

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: January 10, 2020

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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On your Submission for Permanent Rule forms, you listed the reason for action as "other" and noted a requirement from the NC Dental Society and the Oral Health Coalition. Is the Dental Board required to follow their directive or does the Board have discretion in determining whether to follow their directive? If it is the latter, please check the "Agency" box.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 27, 2019

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16W .0101

DEADLINE FOR RECEIPT: January 10, 2020

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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Just to be clear, does G.S. 90-233(a1) apply to public health hygienists?

In (c), does your regulated public understand the meaning of the term "comprehensive?" Based on your filing form from 2016, it appears this term may be defined in ADA billing codes. Is that correct?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 27, 2019

21 NCAC 16W .0101 is amended with changes as published in 34:06 NCR 502 as follows:

SUBCHAPTER 16W - PUBLIC HEALTH HYGIENISTS

SECTION .0100 - PUBLIC HEALTH HYGIENISTS

21 NCAC 16W .0101 DIRECTION DEFINED

- (a) Pursuant to G.S. 90-233(a), a ~~A~~ public health hygienist may perform clinical hygiene procedures under the direction of a licensed dentist, as defined by 21 NCAC 16A .0101(9), and in accordance with G.S. 90-233(a). ~~"under the direction of a licensed dentist," as defined by 21 NCAC 16Y .0104(e) of this Chapter, who is employed by a State government dental public health program or a local health department as a public health dentist.~~
- (b) The specific clinical procedures delegated to the hygienist shall be completed, in accordance with a written order from the dentist, within ~~120-270~~ days of the dentist's in-person evaluation of the patient.
- (c) The dentist's evaluation of the patient shall include a comprehensive oral examination, medical and dental health history, and diagnosis of the patient's condition.
- (d) A public health hygienist may provide educational information, such as instruction in brushing and flossing, without the Direction ~~direction of a licensed dentist is not required for public health hygienists who provide only educational information, such as instruction in brushing and flossing, dentist.~~

History Note: Authority G.S. 90-223; 90-233(a);

Temporary Adoption Eff. October 1, 1999;

Eff. April 1, 2001;

Amended Eff. April 1, 2016; July 1, 2015;

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

Amended Eff. February 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16W .0104

DEADLINE FOR RECEIPT: January 10, 2020

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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please delete line 4, the extra line between the rule title and the body of the rule.

In (a)(1), how does this work with the requirement in .0101(c)? Is this an exception?

In (a)(1), line 10, you use the term "written standing order" but at line 17 you use the term "written order." Was this intentional?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: December 27, 2019

21 NCAC 16W .0104 is adopted with changes as published in 34:06 NCR 502-503 as follows:

21 NCAC 16W .0104 DENTAL ACCESS SHORTAGE AREAS

(a) Public health hygienists who are practicing under Rule .0101(a) of this Section and who perform procedures in public schools, nursing homes, rest homes, long-term care facilities, and rural and community clinics ~~operated by~~ provided through federal, State, county, or local governments in areas identified by the Office of Rural Health in the Department of Health and Human Services as dental access shortage areas may:

- (1) perform clinical hygiene procedures as described in G.S. 90-221 under the direction of a dentist based on a written standing order, rather than an in-person evaluation by the dentist as set forth in Rule .0101(c) of this Section; and
- (2) supervise a Dental Assistant who assists the public health hygienists in the procedures described in Subparagraph (a)(1) of this Rule. For purposes of this Rule, Dental Assistant means any person classified as a Dental Assistant II or permitted to perform functions of a Dental Assistant II pursuant to Rule 16H .0104(a) or (b) of this Chapter.

(b) Public health hygienists working under supervision of a dentist in accordance with G.S. 90-233(a) and providing services at facilities identified in Paragraph (a) of this Rule who are performing services pursuant to a written order from the dentist must complete the procedures ordered within 270 days.

(c) Dentists providing services at facilities pursuant to Paragraph (a) of this Rule are providing public health services and may supervise more than two public health hygienists at the same time who are performing dental hygiene functions.

*History Note: Authority G.S. 90-223; 90-233(a); 90-233(b).
Eff. February 1, 2020.*