

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.

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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:

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

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