

21 NCAC 16B .0101 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0101 EXAMINATION REQUIRED; EXEMPTIONS**

(a) All persons desiring to practice dentistry in North Carolina are required to pass a Board approved, as set forth in these Rules, written and clinical examinations before receiving a license.

(b) The examination requirement does not apply to persons who do not hold a North Carolina dental license and who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules .1001 and .1002 of this Subchapter.

(c) All persons practicing dentistry in North Carolina ~~must~~ shall maintain current CPR certification at all times.

*History Note: Authority G.S. 90-21.107; 90-28; 90-30; 90-36; 90-38; 90-48;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. September 1, 2014; September 1, 2013; March 1, 2006; May 1, 1991; May 1, 1989;*

*January 1, 1983.*

21 NCAC 16B .0201 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0201      IN GENERAL**

(a) An applicant for licensure as a dentist ~~must~~ **shall** be a graduate of and have a DMD or DDS degree from a university or college accredited by the Commission on Dental Accreditation of the American Dental Association.

(b) Graduates of foreign colleges may ~~apply~~ ~~be accepted as applicants~~ for licensure after completing at least two years in a dental school accredited by the Commission on Accreditation of the American Dental Association, graduating with a DMD or DDS degree from that dental school, and passing Board approved written and clinical examinations, as set out in these Rules. ~~Rules, and graduating with a DMD or DDS degree from that dental school.~~

*History Note:      Authority G.S. 90-28; 90-30; 90-48;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. September 1, 2014; August 1, 2009; March 1, 2006; May 1, 1989; October 1, 1986.*

21 NCAC 16B .0202 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0202 STUDENT MAY APPLY**

Applications for a dental license will shall be accepted from students currently enrolled in schools of ~~dentistry.~~ dentistry accredited by the Commission on Dental Accreditation of the American Dental Association. ~~Such applications will automatically be deemed denied if the applicant should fail to complete the required course of study or fail Board approved licensure examinations.~~ Applications ~~[will]~~ shall be automatically denied if the applicant fails to complete the required course of study or fails a Board approved licensure examination.

*History Note: Authority G.S. 90-28; 90-30; 90-48;  
Eff. September 3, 1976;  
Readopted Eff. March 1, 2006; September 26, 1977.  
Amended Eff. September 1, 2014.*

21 NCAC 16B .0301 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0301 APPLICATION FOR LICENSURE**

(a) All applications ~~shall be~~ ~~are to be~~ made on the forms furnished by the ~~Board,~~ Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete ~~which~~ that does not set forth all the required information. ~~information required relative to the applicant.~~ Incomplete applications will be returned to the ~~applicant.~~ Any ~~candidate-applicant~~ who changes his or her address shall ~~immediately~~ notify the Board ~~office.~~ office within 10 business days. Applicants shall ensure that official ~~furnish~~ transcripts of undergraduate college and dental school ~~credits.~~ are sent in a sealed envelope to the Board office.

(b) The nonrefundable application fee shall accompany the application. ~~Such fee is non-refundable.~~

(c) Applicants who are licensed in other states shall ensure that the Board receives ~~furnish~~ verification of licensure from the ~~secretary of the dental~~ board of each state in which they are licensed.

(d) ~~A photograph,~~ photograph of the applicant, taken within six months prior to the date of the application, shall ~~must~~ be affixed to the application.

(e) ~~(e)~~ All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application. The form and card are available from the Board office.

(f) ~~(f)~~ All applicants shall arrange for and ensure the submission to the Board office the examination scores as required by Rule ~~.0303(e)~~ .0303(b) of this Subchapter, if applicable. The examination requirement does not apply to individuals who do not hold a North Carolina dental license and who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules ~~[.1000]~~ .1001 or .1002 of this [Chapter] ~~Subchapter.~~

(g) ~~(g)~~ All applicants [must] ~~shall~~ include a statement disclosing and explaining [periods,] ~~periods~~ within the last 10 years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dentists or other impaired professionals program.

*History Note:* Authority G.S. 90-28; 90-30; 90-39; 90-48;  
Eff. September 3, 1976;  
Readopted Eff. September 26, 1977;  
Amended Eff. September 1, 2014; March 1, 2006.

21 NCAC 16B .0303 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0303 BOARD APPROVED EXAMINATIONS**

(a) All applicants for dental licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. Reexamination on the written examinations shall be governed by Rule ~~16B .0406(e)~~. 16B. 0317 of this Subchapter.

(b) All applicants for dental licensure shall achieve passing scores on Parts I and II of the Dental National Board examination administered by the Joint Commission on National Dental Examinations and written and clinical examinations administered by the Board or Board approved testing agencies. ~~agencies according to this Rule.~~

(c) Test development agencies ~~Clinical testing agencies~~ ~~must~~ shall permit Board representation on the Board of Directors and the Examination Review Committee or equivalent committee and allow Board input in the examination development and administration.

(d) The clinical examination shall:

(1) be substantially equivalent to or an improvement to the clinical licensure examination most recently administered by the Board;

(2) include procedures performed on human subjects as part of the assessment of restorative clinical competencies;

(3) include evaluations in clinical periodontics and at least ~~four~~ three of the following subject matter areas:

~~(A) —periodontics, clinical abilities testing;~~

~~(A) (B)~~ endodontics, clinical abilities testing;

~~(B) (C)~~ amalgam preparation and restoration;

~~(C) (D)~~ anterior composite preparation and restoration;

~~(D) (E)~~ posterior ceramic or composite preparation and restoration;

~~(E) (F)~~ cast gold, clinical abilities testing;

~~(F) (G)~~ prosthetics, written or clinical abilities testing;

~~(G) (H)~~ oral diagnosis, written or clinical abilities testing; or

~~(H) (I)~~ oral surgery, written or clinical abilities testing. testing; and

(4) provide the following:

(A) anonymity between applicants and examination graders; ~~raters;~~

(B) standardization and calibration of graders; ~~raters;~~

(C) a mechanism for post exam analysis;

(D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged or overall scoring to compensate for failures in individual subject areas;

(E) a minimum passing score ~~set by the Board~~ for each subject area tested;

- 1 (F) an annual review of the examination; ~~examination and its technical manual by the Board~~  
2 ~~and a psychometrician selected by the Board;~~
- 3 (G) a task analysis performed at least once every seven ~~four~~ years, which surveys dentists ~~on~~  
4 ~~a nationwide survey~~ to determine the content ~~domain to be scored and how the sections~~  
5 ~~of the examination; examination are scored;~~
- 6 (H) a defined system of quality assurance to ensure uniform, consistent administration of the  
7 examination at each testing site; and
- 8 ~~(I) a system of applicant assessment which utilizes raters of applicant performance who are~~  
9 ~~not full time employees of any dental academic institution.~~
- 10 (I) does not permit a dental instructor to grade candidates at any institution at which the  
11 instructor is employed.

12 (e) The Board shall accept examination scores upon such examinations for a period of five years following the date  
13 of such examinations. Each applicant shall arrange for and ensure the submission to the Board office the applicant's  
14 scores. Individuals who apply more than five years after the examination date to seek licensure must re-take the  
15 examination.

16 (f) The applicant shall comply with all requirements of such the testing agency in applying for and taking the  
17 examination.

18 (g) The Board shall determine which examinations meet the criteria set out in Rule .0303(d) of this  
19 Subchapter. ~~specify the times, places and agencies which will conduct Board approved licensure examinations in~~  
20 ~~the state.~~

21  
22 *History Note: Authority G.S. 90-30; 90-48;*

23 *Eff. September 3, 1976;*

24 *Readopted Eff. September 26, 1977;*

25 *Amended Eff. September 1, 2014; June 1, 2009; March 1, 2006; August 1, 1998; March 1, 1988.*

21 NCAC 16B .0401 - .0405 are proposed for repeal as published in 28 NCR 15:1718 as follows:

**SECTION .0400 – LICENSURE BY BOARD CONDUCTED EXAMINATION**

**21 NCAC 16B .0401      APPLICATION FOR BOARD CONDUCTED EXAMINATION**

**21 NCAC 16B .0402      TIME FOR FILING**

**21 NCAC 16B .0403      EXAMINATION CONDUCTED BY THE BOARD**

**21 NCAC 16B .0404      PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL  
EXAMINATION**

**21 NCAC 16B .0405      SCOPE OF BOARD CONDUCTED CLINICAL EXAMINATION**

*History Note:      Authority G.S. 90-28; 90-30; 90-39; 90-41; 90-48;*

*Eff. March 1, 2006;*

*Amended Eff. February 1, 2008;*

*Repealed Eff. September 1, 2014.*

1 21 NCAC 16B .0406 is proposed for repeal as published in 28 NCR 15:1718 as follows:

2

3 **21 NCAC 16B .0406 BOARD CONDUCTED REEXAMINATION**

4

5 *History Note: Authority G.S. 90-28; 90-30; 90-48;*

6 *Eff. April 1,, 2006.*

7 *Repealed Eff. September 1, 2014.*



21 NCAC 16B .0501 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS**

(a) An applicant for a dental license by credentials shall submit to the Board:

- (1) a completed, notarized application form provided by the Board;
- (2) the non-refundable licensure by credentials fee;
- (3) an affidavit from the applicant stating for the five years immediately preceding the application:
  - (A) the dates that and locations where the applicant has practiced dentistry;
  - (B) that the applicant has provided at least ~~5000~~ 5,000 hours of clinical care directly to patients, not including post graduate training, residency programs or an ~~internship~~ internship; and
  - (C) that the applicant has continuously held an active, unrestricted dental license issued by another U.S. state or ~~any~~ U.S. territory;
- (4) ~~if applicable,~~ a statement disclosing and explaining any ~~disciplinary actions,~~ investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges;
- (5) ~~if applicable,~~ a statement disclosing and explaining periods, periods within the last 10 years, years of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program;
- (6) a copy of a current CPR certificate certificate; and ~~an unexpired course completion certification card in cardiopulmonary resuscitation; and~~
- (7) a statement disclosing whether or not the applicant holds or has ever held a registration with the federal Drug Enforcement Administration (DEA) and whether such registration has ever been surrendered ~~surrendered, surrendered for cause,~~ or revoked.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall arrange for and ensure the submission to the Board office, office the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) official transcripts ~~from the applicant's dental school~~ verifying that the applicant has graduated from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) if the applicant is or has ever been employed as a dentist by or under contract with a federal agency, a letter certifying the applicant's current status and disciplinary history from each federal agency where the applicant is or has been employed or under contract;
- (3) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and complete a full, fair and accurate

- 1 disclosure of information regarding any disciplinary action taken or investigation pending, from  
2 all licensing jurisdictions where the applicant holds or has ever held a dental license or other  
3 occupational or professional license;
- 4 (4) a report from the National Practitioner Databank;
- 5 (5) a report of any pending or final malpractice actions against the applicant verified by the  
6 malpractice insurance carrier covering the applicant. The applicant must shall submit a letter of  
7 coverage history from all current and all previous malpractice insurance carriers covering the  
8 applicant;
- 9 (6) a score certification letter from a dental professional regulatory board or regional testing agency of  
10 a passing score on a clinical licensure examination substantially equivalent to the clinical licensure  
11 examination required in North Carolina by Rule .0303 of this Subchapter. and such The  
12 examination shall be administered by the dental professional regulatory board or a regional testing  
13 agency. its designated agent other than an educational institution. The score certification letter  
14 shall:
- 15 (A) state that the examination included procedures performed on human subjects as part of  
16 the assessment of restorative clinical competencies and included evaluations  
17 in periodontics and at least three four of the following subject areas:
- 18 (i) ~~periodontics, clinical abilities testing;~~  
19 (i) ~~(ii)~~ endodontics, clinical abilities testing;  
20 (ii) ~~(iii)~~ amalgam preparation and restoration;  
21 (iii) ~~(iv)~~ anterior composite preparation and restoration;  
22 (iv) ~~(v)~~ posterior ceramic or composite preparation and restoration;  
23 (v) ~~(vi)~~ cast gold, clinical abilities testing;  
24 (v) ~~(vii)~~ prosthetics, written or clinical abilities testing;  
25 (vi) ~~(viii)~~ oral diagnosis, written or clinical abilities testing; or  
26 (vii) ~~(ix)~~ oral surgery, written or clinical abilities testing. testing; and
- 27 (B) state that licensure examinations after January 1, 1998 included:
- 28 (i) anonymity between candidates and examination graders; raters;  
29 (ii) standardization and calibration of graders; raters; and  
30 (iii) a mechanism for post exam analysis;
- 31 (7) the applicant's passing score on the Dental National Board Part I and Part II written examination  
32 administered by the Joint Commission on National Dental Examinations; and
- 33 (8) the applicant's passing score on the licensure examination in general dentistry conducted by a  
34 regional testing agency or independent state licensure examination substantially equivalent to the  
35 clinical licensure examination required in North Carolina as set out in Subparagraph (b)(6) of this  
36 Rule.

1 (c) All information required ~~must~~ shall be completed and received by the Board office as a complete package with  
2 the initial application and application fee. Incomplete applications ~~If all of the information is not received as a~~  
3 ~~complete package, the application shall be returned to the applicant.~~

4 (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other  
5 form(s) required to perform a criminal history check at the time of the application. The forms are available at the  
6 Board office.

7 (e) An applicant for dental licensure by credentials must ~~successfully complete~~ pass written examinations as set out  
8 in G.S. 90-36 and, if deemed necessary based on the applicant's history, a clinical simulation examination  
9 administered by the Board. An applicant who fails the written examination may retake it ~~If the applicant fails any~~  
10 ~~of the examinations, the applicant may retake the examination failed~~ two additional times during a one year  
11 period. The applicant [must] shall wait [a minimum of] at least 72 hours before attempting to retake a written  
12 examination. Individuals who fail the clinical examination or do not pass the written examination after three  
13 attempts within one year may not reapply for licensure by credentials.

14 (f) Should the applicant reapply for licensure by credentials, an additional licensure by credentials fee shall  
15 be ~~required.~~ required at the time of each reapplication.

16 (g) Any license obtained through fraud or by any false representation shall be void ab initio ~~ab-initio~~ and of no  
17 effect.

18  
19 *History Note: Authority G.S. 90-28; 90-36;*  
20 *Temporary Adoption Eff. January 1, 2003;*  
21 *Eff. January 1, 2004;*  
22 *Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;*  
23 *Amended Eff. September 1, 2014; February 1, 2010.*  
24

21 NCAC 16B .0601 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0601 LIMITED VOLUNTEER DENTAL LICENSE**

(a) An applicant for a limited volunteer dental license shall submit to the Board:

- (1) a completed, notarized application form provided by the Board;
- (2) the non-refundable limited volunteer dental licensure fee;
- (3) an affidavit from the applicant stating:
  - (A) for the five years immediately preceding application, the dates that and locations where the applicant has practiced dentistry;
  - (B) that the applicant has provided at least ~~1000~~ 1,000 hours per year of clinical care directly to patients, for a minimum of five years, patients for at least five years, not including post graduate training, residency programs or an internship; and
  - (C) that the applicant has provided at least 500 hours of clinical care directly to patients within the last five years, not including post graduate training, residency programs or an internship;
- (4) ~~if applicable,~~ a statement disclosing and explaining periods, periods within the last 10 [years, years] of any voluntary or involuntary commitment to a hospital or treatment facility, of observation, assessment, or treatment for substance abuse, with verification from the applicable program demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program; and
- (5) a copy of a current CPR certification ~~course completion certification card, card in cardiopulmonary resuscitation.~~

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a limited volunteer dental license shall arrange for and ensure the submission to the Board office, office the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) official transcripts verifying that the applicant [has] graduated from a dental school ~~documentation of graduation from a dental school~~ accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and, if applicable, of the applicant's authorization to treat veterans or personnel enlisted in the United States armed services, and information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) a report from the National Practitioner Databank;

- (4) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant. The applicant ~~must~~ shall submit a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant;
- (5) the applicant's passing score on the Dental National Board Part I and Part II written examination administered by the Joint Commission on National Dental Examinations; and
- (6) the applicant's passing score on a licensure examination in general dentistry substantially equivalent to the clinical licensure examination required in North Carolina as set out in Rule .0303 of this Subchapter, conducted by a regional testing agency or a state licensing board.
- (c) All information required ~~must~~ shall be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete applications ~~If all of the information is not received as a complete package, the application shall be returned to the applicant.~~
- (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application. The forms are available at the Board.
- (e) An applicant for limited volunteer dental license must ~~pass successfully complete~~ written examinations as set out in G.S. 90-37.1 and, if deemed necessary by the Board based on the applicant's history, a clinical simulation examination administered by the Board. An applicant who fails the written exam may retake it ~~If the applicant fails any of the examinations, the applicant may retake the examination failed~~ two additional times during a one year period. The applicant ~~[must]~~ shall wait a minimum of 72 hours before attempting to retake a written examination. Applicants who fail the clinical examination or who do not pass the written examination after three attempts in one year may not reapply for a limited volunteer dental license.
- (f) Should the applicant reapply for a limited volunteer dental license, an additional limited volunteer dental license fee shall be required.
- (g) Any license obtained through fraud or by any false representation shall be void ~~ab-initio~~ ab initio and of no effect.
- (h) The license may be renewed on an annual basis provided that the licensee provides documentation that he or she has practiced a minimum of 100 hours, completed continuing education requirements as required in Subchapter 16R of these Rules and has current CPR certification.

*History Note: Authority G.S. 90-28; 90-37.1;*  
*Temporary Adoption Eff. January 1, 2003;*  
*Eff. January 1, 2004;*  
*Recodified from 21 NCAC 16B .0501 Eff. March 1, ~~2006~~, 2006;*  
*Amended Eff. September 1, 2014.*

21 NCAC 16B .0701 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

### **21 NCAC 16B .0701 INSTRUCTOR'S LICENSE**

(a) An applicant for an instructor's license shall submit to the Board:

- (1) a completed, notarized application form provided by the ~~Board;~~ Board at [www.ncdentalboard.org](http://www.ncdentalboard.org).
- (2) the non-refundable instructor's licensure fee;
- (3) ~~a photograph of the applicant, taken within six months prior to the date of the application, affixed to the [application-] application;~~
- (4) a signed release form and completed Fingerprint Record Card, and other form(s) required to perform a criminal history check at the time of the application. The form and card are available from the Board ~~[office-] office;~~
- ~~(3) (5) if applicable,~~ a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges; ~~and~~
- ~~(4) (6) if applicable,~~ a statement disclosing and explaining periods, periods within the last ten years, years of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals ~~program; and program.~~
- (7) a current CPR card.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for an instructor's license shall ~~arrange for and~~ ensure the submission to the Board ~~office,~~ office of the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) if the applicant is or has ever been employed as a dentist by or under contract with an agency or organization, a certification letter of the applicant's current status and disciplinary history from each agency or organization where the applicant is or has been employed or under contract;
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) a report from the National Practitioner Databank or its international equivalent, if applicable;
- (4) a report of any pending or final malpractice actions against the applicant, verified by the malpractice insurance carrier covering the applicant. The applicant ~~must~~ shall submit a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant; and
- (5) a certification letter from the dean or director that the applicant has met or been approved under the credentialing standards of a dental school or an academic medical center with which the person

1 is to be affiliated, and certification that such school or medical center is accredited by the  
2 American Dental Association's Commission on Accreditation or the Joint Commission on  
3 Accreditation of Health Care Organizations.

4 (c) All information required ~~must~~ shall be completed and received by the Board office as a complete package with  
5 the initial application and application fee. Incomplete applications ~~If all of the information is not received as a~~  
6 ~~complete package, the application~~ shall be returned to the applicant.

7 ~~(d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such~~  
8 ~~other form(s) required to perform a criminal history check at the time of the application.~~

9 (d) Any applicant who changes his or her address shall notify the Board office within 10 business days.

10 (e) Should the applicant reapply for an instructor's license, an additional instructor's license fee shall be required.

11 (f) Any license obtained through fraud or by any false representation shall be void ~~ab initio~~ ab initio and of no  
12 effect.

13 (g) The license shall be renewed on an annual basis, ~~basis, [as set out in 21 NCAC16R]~~ as set out in Rule 16R .0102  
14 of this [Subchapter] Chapter.

15  
16 *History Note:* Authority G.S. 90-28; 90-29.5;

17 *Temporary Adoption Eff. January 1, 2003;*

18 *Eff. January 1, 2004;*

19 *Recodified from 21 NCAC 16B .0601 Eff. March 1, ~~2006.~~ 2006.*

20 *Amended Eff. September 1, 2014.*

21 NCAC 16B .0801 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0801      TEMPORARY VOLUNTEER DENTAL PERMIT**

(a) An applicant for a Temporary Volunteer Dental License shall submit to the Board:

- (1) A completed, notarized application form provided by the ~~Board;~~ Board, with a photograph of the [applicant,] applicant taken within six months of the application date attached;
- (2) A statement from all jurisdictions in which the applicant is now or has ever been licensed, disclosing the applicant's disciplinary history and current status of the applicant's license;
- (3) A statement signed by a N.C. licensed dentist agreeing to provide supervision or direction to the temporary volunteer dentist, stating where, ~~within the next calendar year,~~ during the effective period of the permit such supervision or direction will occur, and affirming that no fee or monetary compensation of any kind will be paid to the applicant for dental services performed; and
- (4) A statement signed by the applicant stating where the applicant will practice, the type of facility where the practice will occur, the duration of the practice, the name of the supervising dentist, and affirming that no fee will be charged or accepted. The applicant ~~must~~ shall update the information within five days of any changes in the practice location or facility.

(b) All information required must be completed and received in the Board office as a complete package at least two weeks prior to the issuance of the license. Incomplete applications ~~If all required information is not received, the application shall be returned to the applicant.~~ The applicant must report any changes to submitted information within five days of when the applicant knew or should have known of the changes.

(c) To renew the Temporary Volunteer Dental License the licensee ~~must~~ shall submit the information required in Subparagraphs (a)(2) – (4) of this Rule, along with an affidavit stating that the information on the original application is correct and requires no update or correction.

- ~~(1) Submit an affidavit stating that all information on the original application is correct and requires no update or correction;~~
- ~~(2) A certificate of licensure from all jurisdictions in which the applicant is currently licensed certifying that the applicant holds a valid unrestricted license to practice general dentistry, is currently in good standing, and has never been disciplined;~~
- ~~(3) A statement signed by a NC licensed dentist agreeing to provide supervision or direction to the temporary volunteer dentist, where, within the next calendar year, such supervision or direction is to occur, and affirming that no fee or monetary compensation of any kind will be paid to the licensee for dental services performed; and~~
- ~~(4) A statement signed by the applicant stating where the applicant will practice, the type of facility where the practice will occur, the duration of the practice, the name of the supervising dentist, and affirming that no fee will be charged or accepted. The applicant must update the information within five days of any changes in the practice location or facility.~~



1 (d) All required information ~~must~~ shall be completed and received in the Board office as a complete package at  
2 least two weeks prior to the renewal of the license. Incomplete applications ~~If all required information is not~~  
3 ~~received, the renewal application shall be returned to the applicant. The applicant licensee~~ must shall report any  
4 changes to submitted information within five days of when the licensee knew or should have known of the changes.  
5 ~~[(e) Licensees must notify the Board within five days after any changes in their practice location or facility.]~~

6  
7 *History Note: Authority G.S. 90-29; 90-37.1; 90-37.2*  
8 *Eff. February 1, 2008-2008;*  
9 *Amended Eff. September 1, 2014.*  
10  
11

21 NCAC 16B .0901 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0901      DEFINITIONS**

The following definitions apply only to this ~~Subchapter:~~ Section:

- (1) "Dental Board" -- the North Carolina State Board of Dental Examiners.
- (2) "Eligible licensees"-- all dentists currently licensed by and in good standing with the North Carolina State Board of Dental Examiners who are serving in the armed forces of the United States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.
- (3) "Extension period" -- the time period disregarded pursuant to 26 U.S.C. 7508.
- (4) "Good standing" -- a dentist whose license is not ~~suspended or revoked.~~ suspended, revoked or subject to a probationary order.

*History Note:*    *Authority G.S. 90-28; 93B-15;*  
*Eff. April 1, ~~2010.~~ 2010;*  
*Amended Eff. September 1, 2014.*

21 NCAC 16B .1002 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .1002 DENTAL LICENSURE BY ENDORSEMENT BASED ON STATUS AS  
MILITARY SPOUSE**

(a) An applicant for a dental license by endorsement based on the applicant's status as a military spouse shall submit to the Board:

- (1) a completed, signed and notarized application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org);
- (2) the non-refundable application fee required by Rule 16M .0101(a)(14) of this Chapter;
- (3) written evidence demonstrating that the applicant is married to an active member of the U.S. military and that such applicant:
  - (A) holds a current dental license from another jurisdiction whose standards for licensure are substantially equivalent to or greater than those required for licensure as a dentist in North Carolina as set forth in these Rules; and
  - (B) has engaged in the active practice of dentistry as defined by G.S. 90-29(b)(1) for at least 1,500 hours per year during at least two of the five years preceding the date of application; and
- (4) a statement disclosing and explaining the commission of an act set out in G.S. 90-41(a) or (b), any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.
- (5) a statement disclosing and explaining ~~[periods,] periods~~ within the last 10 ~~[years,] years~~ of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program;
- (6) a copy of a current CPR certification;
- (7) a report from the National Practitioner Data Bank; and
- (8) the applicant's passing score on the Dental National Board Part I and Part II written examination administered by the Joint Commission on National Dental Examinations.

(b) All information required ~~must~~ shall be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete application packages shall be returned to the applicant.

(c) All applicants shall submit to the Board a signed release ~~form, form and~~ completed Fingerprint Record Card and Card, obtained from the Board. other forms required to perform a criminal history check. The form and cards may be obtained from the Board.

*History Note: Authority G.S. 90-30(b); 90-41; 90-36; 93B-15.1;  
Eff. September 1, 2013.*

1  
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Amended Eff. September 1, 2014.

21 NCAC 16B .1101 is proposed for adoption as published in 28 NCR 15:1718 with changes as follows:

## **SECTION .1100 REINSTATEMENT**

### **21 NCAC 16B. 1101 PROOF OF COMPETENCY**

(a) All applications for reinstatement shall be submitted on forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete ~~[which]~~ that does not set forth all the information required relative to the applicant. Incomplete applications ~~[will]~~ shall be returned to the applicant.

(b) The application for reinstatement shall be accompanied by:

- (1) the non-refundable reinstatement fee;
- (2) two letters of character reference from non-family members;
- (3) a current report from the National Practitioner Databank;
- (4) proof of completion of continuing education courses in clinical patient care from Board-approved sponsors, as defined in Rule 16R .0104 of this ~~[Subchapter,]~~ Chapter in amounts equal to the hours required for renewal of a dental license; and
- (5) a copy of current CPR card.

(c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.

(d) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check. The form and card are available from the Board office.

(e) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for two to five years may be required, at the Board's discretion, to take refresher courses on topics specified by the Board. Refresher courses may be required if the Board determines, based upon the facts of the case, that the applicant may lack skills or knowledge to practice dentistry competently. Refresher courses for individuals whose licenses have been revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for individuals whose licenses have been inactive or lapsed shall take into account the amount of time the license has been inactive or lapsed and the individual's level of experience.

(f) Applicants seeking reinstatement of a North Carolina dental license that has been revoked, suspended, inactive or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants before applying for reinstatement.

(g) Any applicant who changes his or her address shall notify the Board office within 10 business days.

*History Note: Authority G.S. 90-30; 90-41;  
Eff. September 1, 2014.*

21 NCAC 16C.0101 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:

**21 NCAC 16C .0101 LICENSURE**

(a) All dental hygienists ~~must~~ shall be licensed by the North Carolina State Board of Dental Examiners before practicing dental hygiene in this state.

(b) The examination requirement does not apply to persons who do not hold a North Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107 or license by endorsement pursuant to Rules 16G .0107 or .0108 of this Chapter.

(c) All dental hygienists ~~must~~ shall maintain current CPR certification at all times.

*History Note: Authority G.S. 90-223; 90-224;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989; January 1, 1983.*

21 NCAC 16C .0202 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:

**21 NCAC 16C .0202      STUDENT MAY APPLY**

The Board shall accept dental hygienist applications from students currently enrolled in schools of dental hygiene. ~~The Board shall deny such applications if the applicant fails to complete the required course of study.~~

Applications ~~will~~ shall automatically be denied if the applicant fails to complete the required course of study or fails a Board approved licensure examination.

*History Note:      Authority G.S. 90-223; 90-224;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. September 1, 2014; June 1, 2006; May 1, 1989.*

21 NCAC 16C .0301 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:

**21 NCAC 16C .0301 APPLICATION FOR LICENSURE**

(a) All applications for licensure shall be made on the forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete ~~which that~~ does not set forth all the information required relative to the applicant. Incomplete applications ~~will~~ shall be returned to the applicant. Any applicant who changes his or her address shall notify the Board office within 10 business days. Applicants shall ensure that ~~[a final transcript from his or her high school is sent to the Board office in a sealed envelope.]~~ proof of graduation from high school or its equivalent is sent to the Board office, office in a sealed envelope. Applicants ~~must~~ shall also ensure that an official final transcript proof of graduation from a dental hygiene program as set forth in G.S. 90-224 is sent in a sealed envelope to the Board office.

(b) The nonrefundable application fee shall accompany the application.

(c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed. A photograph of the applicant, taken within six months prior to the date of the application, ~~must~~ shall be affixed to the application.

(d) All applicants shall submit to the Board a signed release form and completed Fingerprint Record Card and other form(s) required to perform a criminal history check at the time of the application. The form and card are available from the Board office.

(e) All applicants shall arrange for and ensure the submission to the Board office the examination scores required by Rule .0303 of this Subchapter. The examination requirement does not apply to individuals who do not hold a North Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules 16G .0107 or 16G .0108 of this Chapter.

(f) All applicants must include a statement disclosing and explaining [periods,] periods within the last 10 [years,] years of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program.

(g) All applicants for dental hygiene licensure shall achieve a passing score on the Dental Hygiene National Board examination administered by the Joint Commission on National Dental Examinations.

*History Note: Authority G.S. 90-223; 90-224; 90-229(a)(4);*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989.*



21 NCAC 16C .0303 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:

21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS

(a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. Reexamination on the written examinations shall be governed by Rule ~~16C .0405- 16C .0311~~ of this Subchapter.

(b) All applicants for dental hygiene licensure shall achieve passing scores on written and clinical examinations administered by ~~the board or~~ Board approved testing agencies. ~~agencies according to this Rule.~~

(c) Clinical testing agencies must shall permit Board representation on the Board of Directors and the Examination Review Committee or equivalent committee and allow Board input in the examination development and administration.

(d) The clinical examination shall:

- (1) be substantially equivalent to or an improvement to the clinical licensure examination most recently administered by the Board;
- (2) include procedures performed on human subjects as part of the assessment of clinical competency;
- (3) include probing, supra and subgingival scaling and soft tissue management; and
- (4) provide the following:
  - (A) anonymity between applicants and examination graders; raters;
  - (B) standardization and calibration of graders; raters;
  - (C) a mechanism for post exam analysis;
  - (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged or overall scoring to compensate for failures in individual subject areas;
  - (E) a minimum passing score ~~set by the Board~~ for each subject area tested;
  - (F) an annual review of the examination; ~~examination and its technical manual by the Board and a psychometrician selected by the Board;~~
  - (G) a task analysis performed once every seven ~~four~~ years that which surveys dentists ~~on a nationwide survey~~ to determine the content domain to be scored and how the sections of the examination are scored;
  - (H) a defined system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and
  - ~~(I) a system of applicant assessment which utilizes raters of applicant performance who are not full time employees of any dental academic institution.~~
  - (I) does not permit a dental hygiene instructor to grade candidates at any institution at which the instructor is employed on a full time basis.

~~(e) (d)~~ The Board shall accept examination scores upon approved examinations for a period of five years following the date of the examination. such examinations. Each applicant shall arrange for and ensure the submission to the

Board office the applicant's scores. Individuals who apply for licensure more than five years after the examination date must re-take the examination.

Each applicant shall arrange for and ensure that the applicant's scores are submitted to the Board office. The applicant shall comply with all requirements of such testing agency in applying for and taking the examination.

(f) ~~(e)~~ The Board shall specify the ~~times, places and~~ agencies that ~~which~~ will conduct Board approved licensure examinations. ~~examinations in the state.~~

*History Note: Authority G.S. 90-224;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

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

21 NCAC 16C .0311 is proposed for adoption as published in 28 NCR 16:1869 with changes as follows:

**21 NCAC 16C .0311 REEXAMINATION**

(a) Any applicant who ~~has~~ passed the written examination but ~~has~~ failed the clinical portion of any Board approved examination ~~must~~ shall also re-take the written examination unless the applicant successfully passes the clinical examination within one year of passing the written examination. The Board ~~will~~ shall not accept scores from the written examination that are more than one year old.

(b) Any applicant who ~~has~~ failed the written examination may retake the written portion of the examination two additional times during a one year period and need not retake the clinical portion of the examination. The applicant ~~must~~ shall wait at least 72 hours before attempting to retake the written examination. If the applicant does not pass the written portion of the examination upon the second reexamination, the applicant ~~must~~ shall retake the written and clinical portions of the examination upon subsequent reexamination.

(c) Any applicant who ~~has~~ failed the written or clinical portions of the examination three times shall successfully complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the application, before being admitted for reexamination.

*History Note: Authority G.S. 90-223; 90-224;*

*Eff. September 1, 2014.*

21 NCAC 16C .0401 - .0405 are proposed for repeal as published in 28 NCR 15:1718 as follows:

**SECTION .0400 – LICENSURE BY EXAMINATION CONDUCTED BY THE BOARD**

**21 NCAC 16C .0401 APPLICATION FOR EXAMINATION CONDUCTED BY THE BOARD**

**21 NCAC 16C .0402 TIME FOR FILING**

**21 NCAC 16C .0403 EXAMINATION CONDUCTED BY THE BOARD**

**21 NCAC 16C .0404 PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL  
EXAMINATION**

**21 NCAC 16C .0405 BOARD CONDUCTED REEXAMINATION**

*History Note: Authority G.S. 90-223; 90-224; 90-224.1;  
Eff. June 1, 2006;  
Amended Eff. July 1, 2010; February 1, 2008;  
Repealed Eff. September 1, 2014.*

21 NCAC 16C .0501 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:

**21 NCAC 16C .0501 DENTAL HYGIENE LICENSURE BY CREDENTIALS**

(a) An applicant for a dental hygiene license by credentials shall submit to the Board:

- (1) a completed, notarized application form provided by the Board;
- (2) the nonrefundable licensure by credentials fee;
- (3) an affidavit from the applicant stating for the two years immediately preceding the application:
  - (A) the dates that and locations where the applicant has practiced dental hygiene;
  - (B) that the applicant has provided at least 2000 hours of clinical care directly to patients; and
  - (C) that the applicant has continuously held an active, unrestricted dental hygiene license issued by another U.S. state or any U.S. territory.
- (4) a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges;
- (5) ~~if applicable,~~ a statement disclosing and explaining periods, periods within the last 10 years years, of any voluntary or involuntary commitment to a hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dental hygiene or other impaired professionals program; and
- (6) a copy of a current CPR certificate. ~~an unexpired course completion certification card in cardiopulmonary resuscitation.~~

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by credentials shall arrange for and ensure the submission to the Board office, office the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) official transcripts certifying that the applicant has graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) if the applicant is or has ever been employed as a ~~dentist or~~ dental hygienist by or under contract with a federal agency, a ~~certification letter~~ certifying ~~of the applicant's current status and disciplinary history from each federal agency where the applicant is or has been employed or under contract;~~
- (3) a certificate of the applicant's licensure status from the regulatory authority or other occupational or professional regulatory authority and complete a full, fair and accurate disclosure of information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license or other occupational or professional license;
- (4) a report from the National Practitioner Databank; Databank, ~~if reporting is required or allowed by federal law;~~

- (5) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant. The applicant ~~must~~ shall submit a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant;
- (6) the applicant's passing score on the National Board Dental Hygiene Examination administered by the Joint Commission on National Dental Examinations; and
- (7) the applicant's passing score on the licensure examination conducted by a regional testing agency or independent state licensure examination that is substantially equivalent to the clinical licensure examination required in North ~~Carolina.~~ Carolina as set out in Rule [46C-.0303.] .0303 of this Subchapter.
- (c) All information required ~~must~~ shall be completed and received by the Board office as a complete package with the initial application and application fee. ~~Incomplete applications. If all of the information is not received as a complete package, the application shall be returned to the applicant.~~
- (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other form(s) required to perform a criminal history check at the time of the application. The forms are available from the Board office.
- (e) An applicant for dental hygiene licensure by credentials ~~must~~ shall pass successfully complete written examinations and, if deemed necessary based on the applicant's history, a clinical simulation examination administered by the Board. If the applicant fails ~~any of the written~~ examinations, the applicant may retake the examination ~~failed~~ two additional times during a one year ~~period.~~ period, as required by [Rule 16C-.0314] Rule .0311 of this Subchapter. Applicants who fail the clinical examination or who do not pass the written examination after three attempts within one year may not reapply for licensure by credentials.
- (f) Should the applicant reapply for licensure by credentials, an additional licensure by credentials fee shall be ~~required.~~ required at the time of reapplication.
- (g) Any license obtained through fraud or by any false representation shall be void ~~ab initio~~ ab initio and of no effect.

*History Note: Authority G.S. 90-223; 90-224.1; 90-229;*  
*Temporary Adoption Eff. January 1, 2003;*  
*Eff. January 1, 2004;*  
*Recodified from Rule .0401 Eff. June 1, 2006;*  
*Amended Eff. September 1, 2014; February 1, 2010.*

21 NCAC 16C .0601 is proposed for adoption as published in 28 NCR 16:1869 with changes as follows:

**21 NCAC 16C. 0601 PROOF OF COMPETENCY**

(a) All applications for reinstatement shall be made on the forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete ~~which~~ that does not set forth all the information required relative to the applicant. Incomplete applications shall ~~will~~ be returned to the applicant. Any applicant who changes his or her address shall notify the Board office within 10 business days.

(b) The reinstatement fee shall accompany the application.

(c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants before seeking reinstatement.

(d) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for two to five years may, at the Board's discretion, be required to take refresher courses as specified by the Board. Refresher courses may be required if the Board determines, based upon the facts of the case, that the applicant may lack skills or knowledge to practice dental hygiene competently. Refresher courses for individuals whose licenses have been revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for individuals whose licenses have been inactive or lapsed shall take into account the amount of time the license has been inactive or lapsed and the individual's level of experience.

(e) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.

(f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application for reinstatement. The form and card are available from the Board office.

(g) ~~Applicants must~~ shall provide proof ~~Documentation~~ of continuing education in clinical patient care, by Board-approved sponsors, equal to the number of hours currently required for the renewal of a dental hygiene license and current CPR certification.

(h) Two letters of character reference from non-family members.

(i) A report from the National Practitioner Databank.

*History Note: Authority G.S. 90-223; 90-224; 90-229;*

*Eff. September 1, 2014.*

21 NCAC 16Q .0303 is proposed for amendment as published in 28 NCR 7: 626 with changes as follows:

**21 NCAC 16Q .0303      TEMPORARY APPROVAL PRIOR TO SITE INSPECTION**

(a) If a dentist meets the requirements of Paragraphs (a) – (e) of Rule .0301 of this Subchapter, he/she shall be granted temporary approval to administer moderate conscious ~~sedation~~ sedation, or moderate pediatric conscious sedation until a permit can be issued. If a dentist meets the requirements of Paragraph (j) of Rule .0301 of this Subchapter, ~~he/she~~ he or she shall be granted temporary approval to administer moderate conscious sedation limited to oral routes and nitrous oxide inhalation. Temporary approval may be granted based solely on credentials until all processing and investigation has been completed. ~~Temporary approval may not exceed three months. The temporary approval [will] shall expire after 90 days. Extensions [will] shall not be granted. An applicant who fails to complete the requirements within the time allowed by this Rule must re-apply for a permit and [will] shall not be eligible for temporary approval.~~ An on-site evaluation of the facilities, equipment, procedures, and personnel shall be required prior to issuance of a permanent permit. The evaluation shall be conducted in accordance with Rules .0204 - .0205 of this Subchapter, except that evaluations of dentists applying for moderate conscious sedation permits may be conducted by dentists who have been issued moderate conscious sedation permits by the Board and who have been approved by the Board, as set out in these Rules. A two hundred seventy five dollar (\$275.00) inspection fee shall be collected for each site inspected pursuant to this Rule.

(b) An inspection may be made upon renewal of the permit or for cause.

(c) Temporary approval shall not be granted to a provisional licensee or applicants who are the subject of a pending Board disciplinary investigation or whose licenses have been revoked, suspended or are subject to an order of stayed suspension or probation.

*History Note:      Authority G.S. 90-28; 90-30.1;*

*Eff. February 1, 1990;*

*Amended Eff. August 1, 2002; January 1, 1994;*

*Temporary Amendment Eff. December 11, 2002;*

*Amended Eff. September 1, 2014; February 1, 2009; July 3, 2008; August 1, 2004.*





STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

July 17, 2014

Carolyn Bakewell  
Board of Dental Examiners  
**Sent via electronic mail to Carolyn.Bakewell@gmail.com**

Re: Commission action on rules filed by the Board

Dear Ms. Bakewell:

At its meeting this morning, the Rules Review Commission objected to the following rules in accordance with G.S. 150B-21.10: 21 NCAC 16B .0101, .0201, .0202, .0301, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0601, .0701, .0801, .0901, .1002, and .1101.

The Commission objected to all of the Rules because the agency failed to comply with the Administrative Procedure Act, as it adopted the Rules before the close of the comment period.

The Commission also objected to Rule 21 NCAC 16B .1101, finding the Rule as written is ambiguous, as it states a that applicants may be required to take refresher courses at the discretion of the Board, but the Rule does not state when that may occur or what may be required.

The Commission objected to Rule 21 NCAC 16C .0601, finding it was ambiguous as written. The Rule states that applicants may be required to take refresher courses at the discretion of the Board, but the Rule does not state when that may occur or what may be required.

In addition to the objections, the Commission extended to period of review pursuant to G.S. 150B-21.10 for Rules 16C .0101, .0202, .0301, .0303, .0311, .0401, .0402, .0403, .0404, .0405, .0501 and 16Q .0303. The Commission did this in response to a request by the agency to extend the period of review.

Administration  
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Judges and  
Assistants  
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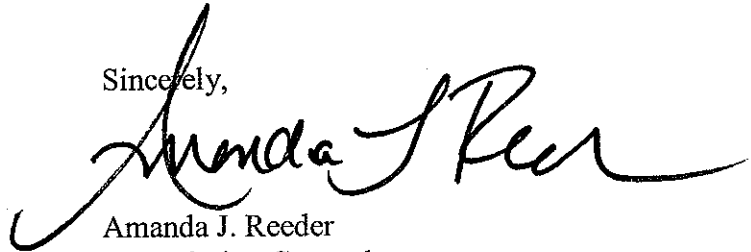
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Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days. The agency indicated it will submit the rewritten rules for Commission review at its August 2014 meeting.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Amanda J. Reeder". The signature is fluid and cursive, with a large initial "A" and "R".

Amanda J. Reeder  
Commission Counsel

21 NCAC 16B .0101 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0101 EXAMINATION REQUIRED; EXEMPTIONS**

(a) All persons desiring to practice dentistry in North Carolina are required to pass a Board approved, as set forth in these Rules, written and clinical examinations before receiving a license.

(b) The examination requirement does not apply to persons who do not hold a North Carolina dental license and who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules .1001 and .1002 of this Subchapter.

(c) All persons practicing dentistry in North Carolina must maintain current CPR certification at all times.

*History Note: Authority G.S. 90-21.107; 90-28; 90-30; 90-36; 90-38; 90-48;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. July 1, 2014; September 1, 2013; March 1, 2006; May 1, 1991; May 1, 1989;*

*January 1, 1983.*

21 NCAC 16B .0201 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0201      IN GENERAL**

(a) An applicant for licensure as a dentist must be a graduate of and have a DMD or DDS degree from a university or college accredited by the Commission on Dental Accreditation of the American Dental Association.

(b) Graduates of foreign colleges may ~~apply be accepted as applicants~~ for licensure after completing at least two years in a dental school accredited by the Commission on Accreditation of the American Dental Association, graduating with a DMD or DDS degree from that dental school, and passing Board approved written and clinical examinations, as set out in these Rules. ~~Rules, and graduating with a DMD or DDS degree from that dental school.~~

*History Note:      Authority G.S. 90-28; 90-30; 90-48;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. July 1, 2014; August 1, 2009; March 1, 2006; May 1, 1989; October 1, 1986.*

21 NCAC 16B .0202 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0202      STUDENT MAY APPLY**

Applications for a dental license will be accepted from students currently enrolled in schools of ~~dentistry~~. dentistry  
accredited by the Commission on Dental Accreditation of the American Dental Association. ~~Such applications will~~  
~~automatically be deemed denied if the applicant should fail to complete the required course of study or fail Board~~  
~~approved licensure examinations.~~ Applications will be automatically denied if the applicant fails to complete the  
required course of study or fails a Board approved licensure examination.

*History Note:      Authority G.S. 90-28; 90-30; 90-48;*  
*Eff. September 3, 1976;*  
*Readopted Eff. March 1, 2006; September 26, 1977.*  
*Amended Eff. July 1, 2014.*

21 NCAC 16B .0301 is proposed for amendment as published in 28 NCR 15:1718 **with changes** as follows:

**21 NCAC 16B .0301 APPLICATION FOR LICENSURE**

(a) All applications ~~shall be~~ ~~are to be~~ made on the forms furnished by the ~~Board,~~ Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete which does not set forth all the required information. ~~information required relative to the applicant.~~ Incomplete applications will be returned to the applicant. Any ~~candidate applicant~~ who changes his address shall ~~immediately~~ notify the Board ~~office.~~ office within 10 business days. Applicants shall ensure that official ~~furnish~~ transcripts of undergraduate college and dental school ~~credits~~ are sent in a sealed envelope to the Board office.

(b) The nonrefundable application fee shall accompany the application. ~~Such fee is non-refundable.~~

(c) Applicants who are licensed in other states shall ensure that the Board receives ~~furnish~~ verification of licensure from the ~~secretary of the dental~~ board of each state in which they are licensed. A ~~photograph,~~ photograph of the applicant, taken within six months prior to the date of the application, must be affixed to the application.

(d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application. The form and card are available from the Board office.

(e) All applicants shall arrange for and ensure the submission to the Board office the examination scores as required by Rule ~~.0303(e)~~ .0303(b) of this Subchapter, if applicable. The examination requirement does not apply to individuals who do not hold a North Carolina dental license and who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules .1000 or .1002 of this **[Chapter|Subchapter]**.

(f) All applicants must include a statement disclosing and explaining periods, within the last 10 years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dentists or other impaired professionals program.

*History Note: Authority G.S. 90-28; 90-30; 90-39; 90-48;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. July 1, 2014; March 1, 2006.*

21 NCAC 16B .0303 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B .0303 BOARD APPROVED EXAMINATIONS**

(a) All applicants for dental licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. Reexamination on the written examinations shall be governed by Rule ~~16B .0406(e)~~. 16B. 0317 of this Subchapter.

(b) All applicants for dental licensure shall achieve passing scores on Parts I and II of the Dental National Board examination administered by the Joint Commission on National Dental Examinations and written and clinical examinations administered by the Board or Board approved testing agencies according to this Rule.

(c) Test development agencies ~~Clinical testing agencies~~ must permit Board representation on the Board of Directors and the Examination Review Committee or equivalent committee and allow Board input in the examination development and administration.

(d) The clinical examination shall:

(1) be substantially equivalent to or an improvement to the clinical licensure examination most recently administered by the Board;

(2) include procedures performed on human subjects as part of the assessment of restorative clinical competencies;

(3) include evaluations in clinical periodontics and at least ~~four~~ three of the following subject matter areas:

~~(A) —periodontics, clinical abilities testing;~~

(A) (B) endodontics, clinical abilities testing;

(B) (C) amalgam preparation and restoration;

(C) (D) anterior composite preparation and restoration;

(D) (E) posterior ceramic or composite preparation and restoration;

(E) (F) ~~cast gold, clinical abilities testing;~~

(F) (G) prosthetics, written or clinical abilities testing;

(G) (H) oral diagnosis, written or clinical abilities testing; or

(H) (I) oral surgery, written or clinical abilities testing.

(4) provide the following:

(A) anonymity between applicants and examination graders; ~~raters~~;

(B) standardization and calibration of graders; ~~raters~~;

(C) a mechanism for post exam analysis;

(D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged or overall scoring to compensate for failures in individual subject areas;

(E) a minimum passing score ~~set by the Board~~ for each subject area tested;

- 1 (F) an annual review of the examination; ~~examination and its technical manual by the Board~~  
2 ~~and a psychometrician selected by the Board;~~
- 3 (G) a task analysis performed at least once every seven ~~four~~ years, which surveys dentists ~~on~~  
4 ~~a nationwide survey~~ to determine the content ~~domain to be scored and how the sections~~  
5 ~~of the examination; examination are scored;~~
- 6 (H) a defined system of quality assurance to ensure uniform, consistent administration of the  
7 examination at each testing site; and
- 8 ~~(I) a system of applicant assessment which utilizes raters of applicant performance who are~~  
9 ~~not full time employees of any dental academic institution.~~
- 10 (I) does not permit a dental instructor to grade candidates at any institution at which the  
11 instructor is employed.

12 (e) The Board shall accept scores upon such examinations for ~~a period of~~ five years following the date of such  
13 examinations. Each applicant shall arrange for and ensure the submission to the Board office the applicant's scores.

14 (f) The applicant shall comply with all requirements of such testing agency in applying for and taking the  
15 examination.

16 (g) The Board shall determine which examinations meet the criteria set out in Rule .0303(d) of this  
17 Subchapter. ~~specify the times, places and agencies which will conduct Board approved licensure examinations in~~  
18 ~~the state.~~

19  
20 *History Note: Authority G.S. 90-30; 90-48;*

21 *Eff. September 3, 1976;*

22 *Readopted Eff. September 26, 1977;*

23 *Amended Eff. July 1, 2014; June 1, 2009; March 1, 2006; August 1, 1998; March 1, 1988.*



21 NCAC 16B .0401 is proposed for repeal as published in 28 NCR 15:1718 as follows:

**~~21 NCAC 16B .0401 — APPLICATION FOR BOARD CONDUCTED EXAMINATION~~**

~~(a) All applications for Board conducted examination are to be made on the forms furnished by the Board, and no application shall be deemed complete which does not set forth all the information required by said Board relative to the applicant. Any candidate who changes his address shall immediately notify the Board office.~~

~~(b) The fee for each examination or re-examination must accompany the application. Such fee is non-refundable.~~

~~(c) Two identical photographs of the applicant, taken within six months prior to the date of the application, not over two inches in height, must be submitted. One photograph must be affixed to the application and the second photograph must be paper clipped to the application to be used as part of the identification badge.~~

*History Note: Authority G.S. 90-28; 90-30; 90-39; 90-41; 90-48;*

*Eff. March 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16B .0402 is proposed for repeal as published in 28 NCR 15:1718 as follows:

**~~21 NCAC 16B .0402 — TIME FOR FILING~~**

~~The completed application, fee, photographs, and undergraduate college and dental school transcripts must be received in the Board's office at least 90 days prior to the date of examination. Dental school transcripts for those still in dental school must be sent upon graduation. All data received by the Board concerning the applicant shall be part of the application and shall be retained as part of the record.~~

*History Note: Authority G.S. 90-28; 90-30; 90-48;*

*Eff. March 1, 2006;*

*Amended Eff. February 1, 2008.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16B .0403 is proposed for repeal as published in 28 NCR 15:1718 as follows:

**~~21 NCAC 16B .0403 — EXAMINATION CONDUCTED BY THE BOARD~~**

~~(a) Written instructions designating the subject areas to be covered will be made available to candidates prior to the date fixed for each examination.~~

~~(b) Each candidate will be given a numbered badge. This badge will contain the candidate's photograph and will be presented to the candidate prior to the examination. The number on the badge will be the only identification allowed on any paper or manuscript during this examination. This badge must be returned to the Board at the completion of the examination.~~

~~(c) The Board reserves the right to dismiss any candidate who may be detected using or attempting to use any assistance not provided as an accommodation. If such violation is discovered by the Board after a license has been issued to the violator, the license shall be revoked.~~

*History Note: Authority G.S. 90-28; 90-30; 90-48;*

*Eff. March 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16B .0404 is proposed for repeal as published in 28 NCR 15:1718 as follows:

**~~21 NCAC 16B .0404 PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL EXAMINATION~~**

~~Each candidate must furnish his own patients and instruments for the Board conducted clinical examination. Additional instructions concerning supplies will be mailed to each candidate. A dental unit, chair, and stand to hold instrument cases are available for each candidate.~~

*History Note: Authority G.S. 90-28; 90-30; 90-48;*

*Eff. March 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16B .0405 is proposed for repeal as published in 28 NCR 15:1718 as follows:

**~~21 NCAC 16B .0405 — SCOPE OF BOARD CONDUCTED CLINICAL EXAMINATION~~**

~~(a) The Board conducted clinical examination may cover such of the following subject areas as the Board may designate:~~

~~(1) Clinical operative dentistry;~~

~~(2) Oral surgery, radiography, radiographic interpretation and oral diagnosis;~~

~~(3) Fixed and removable prosthodontics;~~

~~(4) Periodontics;~~

~~(5) Simulated clinical procedures;~~

~~(6) Endodontics.~~

~~(b) Each graded procedure will be examined separately by at least three examiners.~~

~~(c) The clinical examination will begin and end promptly as designated.~~

*History Note: Authority G.S. 90-28; 90-30; 90-48;*

*Eff. March 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16B .0406 is proposed for repeal as published in 28 NCR 15:1718 as follows:

**~~21 NCAC 16B .0406 — BOARD CONDUCTED REEXAMINATION~~**

~~(a) A complete application is required in case of reexamination. For purposes of this Rule:~~

~~(1) — any person who has taken the clinical portion of the Board conducted clinical examination one time without passing, is considered to have failed the clinical portion of the examination; and~~

~~(2) — any person who has taken the written portion of the Board conducted written examination three times without passing, is considered to have failed the written portion of the examination.~~

~~(b) Any applicant who has failed the clinical portion of the examination three times, regardless of having passed the written portion of the examination, shall successfully complete an additional course of study in clinical dentistry encompassing at least one academic year, such course of study as determined by the Board shall be in the area or areas of deficiency exhibited on the examination and shall provide additional experience and expertise in clinical dentistry for the applicant. Such applicant must send evidence of the additional study, along with the application, before being admitted for reexamination.~~

~~(c) Any applicant who has not passed the written portion of the examination may retake the written portion of the examination two additional times during the twelve month period from the date of the initial examination. The applicant must wait a minimum of 72 hours before attempting to retake a written examination. Any applicant who has failed the written portion of the examination as defined in Paragraph (a), shall successfully complete an additional course of study, such course of study as determined by the Board shall be in the area or areas of deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the application, before being admitted for reexamination.~~

~~(d) Any applicant who has passed the written portion of the examination but has failed the clinical portion of the examination need not retake the written portion of the examination upon subsequent reexamination during one calendar year.~~

*History Note: Authority G.S. 90-28; 90-30; 90-48;*

*Eff. April 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16B .0501 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS**

(a) An applicant for a dental license by credentials shall submit to the Board:

- (1) a completed, notarized application form provided by the Board;
- (2) the non-refundable licensure by credentials fee;
- (3) an affidavit from the applicant stating for the five years immediately preceding the application:
  - (A) the dates that and locations where the applicant has practiced dentistry;
  - (B) that the applicant has provided at least ~~5000~~ 5,000 hours of clinical care directly to patients, not including post graduate training, residency programs or an internship and
  - (C) that the applicant has continuously held an active, unrestricted dental license issued by another U.S. state or ~~any~~ U.S. territory;
- (4) ~~if applicable,~~ a statement disclosing and explaining any ~~disciplinary actions,~~ investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges;
- (5) ~~if applicable,~~ a statement disclosing and explaining periods, within the last 10 years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program;
- (6) a copy of a current CPR certificate ~~an unexpired course completion certification card in cardiopulmonary resuscitation;~~ and
- (7) a statement disclosing whether or not the applicant holds or has ever held a registration with the federal Drug Enforcement Administration (DEA) and whether such registration has ever been surrendered ~~surrendered, surrendered for cause,~~ or revoked.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall arrange for and ensure the submission to the Board office, the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) official transcripts ~~from the applicant's dental school~~ verifying that the applicant has graduated from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) if the applicant is or has ever been employed as a dentist by or under contract with a federal agency, a letter certifying the applicant's current status and disciplinary history from each federal agency where the applicant is or has been employed or under contract;
- (3) certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and complete information regarding any

- disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (4) a report from the National Practitioner Databank;
- (5) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant. The applicant must submit a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant;
- (6) a score certification letter from a dental professional regulatory board or regional testing agency of a passing score on a clinical licensure examination substantially equivalent to the clinical licensure examination required in North Carolina and such examination shall be administered by the dental professional regulatory board or a regional testing agency. ~~its designated agent other than an educational institution.~~ The score certification letter shall:
- (A) state that the examination included procedures performed on human subjects as part of the assessment of restorative clinical competencies and included evaluations in periodontics and at least three ~~four~~ of the following subject areas:
- ~~(i) — periodontics, clinical abilities testing;~~
- (i) (ii) endodontics, clinical abilities testing;
- (ii) (iii) amalgam preparation and restoration;
- (iii) (iv) anterior composite preparation and restoration;
- (iv) (v) posterior ceramic or composite preparation and restoration;
- ~~(vi) — cast gold, clinical abilities testing;~~
- (v) (vii) prosthetics, written or clinical abilities testing;
- (vi) (viii) oral diagnosis, written or clinical abilities testing; or
- (vii) (ix) oral surgery, written or clinical abilities testing.
- (B) state that licensure examinations after January 1, 1998 included:
- (i) anonymity between candidates and examination graders; ~~raters~~;
- (ii) standardization and calibration of graders; ~~raters~~; and
- (iii) a mechanism for post exam analysis;
- (7) the applicant's passing score on the Dental National Board Part I and Part II written examination administered by the Joint Commission on National Dental Examinations; and
- (8) the applicant's passing score on the licensure examination in general dentistry conducted by a regional testing agency or independent state licensure examination substantially equivalent to the clinical licensure examination required in North Carolina as set out in Subparagraph (b)(6) of this Rule.
- (c) All information required must be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete applications ~~If all of the information is not received as a complete package, the application~~ shall be returned to the applicant.



1 (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other  
2 form(s) required to perform a criminal history check at the time of the application. The forms are available at the  
3 Board office.

4 (e) An applicant for dental licensure by credentials must successfully complete written examinations as set out in  
5 G.S. 90-36 and, if deemed necessary based on the applicant's history, a clinical simulation examination administered  
6 by the Board. An applicant who fails the written examination may retake it ~~If the applicant fails any of the~~  
7 ~~examinations, the applicant may retake the examination failed~~ two additional times during a one year period. The  
8 applicant must wait a minimum of 72 hours before attempting to retake a written examination. Individuals who fail  
9 the clinical examination or do not pass the written examination after three attempts within one year may not reapply  
10 for licensure by credentials.

11 (f) Should the applicant reapply for licensure by credentials, an additional licensure by credentials fee shall be  
12 required.

13 (g) Any license obtained through fraud or by any false representation shall be void ab initio and of no effect.

14  
15 *History Note: Authority G.S. 90-28; 90-36;*  
16 *Temporary Adoption Eff. January 1, 2003;*  
17 *Eff. January 1, 2004;*  
18 *Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;*  
19 *Amended Eff. July 1, 2014; February 1, 2010.*  
20

21 NCAC 16B .0601 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0601 LIMITED VOLUNTEER DENTAL LICENSE**

(a) An applicant for a limited volunteer dental license shall submit to the Board:

- (1) a completed, notarized application form provided by the Board;
- (2) the non-refundable limited volunteer dental licensure fee;
- (3) an affidavit from the applicant stating:
  - (A) for the five years immediately preceding application, the dates that and locations where the applicant has practiced dentistry;
  - (B) that the applicant has provided at least 1000 hours per year of clinical care directly to patients, for a minimum of five years, not including post graduate training, residency programs or an internship; and
  - (C) that the applicant has provided at least 500 hours of clinical care directly to patients within the last five years, not including post graduate training, residency programs or an internship;
- (4) ~~if applicable,~~ a statement disclosing and explaining periods, within the last 10 years, of any voluntary or involuntary commitment to a hospital or treatment facility, years, of observation, assessment, or treatment for substance abuse, with verification from the applicable program demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program; and
- (5) a copy of a current CPR certification ~~course completion certification card, card in cardiopulmonary resuscitation.~~

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a limited volunteer dental license shall arrange for and ensure the submission to the Board office, the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) official transcripts verifying that the applicant has graduated from a dental school ~~documentation of graduation from a dental school~~ accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and, if applicable, of the applicant's authorization to treat veterans or personnel enlisted in the United States armed services, and information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) a report from the National Practitioner Databank;
- (4) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant. The applicant must submit a letter of

1 coverage history from all current and all previous malpractice insurance carriers covering the  
2 applicant;

3 (5) the applicant's passing score on the Dental National Board Part I and Part II written examination  
4 administered by the Joint Commission on National Dental Examinations; and

5 (6) the applicant's passing score on a licensure examination in general dentistry substantially  
6 equivalent to the clinical licensure examination required in North Carolina, conducted by a  
7 regional testing agency or a state licensing board.

8 (c) All information required must be completed and received by the Board office as a complete package with the  
9 initial application and application fee. Incomplete applications ~~If all of the information is not received as a complete~~  
10 ~~package, the application~~ shall be returned to the applicant.

11 (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such  
12 other form(s) required to perform a criminal history check at the time of the application. The forms are available at  
13 the Board.

14 (e) An applicant for limited volunteer dental license must successfully complete written examinations as set out in  
15 G.S. 90-37.1 and, if deemed necessary by the Board based on the applicant's history, a clinical simulation  
16 examination administered by the Board. An applicant who fails the written exam may retake it ~~If the applicant fails~~  
17 ~~any of the examinations, the applicant may retake the examination failed~~ two additional times during a one year  
18 period. The applicant must wait a minimum of 72 hours before attempting to retake a written  
19 examination. Applicants who fail the clinical examination or who do not pass the written examination after three  
20 attempts in one year may not reapply for a limited volunteer dental license.

21 (f) Should the applicant reapply for a limited volunteer dental license, an additional limited volunteer dental license  
22 fee shall be required.

23 (g) Any license obtained through fraud or by any false representation shall be void ab initio and of no effect.

24 (h) The license may be renewed on an annual basis provided that the licensee provides documentation that he or she  
25 has practiced a minimum of 100 hours, completed continuing education requirements as required in Subchapter 16R  
26 of these Rules and has current CPR certification.

27  
28 *History Note: Authority G.S. 90-28; 90-37.1;*

29 *Temporary Adoption Eff. January 1, 2003;*

30 *Eff. January 1, 2004;*

31 *Recodified from 21 NCAC 16B .0501 Eff. March 1, 2006.*

32 *Amended Eff. July 1, 2014.*

21 NCAC 16B .0701 is proposed for amendment as published in 28 NCR 15:1718 **with changes** as follows:

**21 NCAC 16B .0701 INSTRUCTOR'S LICENSE**

(a) An applicant for an instructor's license shall submit to the Board:

- (1) a completed, notarized application form provided by the ~~Board;~~ Board at [www.ncdentalboard.org](http://www.ncdentalboard.org).
- (2) the non-refundable instructor's licensure fee;
- (3) ~~a photograph of the applicant, taken within six months prior to the date of the application, affixed to the application.~~
- (4) ~~a signed release form and completed Fingerprint Record Card, and other form(s) required to perform a criminal history check at the time of the application. The form and card are available from the Board office.~~
- ~~(3) (5) if applicable,~~ a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges; ~~and~~
- ~~(4) (6) if applicable,~~ a statement disclosing and explaining periods, within the last ten years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program; and program.
- (7) a current CPR card.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for an instructor's license shall ~~arrange for and~~ ensure the submission to the Board **office, office of** the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) if the applicant is or has ever been employed as a dentist by or under contract with an agency or organization, a certification letter of the applicant's current status and disciplinary history from each agency or organization where the applicant is or has been employed or under contract;
- (2) certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) a report from the National Practitioner Databank or its international equivalent, if applicable;
- (4) a report of any pending or final malpractice actions against the applicant, verified by the malpractice insurance carrier covering the applicant. The applicant must submit a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant; and
- (5) certification letter from the dean or director that the applicant has met or been approved under the credentialing standards of a dental school or an academic medical center with which the person is

1 to be affiliated, and certification that such school or medical center is accredited by the American  
2 Dental Association's Commission on Accreditation or the Joint Commission on Accreditation of  
3 Health Care Organizations.

4 (c) All information required must be completed and received by the Board office as a complete package with the  
5 initial application and application fee. Incomplete applications ~~If all of the information is not received as a complete~~  
6 ~~package, the application~~ shall be returned to the applicant.

7 ~~(d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such~~  
8 ~~other form(s) required to perform a criminal history check at the time of the application.~~

9 (d) Any applicant who changes his or her address shall notify the Board office within 10 business days.

10 (e) Should the applicant reapply for an instructor's license, an additional instructor's license fee shall be required.

11 (f) Any license obtained through fraud or by any false representation shall be void ab initio and of no effect.

12 (g) The license shall be renewed on an annual basis, basis, [as set out in 21 NCAC16R] as set out in Rule 16R .0102  
13 of this Subchapter .

14  
15 *History Note: Authority G.S. 90-28; 90-29.5;*  
16 *Temporary Adoption Eff. January 1, 2003;*  
17 *Eff. January 1, 2004;*  
18 *Recodified from 21 NCAC 16B .0601 Eff. March 1, 2006.*  
19 *Amended Eff. July 1, 2014.*

21 NCAC 16B .0801 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0801      TEMPORARY VOLUNTEER DENTAL PERMIT**

(a) An applicant for a Temporary Volunteer Dental License shall submit to the Board:

- (1) A completed, notarized application form provided by the Board; with a photograph of the applicant, taken within six months of the application date attached;
- (2) A statement from all jurisdictions in which the applicant is now or has ever been licensed, disclosing the applicant's disciplinary history and current status of the applicant's license;
- (3) A statement signed by a N.C. licensed dentist agreeing to provide supervision or direction to the temporary volunteer dentist, stating where, within the next calendar year, such supervision or direction will occur, and affirming that no fee or monetary compensation of any kind will be paid to the applicant for dental services performed; and
- (4) A statement signed by the applicant stating where the applicant will practice, the type of facility where the practice will occur, the duration of the practice, the name of the supervising dentist, and affirming that no fee will be charged or accepted. The applicant must update the information within five days of any changes in the practice location or facility.

(b) All information required must be completed and received in the Board office as a complete package at least two weeks prior to the issuance of the license. Incomplete applications ~~If all required information is not received, the application shall be returned to the applicant.~~ The applicant must report any changes to submitted information within five days of when the applicant knew or should have known of the changes.

(c) To renew the Temporary Volunteer Dental License the licensee ~~must~~ must submit: the information required in (a)(2) – (4) of this Rule, along with an affidavit stating that the information on the original application is correct and requires no update or correction.

- ~~(1) Submit an affidavit stating that all information on the original application is correct and requires no update or correction;~~
- ~~(2) A certificate of licensure from all jurisdictions in which the applicant is currently licensed certifying that the applicant holds a valid unrestricted license to practice general dentistry, is currently in good standing, and has never been disciplined;~~
- ~~(3) A statement signed by a NC licensed dentist agreeing to provide supervision or direction to the temporary volunteer dentist, where, within the next calendar year, such supervision or direction is to occur, and affirming that no fee or monetary compensation of any kind will be paid to the licensee for dental services performed; and~~
- ~~(4) A statement signed by the applicant stating where the applicant will practice, the type of facility where the practice will occur, the duration of the practice, the name of the supervising dentist, and affirming that no fee will be charged or accepted. The applicant must update the information within five days of any changes in the practice location or facility.~~

(d) All required information must be completed and received in the Board office as a complete package at least two weeks prior to the renewal of the license. Incomplete applications ~~If all required information is not received, the renewal application~~ shall be returned to the applicant. The applicant licensee must report any changes to submitted information within five days of when the licensee knew or should have known of the changes.

(e) Licensees must notify the Board within five days after any changes in their practice location or facility.

*History Note:* Authority G.S. 90-29; ~~90-37.1~~;

*Eff. February 1, 2008.*

Amended Eff. July 1, 2014.

21 NCAC 16B .0901 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .0901      DEFINITIONS**

The following definitions apply only to this Subchapter:

- (1) "Dental Board" -- the North Carolina State Board of Dental Examiners.
- (2) "Eligible licensees"-- all dentists currently licensed by and in good standing with the North Carolina State Board of Dental Examiners who are serving in the armed forces of the United States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.
- (3) "Extension period" -- the time period disregarded pursuant to 26 U.S.C. 7508.
- (4) "Good standing" -- a dentist whose license is not ~~suspended or revoked.~~ suspended, revoked or subject to a probationary order.

*History Note:      Authority G.S. 90-28; 93B-15;*  
*Eff. April 1, 2010.*  
*Amended Eff. July 1, 2014.*



21 NCAC 16B .1002 is proposed for amendment as published in 28 NCR 15:1718 as follows:

**21 NCAC 16B .1002 DENTAL LICENSURE BY ENDORSEMENT BASED ON STATUS AS  
MILITARY SPOUSE**

(a) An applicant for a dental license by endorsement based on the applicant's status as a military spouse shall submit to the Board:

- (1) a completed, signed and notarized application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org);
- (2) the non-refundable application fee required by Rule 16M .0101(a)(14) of this Chapter;
- (3) written evidence demonstrating that the applicant is married to an active member of the U.S. military and that such applicant:
  - (A) holds a current dental license from another jurisdiction whose standards for licensure are substantially equivalent to or greater than those required for licensure as a dentist in North Carolina as set forth in these Rules; and
  - (B) has engaged in the active practice of dentistry as defined by G.S. 90-29(b)(1) for at least 1,500 hours per year during at least two of the five years preceding the date of application; and
- (4) a statement disclosing and explaining the commission of an act set out in G.S. 90-41(a) or (b), any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.
- (5) a statement disclosing and explaining periods, within the last 10 years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dentists or other impaired professionals program;
- (6) a copy of a current CPR certification;
- (7) a report from the National Practitioner Data Bank; and
- (8) the applicant's passing score on the Dental National Board Part I and Part II written examination administered by the Joint Commission on National Dental Examinations.

(b) All information required must be completed and received by the Board office as a complete package with the initial application and application fee. Incomplete application packages shall be returned to the applicant.

(c) All applicants shall submit to the Board a signed release form, form and completed Fingerprint Record Card and Card, obtained from the Board. other forms required to perform a criminal history check. The form and cards may be obtained from the Board.

*History Note: Authority G.S. 90-30(b); 90-41; 90-36; 93B-15.1;  
Eff. September 1, 2013.*



21 NCAC 16B .1101 is proposed for adoption as published in 28 NCR 15:1718 with changes as follows:

**21 NCAC 16B. 1101 PROOF OF COMPETENCY**

(a) All applications for reinstatement shall be submitted on forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete which does not set forth all the information required relative to the applicant. Incomplete applications will be returned to the applicant.

(b) The application for reinstatement shall be accompanied by:

(1) the non-refundable reinstatement fee;

(2) two letters of character reference from non-family members;

(3) a current report from the National Practitioner Databank;

(4) proof of completion of continuing education courses in clinical patient care from Board-approved sponsors, as defined in Rule 16R .0104 of this Subchapter, in amounts equal to the hours required for renewal of a dental license; and

(5) a copy of current CPR card.

(c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.

(d) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check. The form and card are available from the Board office.

(e) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for two to five years may be required, at the Board's discretion, to take refresher courses on topics specified by the Board.

(f) Applicants seeking reinstatement of a North Carolina dental license that has been revoked, suspended, inactive or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants before applying for reinstatement.

(g) Any applicant who changes his address shall notify the Board office within 10 business days.

History Note: Authority G.S. 90-30; 90-41;

Eff. July 1, 2014.

21 NCAC 16C.0101 is proposed for amendment as published in 28 NCR 16:1869 as follows:

**21 NCAC 16C .0101      LICENSURE**

(a) All dental hygienists must be licensed by the North Carolina State Board of Dental Examiners before practicing dental hygiene in this state.

(b) The examination requirement does not apply to persons who do not hold a North Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107 or license by endorsement pursuant to Rules 16G .0107 or .0108 of this Chapter.

(c ) All dental hygienists must maintain current CPR certification at all times.

*History Note:      Authority G.S. 90-223; 90-224;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. July 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989; January 1, 1983.*

21 NCAC 16C .0202 is proposed for amendment as published in 28 NCR 16:1869 as follows:

**21 NCAC 16C .0202      STUDENT MAY APPLY**

The Board shall accept dental hygienist applications from students currently enrolled in schools of dental hygiene. ~~The Board shall deny such applications if the applicant fails to complete the required course of study.~~

Applications will automatically be denied if the applicant fails to complete the required course of study or fails a Board approved licensure examination.

*History Note:      Authority G.S. 90-223; 90-224;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. July 1, 2014; June 1, 2006; May 1, 1989.*

21 NCAC 16C .0301 is proposed for amendment as published in 28 NCR 16:1869 as follows:

**21 NCAC 16C .0301 APPLICATION FOR LICENSURE**

(a) All applications for licensure shall be made on the forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete which does not set forth all the information required relative to the applicant. Incomplete applications will be returned to the applicant. Any applicant who changes his address shall notify the Board office within 10 business days. Applicants shall ensure that a final transcript from his or her high school is sent to the Board office in a sealed envelope. ~~proof of graduation from high school or its equivalent is sent to the Board office.~~ Applicants must also ensure that an official final transcript ~~proof of graduation~~ from a dental hygiene program as set forth in G.S. 90-224 is sent in a sealed envelope to the Board office.

(b) The nonrefundable application fee shall accompany the application.

(c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed. A photograph of the applicant, taken within six months prior to the date of the application, must be affixed to the application.

(d) All applicants shall submit to the Board a signed release form and completed Fingerprint Record Card and other form(s) required to perform a criminal history check at the time of the application. The form and card are available from the Board office.

(e) All applicants shall arrange for and ensure the submission to the Board office the examination scores required by Rule .0303 of this Subchapter. The examination requirement does not apply to individuals who do not hold a North Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules 16G .0107 or 16G .0108 of this Chapter.

(f) All applicants must include a statement disclosing and explaining periods, within the last 10 years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program.

(g) All applicants for dental hygiene licensure shall achieve a passing score on the Dental Hygiene National Board examination administered by the Joint Commission on National Dental Examinations.

*History Note: Authority G.S. 90-223; 90-224;*

*Eff. September 3, 1976;*

*Readopted Eff. September 26, 1977;*

*Amended Eff. July 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989.*

21 NCAC 16C .0303 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:

21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS

(a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. Reexamination on the written examinations shall be governed by Rule ~~16C .0405~~ 16C .0311 of this Subchapter.

(b) All applicants for dental hygiene licensure shall achieve passing scores on written and clinical examinations administered by ~~the board or~~ Board approved testing agencies according to this Rule.

(c) Clinical testing agencies must permit Board representation on the Board of Directors and the Examination Review Committee or equivalent committee and allow Board input in the examination development and administration.

(d) The clinical examination shall:

- (1) be substantially equivalent to or an improvement to the clinical licensure examination most recently administered by the Board;
- (2) include procedures performed on human subjects as part of the assessment of clinical competency;
- (3) include probing, supra and subgingival scaling and soft tissue management;
- (4) provide the following:
  - (A) anonymity between applicants and examination raters;
  - (B) standardization and calibration of raters;
  - (C) a mechanism for post exam analysis;
  - (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged or overall scoring to compensate for failures in individual subject areas;
  - (E) a minimum passing score ~~set by the Board~~ for each subject area tested;
  - (F) an annual review of the examination; ~~and its technical manual by the Board and a psychometrician selected by the Board;~~
  - (G) a task analysis performed once every seven ~~four~~ years which surveys dentists ~~on a nationwide survey~~ to determine the content domain to be scored and how the sections of the examination are scored;
  - (H) a defined system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and
  - ~~(I) a system of applicant assessment which utilizes raters of applicant performance who are not full time employees of any dental academic institution.~~
  - (I) does not permit a dental hygiene instructor to grade candidates at any institution at which the instructor is employed on a full time basis.

(e) ~~(d)~~ The Board shall accept scores upon approved examinations for a period of five years following the date of such examinations. Each applicant shall arrange for and ensure that the applicant's scores are submitted to the Board

1 office. The applicant shall comply with all requirements of such testing agency in applying for and taking the  
2 examination.

3 (f) ~~(e)~~ The Board shall specify the ~~times, places and~~ agencies which will conduct Board approved  
4 licensure examinations. ~~examinations in the state.~~

5  
6 *History Note: Authority G.S. 90-224;*

7 *Eff. September 3, 1976;*

8 *Readopted Eff. September 26, 1977;*

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



21 NCAC 16C .0311 is proposed for adoption as published in 28 NCR 16:1869 as follows:

**21 NCAC 16C .0311 REEXAMINATION**

(a) Any applicant who has passed the written examination but has failed the clinical portion of any Board approved examination must also re-take the written examination unless the applicant successfully passes the clinical examination within one year of passing the written examination. The Board will not accept scores from the written examination that are more than one year old.

(b) Any applicant who has failed the written examination may retake the written portion of the examination two additional times during a one year period and need not retake the clinical portion of the examination. The applicant must wait at least 72 hours before attempting to retake the written examination. If the applicant does not pass the written portion of the examination upon the second reexamination, the applicant must retake the written and clinical portions of the examination upon subsequent reexamination.

(c) Any applicant who has failed the written or clinical portions of the examination three times shall successfully complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the application, before admitted for reexamination.

History Note: Authority G.S. 90-223, 90-224;

Eff. July 1, 2014.

21 NCAC 16C .0401 is proposed for repeal as published in 28 NCR 16:1869 as follows:

**~~21 NCAC 16C .0401 — APPLICATION FOR EXAMINATION CONDUCTED BY THE BOARD~~**

~~(a) All applications for licensure examination conducted by the Board shall be made on the forms furnished by the Board, and no application shall be deemed complete which does not set forth all the information required by these Rules relative to the applicant. Any candidate who changes his address shall notify the Board office.~~

~~(b) The fee for such examination or re-examination must accompany the application. Such fee is non-refundable.~~

~~(c) Two identical photographs of the applicant, taken within six months prior to the date of the application, not over two inches in height, must be submitted. One photograph must be affixed to the application and the second photograph must be paper-clipped to the application to be used as part of the identification badge.~~

*History Note: Authority G.S. 90-223; 90-224.1;*

*Eff. June 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16C .0402 is proposed for repeal as published in 28 NCR 16:1869 as follows:

**~~21 NCAC 16C .0402 — TIME FOR FILING~~**

~~The completed application, fee, photographs, and sealed proof of graduation from the school as required by G.S. 90-224(a) must be received in the Board's office at least 90 days prior to the date of the examination conducted by the Board. Sealed proof of graduation from dental hygiene school for those still in dental hygiene school at the time of the application must be sent in upon graduation. All data received by the Board concerning the applicant shall be part of the application and shall be retained as part of the record.~~

*History Note: Authority G.S. 90-223; 90-224;  
Eff. June 1, 2006;  
Amended Eff. February 1, 2008.  
Repealed Eff. July 1, 2014.*

21 NCAC 16C .0403 is proposed for repeal as published in 28 NCR 16:1869 as follows:

**~~21 NCAC 16C .0403 — EXAMINATION CONDUCTED BY THE BOARD~~**

~~(a) Each candidate shall be given a numbered badge. This badge shall contain the candidate's photograph and shall be presented to the candidate prior to the examination. The number on the badge shall be the only identification allowed on any paper or manuscript during this examination. The badge must be returned to the Board at the completion of the examination.~~

~~(b) The Board may dismiss any candidate who is using or appears to be using any assistance not provided as an accommodation. If such violation is discovered by the Board after a license has been issued to the violator, the license shall be revoked.~~

*History Note: Authority G.S. 90-223; 90-224;*

*Eff. June 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16C .0404 is proposed for repeal as published in 28 NCR 16:1869 as follows:

**~~21 NCAC 16C .0404 PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL EXAMINATION~~**

~~(a) Each candidate must furnish his own patients and instruments for the Board conducted clinical examination.~~

~~(b) Supplies necessary for all clinical work are to be provided by the candidate.~~

*History Note: Authority G.S. 90-223; 90-224;*

*Eff. June 1, 2006.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16C .0405 is proposed for repeal as published in 28 NCR 16:1869 as follows:

**~~21 NCAC 16C .0405 — BOARD CONDUCTED REEXAMINATION~~**

~~(a) A complete application, except for official proof of graduation as required by G.S. 90-224(a) and National Board score, is required in case of reexamination.~~

~~(b) Any applicant who has passed the written portion of the examination but has failed the clinical portion of the examination conducted by the Board must also re take the written examination unless the applicant successfully passes the clinical examination within one year of passing the written examination.~~

~~(c) Any applicant who has passed the clinical portion of the examination conducted by the Board but has failed the written portion of the examination may retake the written portion of the examination two additional times during a one year period and need not retake the clinical portion of the examination. If the applicant does not pass the written portion of the examination upon the second reexamination, the applicant must retake both the written and clinical portions of the examination upon subsequent reexamination.~~

~~(d) Any applicant who has failed the written or clinical portions of the examination three times shall successfully complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the application, before admitted for reexamination.~~

*History Note: Authority G.S. 90-223; 90-224;*

*Eff. June 1, 2006;*

*Amended Eff. July 1, 2010.*

*Repealed Eff. July 1, 2014.*

21 NCAC 16C .0501 is proposed for amendment as published in 28 NCR 16:1869 as follows:

**21 NCAC 16C .0501 DENTAL HYGIENE LICENSURE BY CREDENTIALS**

(a) An applicant for a dental hygiene license by credentials shall submit to the Board:

- (1) a completed, notarized application form provided by the Board;
- (2) the nonrefundable licensure by credentials fee;
- (3) an affidavit from the applicant stating for the two years immediately preceding the application:
  - (A) the dates that and locations where the applicant has practiced dental hygiene;
  - (B) that the applicant has provided at least 2000 hours of clinical care directly to patients; and
  - (C) that the applicant has continuously held an active, unrestricted dental hygiene license issued by another U.S. state or any U.S. territory.
- (4) a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges;
- (5) ~~if applicable,~~ a statement disclosing and explaining periods, within the last 10 years, of any voluntary or involuntary commitment to a hospital or treatment facility, observation, assessment, or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of any county or state drug treatment program, or impaired dental hygiene or other impaired professionals program; and
- (6) a copy of a current CPR certificate, ~~an unexpired course completion certification card in cardiopulmonary resuscitation.~~

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by credentials shall arrange for and ensure the submission to the Board office, the following documents as a package, with each document in an unopened envelope sealed by the entity involved:

- (1) official transcripts certifying that the applicant has graduated from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;
- (2) if the applicant is or has ever been employed as a ~~dentist or~~ dental hygienist by or under contract with a federal agency, a ~~certification letter~~ certifying ~~of the applicant's current status and disciplinary history from each federal agency where the applicant is or has been employed or under contract;~~
- (3) certificate of the applicant's licensure status from the regulatory authority or other occupational or professional regulatory authority and complete information regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license or other occupational or professional license;
- (4) a report from the National Practitioner Databank, ~~if reporting is required or allowed by federal law;~~
- (5) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant. The applicant must submit a letter of

1 coverage history from all current and all previous malpractice insurance carriers covering the  
2 applicant;

3 (6) the applicant's passing score on the National Board Dental Hygiene Examination administered by  
4 the Joint Commission on National Dental Examinations; and

5 (7) the applicant's passing score on the licensure examination conducted by a regional testing agency  
6 or independent state licensure examination that is substantially equivalent to the clinical licensure  
7 examination required in North Carolina.

8 (c) All information required must be completed and received by the Board office as a complete package with the  
9 initial application and application fee. Incomplete applications ~~If all of the information is not received as a complete~~  
10 ~~package, the application~~ shall be returned to the applicant.

11 (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and other  
12 form(s) required to perform a criminal history check at the time of the application.

13 (e) An applicant for dental hygiene licensure by credentials must successfully complete written examinations and, if  
14 deemed necessary based on the applicant's history, a clinical simulation examination administered by the Board. If  
15 the applicant fails ~~any of the~~ written examinations, the applicant may retake the examination ~~failed~~ two additional  
16 times during a one year ~~period.~~ period, as required by Rule 16C .0311 of this Subchapter. Applicants who fail the  
17 clinical examination or who do not pass the written examination after three attempts within one year may not  
18 reapply for licensure by credentials.

19 (f) Should the applicant reapply for licensure by credentials, an additional licensure by credentials fee shall be  
20 required.

21 (g) Any license obtained through fraud or by any false representation shall be void ab initio and of no effect.

22  
23 *History Note: Authority G.S. 90-223; 90-224.1;*  
24 *Temporary Adoption Eff. January 1, 2003;*  
25 *Eff. January 1, 2004;*  
26 *Recodified from Rule .0401 Eff. June 1, 2006;*  
27 *Amended Eff. July 1, 2014; February 1, 2010.*



21 NCAC 16C .0601 is proposed for adoption as published in 28 NCR 16:1869 as follows:

21 NCAC 16C.0601 PROOF OF COMPETENCY

(a) All applications for reinstatement shall be made on the forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and no application shall be deemed complete which does not set forth all the information required relative to the applicant. Incomplete applications will be returned to the applicant. Any applicant who changes his address shall notify the Board office within 10 business days.

(b) The reinstatement fee shall accompany the application.

(c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants before seeking reinstatement.

(d) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for two to five years may, at the Board's discretion, be required to take refresher courses as specified by the Board.

(e) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.

(f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application for reinstatement. The form and card are available from the Board office.

(g) Documentation of continuing education in clinical patient care, by Board-approved sponsors, equal to the number of hours currently required for the renewal of a dental hygiene license and current CPR certification.

(h) Two letters of character reference from non-family members.

(i) A report from the National Practitioner Databank.

History Note: Authority G.S. 90-223; 90-224;

Eff. July 1, 2014.

21 NCAC 16Q .0303 is proposed for amendment as published in 28 NCR 7: 626 as follows:

**21 NCAC 16Q .0303      TEMPORARY APPROVAL PRIOR TO SITE INSPECTION**

(a) If a dentist meets the requirements of Paragraphs (a) – (e) of Rule .0301 of this Subchapter, he/she shall be granted temporary approval to administer moderate conscious ~~sedation~~ sedation, or moderate pediatric conscious sedation until a permit can be issued. If a dentist meets the requirements of Paragraph (j) of Rule .0301 of this Subchapter, he/she shall be granted temporary approval to administer moderate conscious sedation limited to oral routes and nitrous oxide inhalation. Temporary approval may be granted based solely on credentials until all processing and investigation has been completed. ~~Temporary approval may not exceed three months. The temporary approval will expire after 90 days. Extensions will not be granted. An applicant who fails to complete the requirements within the time allowed by this Rule must re-apply for a permit and will not be eligible for temporary approval.~~ An on-site evaluation of the facilities, equipment, procedures, and personnel shall be required prior to issuance of a permanent permit. The evaluation shall be conducted in accordance with Rules .0204 - .0205 of this Subchapter, except that evaluations of dentists applying for moderate conscious sedation permits may be conducted by dentists who have been issued moderate conscious sedation permits by the Board and who have been approved by the Board, as set out in these Rules. A two hundred seventy five dollar (\$275.00) inspection fee shall be collected for each site inspected pursuant to this Rule.

(b) An inspection may be made upon renewal of the permit or for cause.

(c) Temporary approval shall not be granted to a provisional licensee or applicants who are the subject of a pending Board disciplinary investigation or whose licenses have been revoked, suspended or are subject to an order of stayed suspension or probation.

*History Note: Authority G.S. 90-28; 90-30.1;*

*Eff. February 1, 1990;*

*Amended Eff. August 1, 2002; January 1, 1994;*

*Temporary Amendment Eff. December 11, 2002;*

*Amended Eff. July 1, 2014; February 1, 2009; July 3, 2008; August 1, 2004.*