

1 21 NCAC 16A .0101 is amended as published in 38:18 NCR 1190 as follows:

2
3 **CHAPTER 16 – BOARD OF DENTAL EXAMINERS**

4
5 **SUBCHAPTER 16A – ORGANIZATION**

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7 **21 NCAC 16A .0101 DEFINITIONS**

8 As used in this Chapter:

9 (1) "Applicant" means a person applying for any license or permit issued by the ~~Board;~~ Board.

10 (2) "Board" means the North Carolina State Board of Dental ~~Examiners;~~ Examiners.

11 ~~(3) "Candidate" means a person who has applied and been accepted for examination to practice dentistry~~
12 ~~or dental hygiene in North Carolina;~~

13 ~~(4)~~(3) "Current license" means a license that is renewed by the licensing ~~board;~~ board.

14 ~~(5)~~(4) "CPR certification" means ~~that~~ the licensee has completed a CPR course that meets American Red
15 Cross or American Heart Association standards for certification and that provides manikin testing
16 ~~on the subjects of cardio-pulmonary of cardiopulmonary~~ resuscitation. The course ~~must~~ shall also
17 cover the use of an automatic external defibrillator, unconscious and conscious ~~choking~~ choking,
18 and rescue breathing. ~~breathing, provided that the foregoing requirements shall not be interpreted in~~
19 ~~any way that violates the Americans with Disabilities Act.~~ The manikin testing shall be provided by
20 an instructor who is present in the training room with the ~~students;~~ students.

21 ~~(6)~~(5) "Internship" means practice in an educational training program. Internship does not mean practice
22 under an intern permit while holding an unrestricted general dental or dental specialty license issued
23 by a state, U.S. ~~territory~~ territory, or the District of ~~Columbia;~~ Columbia.

24 ~~(6)~~ "Secure electronic transmission" means an electronic method of communication that ensures that
25 completeness, integrity, and confidentiality of information are maintained during transmission.

26 (7) "Unrestricted license" means a license that is not under suspension or inactivation, or subject to the
27 terms of a consent order or other disciplinary action imposed by the jurisdiction that issued the
28 license, or limited by supervision or location ~~requirements;~~ requirements.

29 (8) Except where otherwise defined by these Rules or by statute, "supervision," "direct supervision,"
30 and "supervision and direction" means that the dentist overseeing treatment is present in the same
31 facility or location and available during the performance of the acts that are being performed
32 pursuant to that dentist's order, control, and approval and that the dentist ~~must~~ shall examine and
33 evaluate the results of such ~~acts; and~~ acts.

34 (9) Except where otherwise defined by these Rules or by statute, "direction" or "under direction" means
35 that the dentist ordering treatment does not have to be present in the same facility or location during
36 the performance of the acts that are being performed pursuant to that dentist's order, control, and
37 approval, but that dentist shall be responsible for all consequences or results arising from such acts.

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

1 21 NCAC 16A .0107 is adopted as published in 38:18 NCR 1190-91 as follows:

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3 **21 NCAC 16A .0107 BOARD CONTACT INFORMATION; SUBMISSION OF INFORMATION AND**
4 **DOCUMENTS TO THE BOARD**

5 (a) To contact or obtain information about the Board:

6 (1) Mailing address: 2000 Perimeter Park Drive, Suite 160, Morrisville, North Carolina 27560.

7 (2) Website: www.ncdentalboard.org.

8 (3) Telephone number: (919) 678-8223.

9 (4) Fax number: (919) 678-8472.

10 (5) Email address: info@ncdentalboard.org.

11 (b) Unless otherwise stated, all forms required by the rules of this Chapter are available on the Board's website.

12 (c) For any rule in this Chapter requiring an applicant or licensee to request a testing agency, educational program, or
13 other entity to send information or documents directly to the Board office, the Board accepts information and
14 documents sent by the entity via secure electronic transmission, as well as documents sent in a sealed envelope directly
15 from the entity to the Board office.

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17 History Note: Authority G.S. 90-28; 90-48.

18 Eff. August 1, 2024.

1 21 NCAC 16B .0303 is amended as published in 38:18 NCR 1191 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 a reexamination in accordance with Rule .0317 of this Section.

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

10 (c) To qualify as an approved testing agency, the test-development or test-administration agency shall allow a
11 representative of the Dental Board to serve on the agency's Board of Directors and the Examination Review Committee
12 for the limited purpose of allowing Dental Board input in the development and administration of the examination.
13 When Dental Board members offer to participate as examiners for examinations administered in North Carolina, the
14 test-administration agency shall assign at least one of those Dental Board members to each examination administered
15 in North Carolina.

16 (d) To qualify as an approved testing agency, the clinical examination developed or administered by ~~a~~ the testing
17 agency shall:

- 18 (1) include procedures performed on human subjects or an alternative method that simulates human
19 subjects, including manikins, as part of the assessment of restorative clinical competencies;
- 20 (2) include evaluations in clinical periodontics and at least three of the following subject matter areas:
- 21 (A) endodontics, clinical abilities testing;
- 22 (B) amalgam preparation and restoration;
- 23 (C) anterior composite preparation and restoration;
- 24 (D) posterior ceramic or composite preparation and restoration;
- 25 (E) prosthetics, written or clinical abilities testing;
- 26 (F) oral diagnosis, written or clinical abilities testing; or
- 27 (G) oral surgery, written or clinical abilities testing; and
- 28 (3) provide the following:
- 29 (A) anonymity between applicants and examination graders;
- 30 (B) standardization and calibration of graders;
- 31 (C) a mechanism for post exam analysis;
- 32 (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all
33 sections or areas tested and that does not allow weighted, averaged, or overall scoring to
34 compensate for failures in individual subject areas;
- 35 (E) a minimum passing score set by the testing agency for each subject area tested;
- 36 (F) an annual review of the examination conducted by the testing agency;

- 1 (G) a task analysis performed by the testing agency at least once every seven years that surveys
2 dentists nationwide to determine the content of the examination;
- 3 (H) a system of quality assurance to ensure uniform, consistent administration of the
4 examination at each testing site; and
- 5 (I) a system of quality assurance that does not permit a dental instructor to grade candidates
6 at any institution at which the instructor is employed.
- 7 (e) The Board shall accept examination scores for five years following the date of the examinations. Each applicant
8 shall request the applicable entity to send the applicant's scores to the Board office. Individuals who apply for licensure
9 more than five years after the examination date shall re-take the examination.
- 10 (f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.

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12 *History Note: Authority G.S. 90-30; 90-48;*
13 *Eff. September 3, 1976;*
14 *Readopted Eff. September 26, 1977;*
15 *Amended Eff. September 1, 2014; June 1, 2009; March 1, 2006; August 1, 1998; March 1, 1988;*
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
17 *2018;*
18 *Amended Eff. August 1, 2024; December 1, 2022; October 1, 2019.*

1 21 NCAC 16C .0303 is amended as published in 38:18 NCR 1191-92 as follows:

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

4 (a) All applicants for dental hygiene licensure shall achieve a passing ~~score~~ score of at least 80 percent on the Board's
5 sterilization and jurisprudence examinations. Reexamination shall be governed by Rule .0311 of this Section.

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

10 (c) To qualify as an approved testing agency, the test-development or test-administration agency shall allow a
11 representative of the Dental Board to serve on the agency's Board of Directors and Examination Review Committee
12 for the limited purpose of allowing Dental Board input in the development and administration of the examination.
13 When Dental Board members offer to participate as examiners for examinations administered in North Carolina, the
14 test-administration agency shall assign at least one of those Dental Board members to each examination administered
15 in North Carolina.

16 (d) To qualify as an approved testing agency, the clinical examination developed or administered by ~~a~~ the testing
17 agency shall:

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

1 (e) The Board shall accept examination scores for five years following the date of the examination. Individuals who
2 apply for licensure more than five years after the examination date shall re-take the examination. Each applicant shall
3 request the applicable entity to send the applicant's scores to the Board office.

4 (f) The applicant shall comply with all requirements of the testing agency in applying for and taking the examination.
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6 *History Note: Authority G.S. 90-223; 90-224;*

7 *Eff. September 3, 1976;*

8 *Readopted Eff. September 26, 1977;*

9 *Amended Eff. September 1, 2014; June 1, 2009; June 1, 2006; May 1, 1989; March 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
11 *2018;*

12 *Amended Eff. August 1, 2024; December 1, 2022; September 1, 2020.*

1 21 NCAC 16H .0104 is amended as published in 38:18 NCR 1194-95 as follows:

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3 **21 NCAC 16H .0104 APPROVED EDUCATION AND TRAINING PROGRAMS**

4 (a) To be classified as a Dental Assistant II, an assistant shall have and maintain an unexpired CPR certification and
5 also shall ~~meet one of the following criteria:~~ complete:

6 (1) ~~completion of:~~ a dental assisting program accredited by the Commission on Dental Accreditation
7 ("CODA"), a list of which is available at no cost at coda.ada.org/find-a-program/search-dental-
8 programs and is incorporated by reference, including subsequent amendments and editions;

9 (A) ~~an ADA accredited dental assisting program; or~~

10 (B) ~~one academic year or longer in an ADA accredited dental hygiene program;~~

11 (2) one complete school year or longer in a CODA-accredited dental hygiene program;

12 (3) a dental assistant program offered through a branch of the U.S. armed forces at the Medical
13 Education & Training Campus that includes a clinical rotation providing dental assisting for live
14 patients;

15 (2)(4) ~~completion of the Certified Dental Assistant certification examination(s) examinations administered~~
16 ~~by the Dental Assisting National Board; Board ("DANB") with a passing score as set by DANB; or~~

17 (3)(5) ~~completion of: the following:~~

18 (A) employment as a Dental Assistant I for two years of the preceding five, consisting of at
19 least 3,000 hours total; and

20 (B) a 3-hour course in sterilization and infection control; and control, and a 3-hour course in
21 dental office emergencies. The courses shall be offered by Board-approved course sponsors
22 as set out in 21 NCAC 16I .0202.

23 (C) ~~a 3-hour course in dental office emergencies.~~

24 (b) A Dental Assistant I who has completed the requirements of ~~Parts (a)(3)(B) (C) Part (a)(5)(B)~~ of this Rule but not
25 completed the ~~training-employment hours required~~ pursuant to Part ~~(a)(3)(A) (a)(5)(A)~~ may be trained by a licensed
26 dentist and allowed to perform the functions of a Dental Assistant II, as specified in Rule .0203 of this Subchapter,
27 under the direct control and supervision of a licensed ~~dentist. dentist, except that a Dental Assistant I performing the~~
28 ~~functions of a Dental Assistant II pursuant to this Paragraph shall not perform the coronal polishing function set out~~
29 ~~in Rule .0203(a)(21) of this Subchapter.~~

30 (c) For purposes of this Rule, an unexpired CPR certification is one that is in effect and valid at the time of
31 classification as a Dental Assistant II and remains so at all times while employed as a Dental Assistant II or while
32 performing any of the permitted functions under Rule .0203 of this Subchapter.

33 (d) A ~~Dental Assistant~~ dental assistant shall not take radiographs before completing radiology training consistent with
34 G.S. 90-29(c)(12).

36 *History Note: Authority G.S. 90-29(c)(9);*

37 *Eff. September 3, 1976;*

1 *Readopted Eff. September 26, 1977;*
2 *Amended Eff. August 1, 2016; April 1, 2015; August 1, 2000; November 1, 1996; January 1, 1994;*
3 *September 1, 1998; May 1, 1989; October 1, 1986.*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
5 *2018;*
6 *Amended Eff. August 1, 2024; September 1, 2020.*

1 21 NCAC 16N .0202 is amended as published in 38:18 NCR 1192 as follows:

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3 **21 NCAC 16N .0202 NOTICE OF MAILING LIST**

4 The Board maintains a mailing list of persons that have requested notice of rulemaking, and sends notices of
5 rulemaking to persons on the mailing list by electronic mail. Any person or agency desiring to be placed on the mailing
6 list for the Board's rulemaking notices may ~~file~~ submit a written request by email, fax, or first-class mail to ~~in~~ the
7 Board's office. The ~~letter of request shall provide the email address to which notices will be sent. should state those~~
8 ~~particular subject areas within the authority of the Board concerning which notice is desired. The~~ If circumstances
9 require that rulemaking notices be sent by first-class mail, the Board may require reasonable postage and stationery
10 costs to be paid by those requesting ~~such~~ the notices.

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12 *History Note: Authority G.S. 90-48; 90-223(b); 150B-21.2(d);~~150B-12(e);~~*

13 *Eff. August 25, 1977;*

14 *Amended Eff. May 1, 1989; March 1, 1985;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
16 *2018-2018;*

17 *Amended Eff. August 1, 2024.*

1 21 NCAC 16N .0501 is amended as published in 38:18 NCR 1192-93 as follows:

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3 **SECTION .0500 - ADMINISTRATIVE HEARING PROCEDURES**
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5 **21 NCAC 16N .0501 RIGHT TO HEARING**

6 (a) When the Board acts, acts or proposes to act, other than in rulemaking or declaratory ruling proceedings, act in a
7 manner that will affect the rights, duties, or privileges of a licensee or applicant for a license or permit, such person
8 applicant, the licensee or applicant has a right to an administrative hearing. When the Board proposes to act in such a
9 manner, it shall give such person notice of his right to a hearing by mailing by certified mail to him at his last known
10 address a notice of the proposed action and a notice of a right to a hearing. Notice of hearing may also be given by
11 any method of service permitted in G.S. 150B-38(e), by a signed acceptance of service from such person, or by
12 delivery to the person's attorney of record who accepts service on behalf of the person.

13 (b) Except in contested cases for which the Board serves a notice of hearing in accordance with G.S. 150B-3 and
14 150B-38, the Board shall give the affected person notice of the right to a hearing by mail to the affected person's last
15 known address. If the affected person desires a hearing, they shall request a hearing within 30 days of the date of the
16 Board's notice of right to a hearing. The request shall be in writing, and shall contain a clear and specific statement of
17 request for a hearing. The request shall be sent to the Board's office by email, fax, or delivery to the Board's mailing
18 address, as set out in 21 NCAC 16A .0107. Upon receipt of the affected person's request for a hearing, the Board shall
19 issue a notice of hearing in accordance with G.S. 150B-38 and Rule .0504 of this Section.

20 (c) The right to an administrative hearing does not apply to rulemaking or declaratory ruling proceedings, to applicants
21 for reinstatement after revocation, or to applicants for license by comity or credentials pursuant to G.S. 90-36.

22
23 *History Note: Authority G.S. 90-41.1; 150B-3; 150B-38; ~~150B-38(h)~~;*

24 *Eff. August 25, 1977;*

25 *Amended Eff. May 1, 1989; November 20, 1980;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
27 *2018;*

28 *Amended Eff. August 1, 2024; October 1, 2019.*

1 21 NCAC 16N .0502 is amended as published in 38:18 NCR 1193 as follows:

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3 **21 NCAC 16N .0502 REQUEST FOR HEARING**

4 (a) ~~Any individual~~ A licensee or applicant who believes ~~his or her~~ their rights, duties, or privileges have been affected
5 by the Board's administrative action, ~~but~~ and who has not received a notice of a hearing or notice of a right to an
6 administrative hearing, may ~~file~~ submit to the Board a request for hearing, a hearing within 30 days of the date of the
7 action taken by the Board which is challenged.

8 (b) The ~~individual licensee or applicant~~ shall submit ~~a~~ the request to the Board's ~~office,~~ office by email, fax, or delivery
9 to the Board's mailing address, as set out in 21 NCAC 16A .0107. The request shall contain: ~~containing the following~~
10 information:

- 11 (1) ~~Name~~ the name and address of the petitioner;
- 12 (2) ~~A~~ a concise statement of the action taken by the Board which is challenged;
- 13 (3) ~~A~~ a concise statement of the way in which petitioner has been aggrieved; and
- 14 (4) ~~A~~ a clear and specific statement of request for a hearing.

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16 *History Note: Authority G.S. 150B-38;*
17 *Eff. August 25, 1977;*
18 *Amended Eff. April 1, 2015; May 1, 1989; March 1, 1985; November 20, 1980;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
20 *~~2018-2018;~~*
21 *Amended Eff. August 1, 2024.*

1 21 NCAC 16N .0503 is amended as published in 38:18 NCR 1193 as follows:

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3 **21 NCAC 16N .0503 GRANTING OR DENYING HEARING REQUEST**

4 (a) ~~The~~ Upon receipt of a request for a hearing submitted in accordance with Rule .0502 of this Section, the Board
5 will decide whether to grant ~~a request for a hearing~~ the request. Whenever the Board finds good cause exists to deny
6 a request for a hearing, the Board may deny the request. For purposes of this Rule, good cause for denial of a hearing
7 request exists when:

8 (1) the petitioner has not demonstrated a right to an administrative hearing pursuant to Rule .0501 of
9 this Section;

10 (2) the request does not satisfy all the requirements set out in Rule .0502 of this Section; or

11 (3) the Board determines that the request should be denied for some other reason in the interests of
12 justice.

13 (b) The denial of a request for a hearing will be issued in writing immediately upon decision, ~~and in no case~~ later than
14 60 days after the submission of the request. ~~Such~~ The denial shall contain a statement of state the reasons leading the
15 Board to deny the request.

16 (c) Approval of a request for a hearing will be signified by the Board issuing a notice of hearing in accordance with
17 ~~as required by G.S. 150B-38 and explained in~~ Rule .0504 of this Section.

18
19 *History Note: Authority G.S. 90-28; 150B-38;*

20 *Eff. August 25, 1977;*

21 *Amended Eff. May 1, 1989; April 1, 1988; October 1, 1986; November 20, 1980;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
23 *~~2018-2018;~~*

24 *Amended Eff. August 1, 2024.*

1 21 NCAC 16N .0504 is amended as published in 38:18 NCR 1193 as follows:

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3 **21 NCAC 16N .0504 NOTICE OF HEARING**

4 ~~(a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the~~
5 ~~hearing. Said notice shall contain the following information, in addition to the items specified in G.S. 150B-38(b):~~

6 (1) ~~_____ The name, position, address and telephone number of a person at the office of the Board to contact~~
7 ~~for further information or discussion; and~~

8 (2) ~~_____ A statement explaining that the Respondent may be represented by counsel, testify, offer evidence,~~
9 ~~and cross-examine adverse witnesses at the hearing.~~

10 (a) The Board shall give the party or parties in a contested case a notice of hearing by one of the following methods:

11 (1) _____ a signed acceptance of service from the party;

12 (2) _____ delivery to the party's attorney of record who accepts service on behalf of the party; or

13 (3) _____ any method of service permitted pursuant to G.S. 150B-38(c).

14 (b) If the Board determines that the public health, safety, or welfare requires ~~such emergency~~ action, it may issue an
15 order summarily suspending a license pursuant to G.S. 150B-3. ~~Upon service of the order, the~~ The licensee to whom
16 the order is directed shall ~~immediately~~ cease practicing in North ~~Carolina~~ Carolina effective on the date of service of
17 the order. The Board shall ~~promptly~~ give notice of hearing pursuant to G.S. 150B-3 and 150B-38 following service of
18 the order. The suspension shall remain in effect pending issuance by the Board of a final agency decision pursuant to
19 G.S. 150B-42.

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21 *History Note: Authority G.S. 90-41.1; 150B-3; 150B-38;*

22 *Eff. August 25, 1977;*

23 *Amended Eff. April 1, 2015; May 1, 1989; April 1, 1988; October 1, 1986; November 20, 1980;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
25 *2018-2018;*

26 *Amended Eff. August 1, 2024.*

1 21 NCAC 16U .0104 is adopted as published in 38:18 NCR 1193-94 as follows:

2
3 **21 NCAC 16U .0104 COOPERATION WITH BOARD INQUIRY**

4 (a) A licensee shall cooperate with the Board in connection with any inquiry it shall make. Cooperation includes:

5 (1) acknowledging and responding in a timely manner to all inquiries from the Board or its
6 representatives;

7 (2) claiming Board correspondence in a timely manner from the U. S. Postal Service or other delivery
8 service, including correspondence by email;

9 (3) being available in a timely manner for investigative interviews with Board representatives; and

10 (4) providing accurate and complete information in response to all Board inquiries.

11 (b) For purposes of this Rule, an "inquiry" means any request from the Board or its representatives for information or
12 documentation, including investigative subpoenas and interview requests. "Timely" means within the time specified
13 by the Board for response to an inquiry or, if no time is specified, within five business days of receipt.

14 (c) A licensee shall notify the Board in writing within 10 business days of any change in the licensee's addresses or
15 telephone numbers, and shall provide the Board with an email address through which the Board may communicate
16 inquiries to the licensee.

17
18 *History Note: Authority G.S. 90-27; 90-28; 90-41; 90-48;*

19 *Eff. August 1, 2024.*