldenberg  
**Cc:** Burgos, Alexander N  
**Subject:** August RRC Meeting

Good afternoon,

I'm the attorney who reviewed the rule submitted by the Board of Dental Examiners for the August 2025 RRC meeting. The RRC will formally review this rule at its meeting on Thursday, August 28, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

In 21 NCAC 16F .0111, line 5, please add a space after "or". I'm otherwise satisfied with these Rules.

Please submit the rules via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) no later than 5pm on August 15, 2025. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email. Let me know if you have any questions.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] Re: August RRC Meeting  
**Attachments:** 21 NCAC 16F .0111.docx

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**From:** Whitney Waldenberg <Whitney@brockerlawfirm.com>  
**Sent:** Friday, August 1, 2025 11:18 AM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>; File <file@brockerlawfirm.com>  
**Subject:** [External] Re: August RRC Meeting

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Good morning Travis,

We have made the technical change (attached), which I plan to send on to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) and copy you. Before I send it in, I wanted to make sure that we only need to send in the attached rule with technical changes and not the remaining rules for permanent adoption (the ones with no technical changes). I also want to confirm the formatting is correct.

Finally, I also wanted to let you know that Doug Brocker will be attending the August 28 meeting on behalf of the Dental Board.

Thank you!

Whitney

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1 21 NCAC 16F .0111 is adopted with changes as published in 39:21 NCR 1407 as follows:

2  
3 **21 NCAC 16F .0111 DESIGNATION OF RESPONSIBLE DENTIST MANAGER**  
4

5 With the application made pursuant to Rule 16F .0104 ~~or .0105~~ **or .0105** of this Section, the professional entity may  
6 elect to designate a responsible dentist manager, as defined in 21 NCAC 16A .0101, for each of the professional  
7 entity's facilities. The responsible dentist manager for a facility shall sign or electronically submit the designation to  
8 be effective. If a professional entity does not designate a responsible dentist manager or does not update its designation  
9 if a responsible dentist manager leaves the practice, each owner of the professional entity operating the facility shall  
10 be responsible for overseeing the provision of dental services at the facility and compliance with the Dental Practice  
11 Act, Dental Hygiene Act, and the Board's rules at the facility, including implementation of policies, procedures, and  
12 corrective measures to prevent violations.

13  
14 *History Note: Authority G.S. 55B-10; 57D-2-01; 57D-2-02; 90-48;*  
15 *Eff. September 1, 2025.*  
16  
17  
18