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

3	21 NCAC 16B.	0101 EXAMINATION REQUIRED; EXEMPTIONS
4	(a) All persons of	desiring to practice dentistry in North Carolina are required to pass a Board approved, as set forth in
5	these Rules, writ	ten and clinical examinations before receiving a license.
6	(b) The examin	ation requirement does not apply to persons who do not hold a North Carolina dental license and
7	who are seeking	volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules .1001
8	and .1002 of this	Subchapter.
9	(c) All persons p	racticing dentistry in North Carolina [must] shall maintain current CPR certification at all times.
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11	History Note:	Authority G.S. 90-21.107; 90-28; 90-30; 90-36; 90-38; 90-48;
12		Eff. September 3, 1976;
13		Readopted Eff. September 26, 1977;
14		Amended Eff. September 1, 2014; September 1, 2013; March 1, 2006; May 1, 1991; May 1, 1989;
15		January 1, 1983.
16		

1 21 NCAC 16B .0201 is proposed for amendment as published in 28 NCR 15:1718 <u>with changes</u> as follows: 2

#### 3 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 4 5 university or college accredited by the Commission on Dental Accreditation of the American Dental Association. 6 (b) Graduates of foreign colleges may apply be accepted as applicants for licensure after completing at least two 7 years in a dental school accredited by the Commission on Accreditation of the American Dental Association, 8 graduating with a DMD or DDS degree from that dental school, and passing Board approved written and clinical 9 examinations, as set out in these Rules. Rules, and graduating with a DMD or DDS degree from that dental school. 10 11 History Note: Authority G.S. 90-28; 90-30; 90-48; 12 Eff. September 3, 1976; 13 Readopted Eff. September 26, 1977; 14 Amended Eff. September 1, 2014; August 1, 2009; March 1, 2006; May 1, 1989; October 1, 1986. 15

1 21 NCAC 16B .0202 is proposed for amendment as published in 28 NCR 15:1718 <u>with changes</u> as follows:

# 3 21 NCAC 16B .0202 STUDENT MAY APPLY

4	Applications	for a dental license will shall be accepted from students currently enrolled in schools
5	of dentistry.	dentistry accredited by the Commission on Dental Accreditation of the American Dental
6	Association.	Such applications will automatically be deemed denied if the applicant should fail to complete the
7	required cours	e of study or fail Board approved licensure examinations. Applications [will] shall be automatically
8	denied if the	applicant fails to complete the required course of study or fails a Board approved licensure
9	examination.	
10		
11	History Note:	Authority G.S. 90-28; 90-30; 90-48;
12		Eff. September 3, 1976;
13		Readopted Eff. March 1, 2006; September 26, 1977.
14		Amended Eff. September 1, 2014.
15		

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

#### 3 21 NCAC 16B .0301 **APPLICATION FOR LICENSURE**

- 4 (a) All applications shall be are to be made on the forms furnished by the Board, Board at www.ncdentalboard.org
- 5 and no application shall be deemed complete which that does not set forth all the required
- 6 information. information required relative to the applicant. Incomplete applications will be returned to the
- 7 applicant. Any candidate applicant who changes his or her address shall immediately notify the Board office. office
- 8 within 10 business days. Applicants shall ensure that official furnish transcripts of undergraduate college and dental
- 9 school credits. are sent in a sealed envelope to the Board office.
- 10 (b) The nonrefundable application fee shall accompany the application. Such fee is non refundable.
- 11 (c) Applicants who are licensed in other states shall ensure that the Board receives furnish verification of licensure
- 12 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 13 14 application, shall must be affixed to the application.

15 (d) (e) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such

- 16 other form(s) required to perform a criminal history check at the time of the application. The form and card are
- 17 available from the Board office.
- 18 (e) (f) All applicants shall arrange for and ensure the submission to the Board office the examination scores as
- 19 required by Rule .0303(e) .0303(b) of this Subchapter, if applicable. The examination requirement does not apply to
- 20 individuals who do not hold a North Carolina dental license and who are seeking volunteer licenses pursuant to G.S.
- 21
- 22 [(f)] (g) All applicants [must] shall include a statement disclosing and explaining [periods,] periods within the last
- 23 10 years, of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment,
- 24 or treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions
- 25 and terms of any drug treatment program, or impaired dentists or other impaired professionals program.
- 26

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

28 Eff. September 3, 1976;

- 29 Readopted Eff. September 26, 1977;
- 30 Amended Eff. September 1, 2014; March 1, 2006.
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21 NCAC 16B .0303 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:

- 3 21 NCAC 16B .0303 BOARD APPROVED EXAMINATIONS
  - 4 (a) All applicants for dental licensure shall achieve passing scores on the Board's sterilization and jurisprudence
  - 5 examinations. Reexamination on the written examinations shall be governed by Rule 16B .0406(c). 16B. 0317 of
  - 6 this Subchapter.
  - 7 (b) All applicants for dental licensure shall achieve passing scores on Parts I and II of the Dental National Board
  - 8 examination administered by the Joint Commission on National Dental Examinations and written and clinical
  - 9 examinations administered by the Board or Board approved testing <u>agencies</u>. agencies according to this Rule.
  - 10 (c) <u>Test development agencies</u> Clinical testing agencies must shall permit Board representation on the Board of
- 11 Directors and the Examination Review Committee or equivalent committee and allow Board input in the 12 examination development and administration.
- 13 (d) The clinical examination shall:
- 14 (1) be substantially equivalent to or an improvement to the clinical licensure examination most
   15 recently administered by the Board;
- 16 (2) include procedures performed on human subjects as part of the assessment of restorative clinical 17 competencies;
- include evaluations in <u>clinical periodontics and at least-four three</u> of the following subject matter
   areas:
  - (A) periodontics, clinical abilities testing;
  - (A) (B) endodontics, clinical abilities testing;
- 22 (B) (C) amalgam preparation and restoration;
- 23 (C) (D) anterior composite preparation and restoration;
- 24 (D) (E) posterior ceramic or composite preparation and restoration;
- 25 (E) (F) cast gold, clinical abilities testing;
- 26  $(\underline{F})$  (G) prosthetics, written or clinical abilities testing;
  - (G) (H) oral diagnosis, written or clinical abilities testing; or
- 28 (<u>H</u>) (<del>J</del>) oral surgery, written or clinical abilities testing. testing; and
- 29 (4) provide the following:
  - (A) anonymity between applicants and examination graders; raters;
  - (B) standardization and calibration of graders; raters;
- 32 (C) a mechanism for post exam analysis;
- 33 (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on
  34 all sections or areas tested and that does not allow weighted, averaged or overall scoring
  35 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		(1)	and a psychometrician selected by the Board;
2		(G)	a task analysis performed <u>at least</u> once every <u>seven</u> four years, which surveys dentists on
-		(0)	
4			a nationwide survey to determine the content domain to be scored and how the sections
5			of the <u>examination;</u> 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		<del>(I)</del>	a system of applicant assessment which utilizes raters of applicant performance who are
9			not full time employees of any dental academic institution.
10		<u>(I)</u>	does not permit a dental instructor to grade candidates at any institution at which the
11			instructor is employed.
12	(e) The Board s	hall acce	pt <u>examination</u> scores <del>upon such examinations</del> for <del>a period of</del> five years following the date
13	of such examina	tions. Ea	ch applicant shall arrange for and ensure the submission to the Board office the applicant's
14	scores. Individu	uals who	apply more than five years after the examination date to seek licensure must re-take the
15	examination.		
16	(f) The applica	ant shall	comply with all requirements of such the testing agency in applying for and taking the
17	examination.		
18	(g) The Boar	d shall	determine which examinations meet the criteria set out in Rule .0303(d) of this
19	Subchapter. spe	cify the	times, places and agencies which will conduct Board approved licensure examinations in
20	the state.		
21			
22	History Note:	Authori	ty G.S. 90-30; 90-48;
23		Eff. Sep	stember 3, 1976;
24		Readop	ted Eff. September 26, 1977;
25		Amende	ed Eff. <u>September 1, 2014;</u> June 1, 2009; March 1, 2006; August 1, 1998; March 1, 1988.
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2	21 NCAC 16B .0401	0405 are proposed for repeal as published in 28 NCR 15:1718 as follows:
3		
4	SECTION .	0400 – LICENSURE BY BOARD CONDUCTED EXAMINATION
5 6 7	21 NCAC 16B .0401	APPLICATION FOR BOARD CONDUCTED EXAMINATION
, 8 9	21 NCAC 16B .0402	TIME FOR FILING
10 11	21 NCAC 16B .0403	EXAMINATION CONDUCTED BY THE BOARD
12 13	21 NCAC 16B .0404	PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL EXAMINATION
14 15 16	21 NCAC 16B .0405	SCOPE OF BOARD CONDUCTED CLINICAL EXAMINATION
17	History Note: Aut	hority G.S. 90-28; 90-30; 90-39; 90-41; 90-48;
18	Eff.	March 1, 2006;
19	Ame	ended Eff. February 1, 2008;
20	Rep	ealed Eff. September 1, 2014.
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1	21 NCAC 16B .0	406 is proposed for repeal as published in 28 NCR 15:1718 as follows:
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3	21 NCAC 16B .	406 BOARD CONDUCTED REEXAMINATION
4		
5	History Note:	Authority G.S. 90-28; 90-30; 90-48;
6		Eff. April 1,, 2006.
7		<u>Repealed Eff. September 1, 2014.</u>

1 21 NCAC 16B .0501 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows: 2 3 21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS 4 (a) An applicant for a dental license by credentials shall submit to the Board: 5 a completed, notarized application form provided by the Board; (1)6 (2)the non-refundable licensure by credentials fee; 7 an affidavit from the applicant stating for the five years immediately preceding the application: (3) 8 (A) the dates that and locations where the applicant has practiced dentistry; 9 **(B)** that the applicant has provided at least 5000 5,000 hours of clinical care directly to 10 patients. not including post graduate training, residency programs or 11 an internship internship; and that the applicant has continuously held an active, unrestricted dental license issued by 12 (C) 13 another U.S. state or any U.S. territory; 14 (4) if applicable, a statement disclosing and explaining any disciplinary actions, investigations, 15 malpractice claims, state or federal agency complaints, judgments, settlements, or criminal 16 charges; 17 if applicable, a statement disclosing and explaining periods, periods within the last (5) 18 10 years, years of any voluntary or involuntary commitment to any hospital or treatment facility, 19 observation, assessment, or treatment for substance abuse, with verification demonstrating that the 20 applicant has complied with all provisions and terms of any county or state drug treatment 21 program, or impaired dentists or other impaired professionals program; a copy of <u>a current CPR</u> certificate <u>certificate</u>; and an unexpired course completion certification 22 (6) 23 card in cardiopulmonary resuscitation; and 24 a statement disclosing whether or not the applicant holds or has ever held a registration with the (7)25 federal Drug Enforcement Administration (DEA) and whether such registration has ever 26 been surrendered surrendered, surrendered for cause, or revoked. 27 (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials 28 shall arrange for and ensure the submission to the Board office, office the following documents as a package, with 29 each document in an unopened envelope sealed by the entity involved: 30 (1)official transcripts from the applicant's dental school verifying that the applicant has graduated 31 from a dental school accredited by the Commission on Dental Accreditation of the American 32 Dental Association: 33 (2)if the applicant is or has ever been employed as a dentist by or under contract with a federal 34 agency, a letter certifying the applicant's current status and disciplinary history from each federal 35 agency where the applicant is or has been employed or under contract; 36 (3)  $\frac{1}{2}$  certificate of the applicant's licensure status from the dental regulatory authority or other 37 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		(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 writter
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 <u>ab initio</u> and of no
17	effect.
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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. <u>September 1, 2014</u>; February 1, 2010.

1	21 NCAC 16B	0601 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:
2		
3	21 NCAC 16B	0601 LIMITED VOLUNTEER DENTAL LICENSE
4	(a) An applican	t for a limited volunteer dental license shall submit to the Board:
5	(1)	a completed, notarized application form provided by the Board;
6	(2)	the non-refundable limited volunteer dental licensure fee;
7	(3)	an affidavit from the applicant stating:
8		(A) for the five years immediately preceding application, the dates that and locations where
9		the applicant has practiced dentistry;
10		(B) that the applicant has provided at least $\frac{1000}{1,000}$ hours per year of clinical care directly
11		to <del>patients, for a minimum of five years, <u>patients for at least five years,</u> not including post</del>
12		graduate training, residency programs or an internship; and
13		(C) that the applicant has provided at least 500 hours of clinical care directly to patients
14		within the last five years, not including post graduate training, residency programs or an
15		internship;
16	(4)	if applicable, a statement disclosing and explaining periods, periods within the last 10 [years,]
17		years of any voluntary or involuntary commitment to a hospital or treatment facility, of
18		observation, assessment, or treatment for substance abuse, with verification from the applicable
19		program demonstrating that the applicant has complied with all provisions and terms of any
20		county or state drug treatment program, or impaired dentists or other impaired professionals
21		program; and
22	(5)	a copy of a current CPR certification course completion certification card. card in
23		cardiopulmonary resuscitation.
24	(b) In addition	to the requirements of Paragraph (a) of this Rule, an applicant for a limited volunteer dental license
25	shall arrange fo	r and ensure the submission to the Board <del>office,</del> office the following documents as a package, with
26	each document	n an unopened envelope sealed by the entity involved:
27	(1)	official transcripts verifying that the applicant [has] graduated from a dental school documentation
28		of graduation from a dental school accredited by the Commission on Dental Accreditation of the
29		American Dental Association;
30	(2)	a certificate of the applicant's licensure status from the dental regulatory authority or other
31		occupational or professional regulatory authority and, if applicable, of the applicant's authorization
32		to treat veterans or personnel enlisted in the United States armed services, and information
33		regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions
34		where the applicant holds or has ever held a dental license or other occupational or professional
35		license;
36	(3)	a report from the National Practitioner Databank;

- 1
   (4) a report of any pending or final malpractice actions against the applicant verified by the

   2
   malpractice insurance carrier covering the applicant. The applicant must shall submit a letter of

   3
   coverage history from all current and all previous malpractice insurance carriers covering the

   4
   applicant;
- 5(5)the applicant's passing score on the Dental National Board Part I and Part II written examination6administered 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
   <u>.0303 of this Subchapter</u>, conducted by a regional testing agency or a state licensing board.

10 (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. <u>Incomplete applications</u> If all of the information is not received as a complete package, the application shall be returned to the applicant.

13 (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. <u>The forms are available at</u>
 the Board.

16 (e) An applicant for limited volunteer dental license must <u>pass</u> 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

18 examination administered by the Board. <u>An applicant who fails the written exam may retake it</u> If the applicant fails

19 any of the examinations, the applicant may retake the examination failed two additional times during a one year

20 period. The applicant [must] shall wait a minimum of 72 hours before attempting to retake a written

21 examination. Applicants who fail the clinical examination or who do not pass the written examination after three

22 <u>attempts in one year may not reapply for a limited volunteer dental license.</u>

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

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

27 (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
- 29 of these Rules and has current CPR certification.
- 30

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

- 33 *Eff. January 1, 2004;*
- 34 *Recodified from 21 NCAC 16B .0501 Eff. March 1*, <del>2006,</del> 2006;

Temporary Adoption Eff. January 1, 2003;

- 35 <u>Amended Eff. September 1, 2014.</u>
- 36

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

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3 21 NCAC 16B .0701 INSTRUCTOR'S LICENSE

4 (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.
  - (2) the <u>non-refundable</u> instructor's licensure fee;
- 7 (3) a photograph of the applicant, taken within six months prior to the date of the application, affixed
   8 to the [application] application;
- 9 (4) a signed release form and completed Fingerprint Record Card, and other form(s) required to
   10 perform a criminal history check at the time of the application. The form and card are available
   11 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) <u>a</u>\_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;
- 31 (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
- 36(5)a certification letter from the dean or director that the applicant has met or been approved under37the 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	ation required must shall be completed and received by the Board office as a complete package with
5	the initial appli	cation and application fee. Incomplete applications If all of the information is not received as a
6	complete package	ge, the application shall be returned to the applicant.
7	(d) All applicar	ts shall submit to the Board a signed release form, completed Fingerprint Record Card, and such
8	other form(s) re	quired to perform a criminal history check at the time of the application.
9	(d) Any applica	nt who changes his or her address shall notify the Board office within 10 business days.
10	(e) Should the a	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 <u>basis</u> , <del>basis. [as set out in 21 NCAC16R] as set out in Rule 16R .0102</del>
14	<u>of this [Subchar</u>	<del>vter .] <u>Chapter.</u></del>
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, <mark>2006. <u>2006:</u></mark>
20		<u>Amended Eff. September 1, 2014.</u>
21		

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

3	21 NCAC 16B .0	<b>1801 TEMPORARY VOLUNTEER DENTAL PERMIT</b>
4	(a) An applicant	for a Temporary Volunteer Dental License shall submit to the Board:
5	(1)	A completed, notarized application form provided by the Board; Board, with a photograph of the
6		[applicant,] applicant taken within six months of the application date attached;
7	(2)	A statement from all jurisdictions in which the applicant is now or has ever been licensed,
8		disclosing the applicant's disciplinary history and current status of the applicant's license;
9	(3)	A statement signed by a N.C. licensed dentist agreeing to provide supervision or direction to the
10		temporary volunteer dentist, stating where, within the next calendar year, during the effective
11		period of the permit such supervision or direction will occur, and affirming that no fee or
12		monetary compensation of any kind will be paid to the applicant for dental services performed;
13		and
14	(4)	A statement signed by the applicant stating where the applicant will practice, the type of facility
15		where the practice will occur, the duration of the practice, the name of the supervising dentist, and
16		affirming that no fee will be charged or accepted. The applicant must shall update the information
17		within five days of any changes in the practice location or facility.
18	(b) All informati	on required must be completed and received in the Board office as a complete package at least two
19	weeks prior to th	e issuance of the license. Incomplete applications If all required information is not received, the
20	application shall	be returned to the applicant. The applicant must report any changes to submitted information
21	<del>within five days (</del>	<del>of when the applicant knew or should have known of the changes.</del>
22	(c) To renew the	e Temporary Volunteer Dental License the licensee must shall submit the information required in
23	Subparagraphs (	a)(2) - (4) of this Rule, along with an affidavit stating that the information on the original
24	application is cor	rect and requires no update or correction.
25	(1)	Submit an affidavit stating that all information on the original application is correct and requires
26		no update or correction;
27	(2)	A certificate of licensure from all jurisdictions in which the applicant is currently licensed
28		certifying that the applicant holds a valid unrestricted license to practice general dentistry, is
29		currently in good standing, and has never been disciplined;
30	(3)	A statement signed by a NC licensed dentist agreeing to provide supervision or direction to the
31		temporary volunteer dentist, where, within the next calendar year, such supervision or direction is
32		to occur, and affirming that no fee or monetary compensation of any kind will be paid to the
33		licensee for dental services performed; and
34	(4)	A statement signed by the applicant stating where the applicant will practice, the type of facility
35		where the practice will occur, the duration of the practice, the name of the supervising dentist, and
36		affirming that no fee will be charged or accepted. The applicant must update the information
37		within five days of any changes in the practice location or facility.

1	(d) All require	d information must shall be completed and received in the Board office as a complete package at
2	least two week	s prior to the renewal of the license. Incomplete applications If all required information is not
3	received, the re-	newal application shall be returned to the applicant. The applicant licensee must shall report any
4	changes to subn	nitted information within five days of when the licensee knew or should have known of the changes.
5	[(e) Licensees n	nust notify the Board within five days after any changes in their practice location or facility.]
6		
7	History Note:	Authority G.S. 90-29; <del>90-37.1;<mark>90-37.2</mark></del>
8		Eff. February 1, <mark>2008<u>2008</u>:</mark>
9		<u>Amended Eff. September 1, 2014.</u>
10		
11		

1 21 NCAC 16B .0901 is proposed for amendment as published in 28 NCR 15:1718 <u>with changes</u> as follows:

2		
3	21 NCAC 16B.	0901 DEFINITIONS
4	The following de	finitions apply only to this <mark>Subchapter: <u>Section:</u></mark>
5	(1)	"Dental Board" the North Carolina State Board of Dental Examiners.
6	(2)	"Eligible licensees" all dentists currently licensed by and in good standing with the North
7		Carolina State Board of Dental Examiners who are serving in the armed forces of the United
8		States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.
9	(3)	"Extension period" the time period disregarded pursuant to 26 U.S.C. 7508.
10	(4)	"Good standing" a dentist whose license is not suspended or revoked. suspended, revoked or
11		subject to a probationary order.
12		
13	History Note:	Authority G.S. 90-28; 93B-15;
14		Eff. April 1, <mark>2010. <u>2010;</u></mark>
15		Amended Eff. September 1, 2014.
16		

1	21 NCAC 16B .1	1002 is proposed for amendment as published in 28 NCR 15:1718 with changes as follows:	
2			
3	21 NCAC 16B	1002 DENTAL LICENSURE BY ENDORSEMENT BASED ON STATUS AS	
4		MILITARY SPOUSE	
5	(a) An applicant	for a dental license by endorsement based on the applicant's status as a military spouse shall submit	
6	to the Board:		
7	(1)	a completed, signed and notarized application form provided by the Board	
8		at www.ncdentalboard.org;	
9	(2)	the <u>non-refundable</u> application fee required by Rule 16M .0101(a)(14) of this Chapter;	
10	(3)	written evidence demonstrating that the applicant is married to an active member of the U.S.	
11		military and that such applicant:	
12		(A) holds a current dental license from another jurisdiction whose standards for licensure are	
13		substantially equivalent to or greater than those required for licensure as a dentist in	
14		North Carolina as set forth in these Rules; and	
15		(B) has engaged in the active practice of dentistry as defined by G.S. 90-29(b)(1) for at least	
16		1,500 hours per year during at least two of the five years preceding the date of	
17		application; and	
18	(4)	a statement disclosing and explaining the commission of an act set out in G.S. 90-41(a) or (b), any	
19		disciplinary actions, investigations, malpractice claims, state or federal agency complaints,	
20		judgments, settlements, or criminal charges.	
21	(5)	a statement disclosing and explaining [periods,] periods within the last 10 [years,] years of any	
22		voluntary or involuntary commitment to any hospital or treatment facility, observation,	
23		assessment, or treatment for substance abuse, with verification demonstrating that the applicant	
24		has complied with all provisions and terms of any county or state drug treatment program, or	
25		impaired dentists or other impaired professionals program;	
26	(6)	a copy of a current CPR certification;	
27	<u>(7)</u>	a report from the National Practitioner Data Bank; and	
28	<u>(8)</u>	the applicant's passing score on the Dental National Board Part I and Part II written examination	
29		administered by the Joint Commission on National Dental Examinations.	
30	(b) All informat	ion required must shall be completed and received by the Board office as a complete package with	
31	the initial applica	ation and application fee. Incomplete application packages shall be returned to the applicant.	
32	(c) All applican	ts shall submit to the Board a signed release form, form and completed Fingerprint Record Card	
33	and Card, obtained from the Board. other forms required to perform a criminal history check. The form and cards		
34	may be obtained	from the Board.	
35			
36	History Note:	Authority G.S. 90-30(b); 90-41; 90-36; 93B-15.1;	
37		Eff. September 1, 2013.	

Amended Eff. September 1, 2014.

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

2	
3	SECTION .1100 REINSTATEMENT
4	
5	21 NCAC 16B. 1101 PROOF OF COMPETENCY
6	(a) All applications for reinstatement shall be submitted on forms furnished by the Board at www.ncdentalboard.org
7	and no application shall be deemed complete [which] that does not set forth all the information required relative to
8	the applicant. Incomplete applications [will] shall be returned to the applicant.
9	(b) The application for reinstatement shall be accompanied by:
10	(1) the non-refundable reinstatement fee;
11	(2) two letters of character reference from non-family members;
12	(3) a current report from the National Practitioner Databank;
13	(4) proof of completion of continuing education courses in clinical patient care from Board-approved
14	sponsors, as defined in Rule 16R .0104 of this [Subchapter,] Chapter in amounts equal to the hours required
15	for renewal of a dental license; and
16	(5) a copy of current CPR card.
17	(c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from
18	the board of each state in which they are licensed.
19	(d) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one
20	year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s)
21	required to perform a criminal history check. The form and card are available from the Board office.
22	(e) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for
23	two to five years may be required, at the Board's discretion, to take refresher courses on topics specified by the
24	Board. Refresher courses may be required if the Board determines, based upon the facts of the case, that the
25	applicant may lack skills or knowledge to practice dentistry competently. Refresher courses for individuals whose
26	licenses have been revoked or suspended shall relate to the deficiencies that led to the imposition of discipline.
27	Refresher courses for individuals whose licenses have been inactive or lapsed shall take into account the amount of
28	time the license has been inactive or lapsed and the individual's level of experience.
29	(f) Applicants seeking reinstatement of a North Carolina dental license that has been revoked, suspended, inactive
30	or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants
31	before applying for reinstatement.
32	(g) Any applicant who changes his or her address shall notify the Board office within 10 business days.
33	
34	History Note: Authority G.S. 90-30; 90-41;

- 35 <u>Eff. September 1, 2014.</u>

1	21 NCAC 16C.0	0101 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:	
2			
3	21 NCAC 16C	.0101 LICENSURE	
4	(a) All dental	hygienists must shall be licensed by the North Carolina State Board of Dental Examiners before	
5	practicing denta	l hygiene in this state.	
6	(b) The examin	ation requirement does not apply to persons who do not hold a North Carolina dental hygiene license	
7	who are seeking	g volunteer licenses pursuant to G.S. 90-21.107 or license by endorsement pursuant to Rules 16G	
8	.0107 or .0108 of this Chapter.		
9	(c) All dental h	ygienists [must] shall maintain current CPR certification at all times.	
10			
11	History Note:	Authority G.S. 90-223; 90-224;	
12		Eff. September 3, 1976;	
13		Readopted Eff. September 26, 1977;	
14		Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989; January 1,	
15		1983.	
16			

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

### 3 21 NCAC 16C .0202 STUDENT MAY APPLY

4 The Board shall accept dental hygienist applications from students currently enrolled in schools of dental

- 5 hygiene. The Board shall deny such applications if the applicant fails to complete the required course of study.
- 6 <u>Applications [will] shall</u> automatically be denied if the applicant fails to complete the required course of study or
- 7 <u>fails a Board approved licensure examination.</u>
- 8

- 9 History Note: Authority G.S. 90-223; 90-224;
  10 Eff. September 3, 1976;
  11 Readopted Eff. September 26, 1977;
  12 Amended Eff. <u>September 1, 2014</u>; June 1, 2006; May 1, 1989.
- 13

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

## 3 21 NCAC 16C .0301 APPLICATION FOR LICENSURE

- 4 (a) All applications for licensure shall be made on the forms furnished by the Board at www.ncdentalboard.org and 5 no application shall be deemed complete which that does not set forth all the information required relative to the 6 applicant. Incomplete applications will shall be returned to the applicant. Any applicant who changes his or her 7 address shall notify the Board office within 10 business days. Applicants shall ensure that [a final transcript from 8 his or her high school is sent to the Board office in a sealed envelope.] proof of graduation from high school or its 9 equivalent is sent to the Board office. office in a sealed envelope. Applicants must shall-also ensure that an official 10 final transcript proof of graduation from a dental hygiene program as set forth in G.S. 90-224 is sent in a sealed 11 envelope to the Board office. 12 (b) The nonrefundable application fee shall accompany the application. 13 (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
- 15 date of the application, must shall be affixed to the application.
- 16 (d) All applicants shall submit to the Board a signed release form and completed Fingerprint Record Card and other
- 17 form(s) required to perform a criminal history check at the time of the application. The form and card are available
- 18 from the Board office.
- 19 (e) All applicants shall arrange for and ensure the submission to the Board office the examination scores required by
- 20 Rule .0303 of this Subchapter. The examination requirement does not apply to individuals who do not hold a North
- 21 Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by
- 22 endorsement pursuant to Rules 16G .0107 or 16G .0108 of this Chapter.
- 23 (f) All applicants must include a statement disclosing and explaining [periods,] periods within the last 10 [years,]
- 24 <u>years</u> of any voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or
- 25 treatment for substance abuse, with verification demonstrating that the applicant has complied with all provisions
- 26 and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program.
- 27 (g) All applicants for dental hygiene licensure shall achieve a passing score on the Dental Hygiene National Board
- 28 <u>examination administered by the Joint Commission on National Dental Examinations.</u>
- 29
- 30 *History Note: Authority G.S.* 90-223; 90-224; 90-229(a)(4);
- 31 *Eff. September 3, 1976;*
- 32 Readopted Eff. September 26, 1977;
- 33 Amended Eff. <u>September 1, 2014;</u> September 1, 2013; June 1, 2006; May 1, 1989.
- 34

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

-			
3	21 NCAC 16C	.0303	BOARD APPROVED EXAMINATIONS
4	(a) All app	olicants f	for dental hygiene licensure shall achieve passing scores on the Board's sterilization and
5	jurisprudence e	xaminati	ons. Reexamination on the written examinations shall be governed by Rule 16C
6	<del>.0405.</del> <mark>16C</mark> 031	1 of this	Subchapter.
7	(b) All applica	nts for d	lental hygiene licensure shall achieve passing scores on written and clinical examinations
8	administered by	the board	<del>d or</del> Board approved testing <u>agencies. <del>agencies according to this Rule.</del></u>
9	(c) Clinical test	ing agend	cies must shall permit Board representation on the Board of Directors and the Examination
10	Review Commi	ittee or	equivalent committee and allow Board input in the examination development and
11	administration.		
12	(d) The clinical	examina	tion shall:
13	(1)	be sub	stantially equivalent to or an improvement to the clinical licensure examination most
14		recently	y administered by the Board;
15	(2)	include	procedures performed on human subjects as part of the assessment of clinical competency;
16	(3)	include	probing, supra and subgingival scaling and soft tissue management; and
17	(4)	provide	e the following:
18		(A)	anonymity between applicants and examination graders; raters;
19		(B)	standardization and calibration of graders; raters;
20		(C)	a mechanism for post exam analysis;
21		(D)	conjunctive scoring, which is scoring that requires applicants to earn a passing grade on
22			all sections or areas tested and that does not allow weighted, averaged or overall scoring
23			to compensate for failures in individual subject areas;
24		(E)	a minimum passing score set by the Board for each subject area tested;
25		(F)	an annual review of the examination; examination and its technical manual by the Board
26			and a psychometrician selected by the Board;
27		(G)	a task analysis performed once every <u>seven</u> four years <u>that which</u> surveys dentists on a
28			nationwide survey to determine the content domain to be scored and how the sections of
29			the examination are scored;
30		(H)	a defined system of quality assurance to ensure uniform, consistent administration of the
31			examination at each testing site; and
32		<del>(I)</del>	a system of applicant assessment which utilizes raters of applicant performance who are
33			not full time employees of any dental academic institution.
34		<u>(I)</u>	does not permit a dental hygiene instructor to grade candidates at any institution at which
35			the instructor is employed on a full time basis.
36	$(\underline{e}) (\underline{d})$ The Boa	rd shall a	accept <u>examination</u> scores <mark>-upon approved examinations</mark> for <del>a period of</del> five years following

37 the date of the examination. such examinations. Each applicant shall arrange for and ensure the submission to the

1	Board office the	applicant's scores. Individuals who apply for licensure more than five years after the examination	
2	date must re-tak	te the examination.	
3	Each applicant shall arrange for and ensure that the applicant's scores are submitted to the Board office. The		
4	applicant shall comply with all requirements of such testing agency in applying for and taking the examination.		
5	<u>(f)</u> <del>(e)</del> The Bo	ard shall specify the times, places and agencies that which will conduct Board approved	
6	licensure examin	nations. examinations in the state.	
7			
8	History Note:	Authority G.S. 90-224;	
9		<i>Eff. September 3, 1976;</i>	
10		Readopted Eff. September 26, 1977;	
11		Amended Eff. <u>September 1, 2014;</u> June 1, 2009; June 1, 2006; May 1, 1989; March 1, 1988.	
12			

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

3

#### 21 NCAC 16C .0311 REEXAMINATION

4 (a) Any applicant who has passed the written examination but has failed the clinical portion of any Board approved

5 examination must shall also re-take the written examination unless the applicant successfully passes the clinical

- 6 examination within one year of passing the written examination. The Board will shall not accept scores from the
- 7 written examination that are more than one year old.
- 8 (b) Any applicant who has failed the written examination may retake the written portion of the examination two
- 9 additional times during a one year period and need not retake the clinical portion of the examination. The 10 applicant must shall wait at least 72 hours before attempting to retake the written examination. If the applicant does
- 11 not pass the written portion of the examination upon the second reexamination, the applicant must shall retake the
- 12 written and clinical portions of the examination upon subsequent reexamination.
- 13 (c) Any applicant who has failed the written or clinical portions of the examination three times shall successfully

14 complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination.

15 Such applicant must send evidence of the additional study, along with the application, before being admitted for

- 16 reexamination.
- 17

18	History Note:	Authority G.S. 90-223; 90-224;
19		<u>Eff. September 1, 2014.</u>

1 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 2 3 21 NCAC 16C .0401 APPLICATION FOR EXAMINATION CONDUCTED BY THE BOARD 4 5 21 NCAC 16C .0402 TIME FOR FILING 21 NCAC 16C .0403 6 EXAMINATION CONDUCTED BY THE BOARD 7 21 NCAC 16C .0404 PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL 8 EXAMINATION 9 **BOARD CONDUCTED REEXAMINATION** 21 NCAC 16C .0405 10 11 History Note: Authority G.S. 90-223; 90-224; 90-224.1; 12 *Eff, June 1, 2006;* 13 Amended Eff. July 1, 2010; February 1, 2008; 14 Repealed Eff. September 1, 2014. 15

1	21 NCAC 16C .0	501 is proposed for amendment as published in 28 NCR 16:1869 with changes as follows:
2		
3	21 NCAC 16C .	0501 DENTAL HYGIENE LICENSURE BY CREDENTIALS
4	(a) An applicant	for a dental hygiene license by credentials shall submit to the Board:
5	(1)	a completed, notarized application form provided by the Board;
6	(2)	the <u>nonrefundable l</u> icensure by credentials fee;
7	(3)	an affidavit from the applicant stating for the two years immediately preceding the application:
8		(A) the dates that and locations where the applicant has practiced dental hygiene;
9		(B) that the applicant has provided at least 2000 hours of clinical care directly to patients; and
10		(C) that the applicant has continuously held an active, unrestricted dental hygiene license
11		issued by another U.S. state or any U.S. territory.
12	(4)	a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims,
13		state or federal agency complaints, judgments, settlements, or criminal charges;
14	(5)	if applicable, a statement disclosing and explaining periods, periods within the last 10 years years,
15		of any voluntary or involuntary commitment to a hospital or treatment facility, observation,
16		assessment, or treatment for substance abuse, with verification demonstrating that the applicant
17		has complied with all provisions and terms of any county or state drug treatment program, or
18		impaired dental hygiene or other impaired professionals program; and
19	(6)	a copy of a current CPR certificate. an unexpired course completion certification card in
20		cardiopulmonary resuscitation.
21	(b) In addition	to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by
22	credentials shall	arrange for and ensure the submission to the Board office, office the following documents as a
23	package, with ea	ch document in an unopened envelope sealed by the entity involved:
24	(1)	official transcripts certifying that the applicant has graduated from a dental hygiene program
25		accredited by the Commission on Dental Accreditation of the American Dental Association;
26	(2)	if the applicant is or has ever been employed as a dentist or dental hygienist by or under contract
27		with a federal agency, a certification-letter certifying of-the applicant's current status and
28		disciplinary history from each federal agency where the applicant is or has been employed or
29		under contract;
30	(3)	a certificate of the applicant's licensure status from the regulatory authority or other occupational
31		or professional regulatory authority and complete a full, fair and accurate disclosure
32		of information regarding all disciplinary actions taken or investigations pending, from all licensing
33		jurisdictions where the applicant holds or has ever held a dental hygiene license or other
34		occupational or professional license;
35	(4)	a report from the National Practitioner Databank; Databank, if reporting is required or allowed by
36		federal law;

1	(5)	a report of any pending or final malpractice actions against the applicant verified by the
2		malpractice insurance carrier covering the applicant. The applicant must submit a letter of
3		coverage history from all current and all previous malpractice insurance carriers covering the
4		applicant;
5	(6)	the applicant's passing score on the National Board Dental Hygiene Examination administered by
6		the Joint Commission on National Dental Examinations; and
7	(7)	the applicant's passing score on the licensure examination conducted by a regional testing agency
8		or independent state licensure examination that is substantially equivalent to the clinical licensure
9		examination required in North Carolina. Carolina as set out in Rule [16C .0303.].0303 of this
10		Subchapter.
11	(c) All informat	ion required must shall be completed and received by the Board office as a complete package with
12	the initial applic	ation and application fee. Incomplete applications If all of the information is not received as a
13	complete packag	e, the application shall be returned to the applicant.
14	(d) All applican	ts shall submit to the Board a signed release form, completed Fingerprint Record Card, and other
15	form(s) required	to perform a criminal history check at the time of the application. The forms are available from the
16	Board office.	
17	(e) An applica	int for dental hygiene licensure by credentials must shall pass successfully complete written
18	examinations an	nd, if deemed necessary based on the applicant's history, a clinical simulation examination
19	administered by	the Board. If the applicant fails any of the written examinations, the applicant may retake the
20	examination fail	<del>ed</del> two additional times during a one year <del>period.</del> <u>period, as required by [<del>Rule 16C .0311</del>] <u>Rule</u></u>
21	.0311 of this Sul	behapter. Applicants who fail the clinical examination or who do not pass the written examination
22	after three attemp	pts within one year may not reapply for licensure by credentials.
23	(f) Should the	applicant reapply for licensure by credentials, an additional licensure by credentials fee shall
24	be <mark>required.</mark> <u>requ</u>	ired at the time of reapplication.
25	(g) Any license	obtained through fraud or by any false representation shall be void ab initio ab initio and of no
26	effect.	
27		
28	History Note:	Authority G.S. 90-223; 90-224.1; <u>90-229;</u>
29		Temporary Adoption Eff. January 1, 2003;
30		Eff. January 1, 2004;
31		Recodified from Rule .0401 Eff. June 1, 2006;
32		Amended Eff. <u>September 1, 2014</u> ; February 1, 2010.
33		

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

2

#### 3 21 NCAC 16C. 0601 PROOF OF COMPETENCY

- 4 (a) All applications for reinstatement shall be made on the forms furnished by the Board at www.ncdentalboard.org
- 5 and no application shall be deemed complete which that does not set forth all the information required relative to the
- 6 applicant. Incomplete applications shall will be returned to the applicant. Any applicant who changes his or
- 7 <u>her</u> address shall notify the Board office within 10 business days.
- 8 (b) The reinstatement fee shall accompany the application.
- 9 (c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed
- 10 for more than five years must successfully pass the clinical examination given to first-time applicants before seeking
- 11 reinstatement.
- 12 (d) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for
- 13 two to five years may, at the Board's discretion, be required to take refresher courses as specified by the Board.
- 14 <u>Refresher courses may be required if the Board determines, based upon the facts of the case, that the applicant may</u>
- 15 lack skills or knowledge to practice dental hygiene competently. Refresher courses for individuals whose licenses
- 16 have been revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher
- 17 courses for individuals whose licenses have been inactive or lapsed shall take into account the amount of time the
- 18 license has been inactive or lapsed and the individual's level of experience.
- 19 (e) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the
- 20 board of each state in which they are licensed.
- 21 (f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year
- 22 shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required
- 23 to perform a criminal history check at the time of the application for reinstatement. The form and card are available
- 24 from the Board office.
- 25 (g) <u>Applicants</u> -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
- 27 current CPR certification.
- 28 (h) Two letters of character reference from non-family members.
- 29 (i) A report from the National Practitioner Databank.
- 30
- 31 History Note: Authority G.S. 90-223; 90-224; 90-229;
  - <u>Eff. September 1, 2014.</u>
- 32 33

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

## 3 21 NCAC 16Q.0303 TEMPORARY APPROVAL PRIOR TO SITE INSPECTION

4 (a) If a dentist meets the requirements of Paragraphs (a) - (e) of Rule .0301 of this Subchapter, he/she shall be 5 granted temporary approval to administer moderate conscious sedation, or moderate pediatric conscious 6 sedation until a permit can be issued. If a dentist meets the requirements of Paragraph (j) of Rule .0301 of this 7 Subchapter, he/she he or she shall be granted temporary approval to administer moderate conscious sedation limited 8 to oral routes and nitrous oxide inhalation. Temporary approval may be granted based solely on credentials until all 9 processing and investigation has been completed. Temporary approval may not exceed three months. The 10 temporary approval [will] shall expire after 90 days. Extensions [will] shall not be granted. An applicant who fails 11 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 12 13 be required prior to issuance of a permanent permit. The evaluation shall be conducted in accordance with Rules 14 .0204 - .0205 of this Subchapter, except that evaluations of dentists applying for moderate conscious sedation 15 permits may be conducted by dentists who have been issued moderate conscious sedation permits by the Board and 16 who have been approved by the Board, as set out in these Rules. A two hundred seventy five dollar (\$275.00) 17 inspection fee shall be collected for each site inspected pursuant to this Rule. 18 (b) An inspection may be made upon renewal of the permit or for cause. 19 (c) Temporary approval shall not be granted to a provisional licensee or applicants who are the subject of a pending

20 Board disciplinary investigation or whose licenses have been revoked, suspended or are subject to an order of stayed

- 21 suspension or probation.
- 22

23	History Note:	Authority G.S. 90-28; 90-30.1;
24		Eff. February 1, 1990;
25		Amended Eff. August 1, 2002; January 1, 1994;
26		Temporary Amendment Eff. December 11, 2002;
27		Amended Eff. September 1, 2014; February 1, 2009; July 3, 2008; August 1, 2004.
28		
29		
30		



## 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

## Carolin Bakewell Board of Dental Examiners Sent via electronic mail to Carolin.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	Rules Division	Judges and	Clerk's Office	Rules Review	Civil Rights
919/431-3000	919/431-3000	Assistants	919/431-3000	Commission	Division
fax:919/431-3100	fax: 919/431-3104	919/431-3000	fax: 919/431-3100	919/431-3000	919/431-3036
		fax: 919/431-3100		fax: 919/431-3104	fax: 919/431-3103

An Equal Employment Opportunity Employer

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.

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Amanda J. Reeder Commission Counsel

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

3	21 NCAC 16B .	0101 EXAMINATION REQUIRED; EXEMPTIONS	
4	(a) All persons	desiring to practice dentistry in North Carolina are required to pass a Board approved, as set forth in	
5	these Rules, writ	ten and clinical examinations before receiving a license.	
6	(b) The examin	ation requirement does not apply to persons who do not hold a North Carolina dental license and	
7	who are seeking	volunteer licenses pursuant to G.S. 90-21.107 or licensure by endorsement pursuant to Rules .1001	
8	and .1002 of this Subchapter.		
9	(c) All persons p	racticing dentistry in North Carolina must maintain current CPR certification at all times.	
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11	History Note:	Authority G.S. 90-21.107; 90-28; 90-30; 90-36; 90-38; 90-48;	
12		<i>Eff. September 3, 1976;</i>	
13		Readopted Eff. September 26, 1977;	
14		Amended Eff. July 1, 2014; September 1, 2013; March 1, 2006; May 1, 1991; May 1, 1989;	
15		January 1, 1983.	

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

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### 3 21 NCAC 16B .0201 IN GENERAL

4 (a) An applicant for licensure as a dentist must be a graduate of and have a DMD or DDS degree from a university 5 or college accredited by the Commission on Dental Accreditation of the American Dental Association. 6 (b) Graduates of foreign colleges may apply be accepted as applicants for licensure after completing at least two 7 years in a dental school accredited by the Commission on Accreditation of the American Dental Association, 8 graduating with a DMD or DDS degree from that dental school, and passing Board approved written and clinical 9 examinations, as set out in these Rules. Rules, and graduating with a DMD or DDS degree from that dental school. 10 11 History Note: Authority G.S. 90-28; 90-30; 90-48; 12 Eff. September 3, 1976; 13 Readopted Eff. September 26, 1977; 14 Amended Eff. July 1, 2014; August 1, 2009; March 1, 2006; May 1, 1989; October 1, 1986. 15

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

# 3 21 NCAC 16B .0202 STUDENT MAY APPLY

4 Applications for a dental license will be accepted from students currently enrolled in schools of dentistry. dentistry 5 accredited by the Commission on Dental Accreditation of the American Dental Association. Such applications will 6 automatically be deemed denied if the applicant should fail to complete the required course of study or fail Board 7 approved licensure examinations. Applications will be automatically denied if the applicant fails to complete the 8 required course of study or fails a Board approved licensure examination. 9 10 History Note: Authority G.S. 90-28; 90-30; 90-48; 11 Eff. September 3, 1976; 12 Readopted Eff. March 1, 2006; September 26, 1977. Amended Eff. July 1, 2014. 13 14 15

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

3 21 NCAC 16B .0301 APPLICATION FOR LICENSURE

4 (a) All applications shall be are to be made on the forms furnished by the Board, Board at www.ncdentalboard.org 5 and no application shall be deemed complete which does not set forth all the required 6 information. information required relative to the applicant. Incomplete applications will be returned to the 7 applicant. Any candidate applicant who changes his address shall immediately notify the Board office. office within 8 10 business days. Applicants shall ensure that official furnish transcripts of undergraduate college and dental 9 school credits are sent in a sealed envelope to the Board office. 10 (b) The nonrefundable application fee shall accompany the application. Such fee is non-refundable. 11 (c) Applicants who are licensed in other states shall ensure that the Board receives furnish verification of licensure 12 from the secretary of the dental board of each state in which they are licensed. A photograph, photograph of the 13 applicant, taken within six months prior to the date of the application, must be affixed to the application. 14 (d) All applicants shall submit to the Board a signed release form, completed Fingerprint Record Card, and such 15 other form(s) required to perform a criminal history check at the time of the application. The form and card are 16 available from the Board office. 17 (e) All applicants shall arrange for and ensure the submission to the Board office the examination scores as required 18 by Rule .0303(e) .0303(b) of this Subchapter, if applicable. The examination requirement does not apply to 19 individuals who do not hold a North Carolina dental license and who are seeking volunteer licenses pursuant to G.S. 20 90-21.107 or licensure by endorsement pursuant to Rules .1000 or .1002 of this [Chapter]Subchapter. 21 (f) All applicants must include a statement disclosing and explaining periods, within the last 10 years, of any 22 voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for 23 substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of 24 any drug treatment program, or impaired dentists or other impaired professionals program. 25 26 *History Note:* Authority G.S. 90-28; 90-30; 90-39; 90-48; 27 Eff. September 3, 1976;

- 28 Readopted Eff. September 26, 1977;
- 29 Amended Eff. July 1, 2014; March 1, 2006.

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

3	21 NCAC 16B .0303	<b>BOARD APPROVED EXAMINATIONS</b>

4 (a) All applicants for dental licensure shall achieve passing scores on the Board's sterilization and jurisprudence

5 examinations. Reexamination on the written examinations shall be governed by Rule 16B .0406(c). 16B. 0317 of

6 this Subchapter.

7 (b) All applicants for dental licensure shall achieve passing scores on Parts I and II of the Dental National Board

8 examination administered by the Joint Commission on National Dental Examinations and written and clinical

9 examinations administered by the Board or Board approved testing agencies according to this Rule.

10 (c) <u>Test development agencies</u> Clinical testing agencies must permit Board representation on the Board of Directors

11 and the Examination Review Committee or equivalent committee and allow Board input in the examination

12 development and administration.

13 (d) The clinical examination shall:

- 14 (1) be substantially equivalent to or an improvement to the clinical licensure examination most
   15 recently administered by the Board;
- 16 (2) include procedures performed on human subjects as part of the assessment of restorative clinical
   17 competencies;
- include evaluations in <u>clinical periodontics and at least-four three</u> of the following subject matter
   areas:

(A) periodontics, clinical abilities testing;

- (A) (B) endodontics, clinical abilities testing;
- 22 (B) (C) amalgam preparation and restoration;
- 23 (<u>C</u>) (<del>D</del>) anterior composite preparation and restoration;
- 24 (D) (E) posterior ceramic or composite preparation and restoration;
- 25 (E) (F) cast gold, clinical abilities testing;
- 26  $(\underline{F})$  (G) prosthetics, written or clinical abilities testing;
  - (G) (H) oral diagnosis, written or clinical abilities testing; or
- 28 (<u>H</u>) (<del>I</del>) oral surgery, written or clinical abilities testing.
- 29 (4) provide the following:
  - (A) anonymity between applicants and examination graders; raters;
  - (B) standardization and calibration of graders; raters;
- 32 (C) a mechanism for post exam analysis;
- 33 (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on
  34 all sections or areas tested and that does not allow weighted, averaged or overall scoring
  35 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		<del>(I)</del>	a system of applicant assessment which utilizes raters of applicant performance who are
9			not full time employees of any dental academic institution.
10		<u>(I)</u>	does not permit a dental instructor to grade candidates at any institution at which the
11			instructor is employed.
12	(e) The Board s	shall acc	ept scores upon such examinations for a period of five years following the date of such
13	examinations. E	ach appli	cant shall arrange for and ensure the submission to the Board office the applicant's scores.
14	(f) The applica	ant shall	comply with all requirements of such testing agency in applying for and taking the
15	examination.		
16	(g) The Board	d shall	determine which examinations meet the criteria set out in Rule .0303(d) of this
17	Subchapter. spe	cify the	times, places and agencies which will conduct Board approved licensure examinations in
18	the state.		
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20	History Note:	Authori	ty G.S. 90-30; 90-48;
21		Eff. Sep	tember 3, 1976;
22		Readop	ted Eff. September 26, 1977;
23		Amende	ed Eff. <u>July 1, 2014</u> ; 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:

- 3 21 NCAC 16B .0401 APPLICATION FOR BOARD CONDUCTED EXAMINATION
  - 4 (a) All applications for Board conducted examination are to be made on the forms furnished by the Board, and no
  - 5 application shall be deemed complete which does not set forth all the information required by said Board relative to
  - 6 the applicant. Any candidate who changes his address shall immediately notify the Board office.
  - 7 (b) The fee for each examination or re examination must accompany the application. Such fee is non refundable.
  - 8 (c) Two identical photographs of the applicant, taken within six months prior to the date of the application, not over
  - 9 two inches in height, must be submitted. One photograph must be affixed to the application and the second
  - 10 photograph must be paper clipped to the application to be used as part of the identification badge.
  - 11
  - 12 History Note: Authority G.S. 90-28; 90-30; 90-39; 90-41; 90-48;
  - 13 *Eff. March 1, 2006.*
  - 14 <u>Repealed Eff. July 1, 2014.</u>

# 1 21 NCAC 16B .0402 is proposed for repeal as published in 28 NCR 15:1718 as follows:

### 3 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.

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

10 *Eff. March 1, 2006;* 

11 Amended Eff. February 1, 2008.

12 <u>Repealed Eff.</u> July 1, 2014.

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

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3	2 <del>1 NCAC 16B .</del>	0403 EXAMINATION CONDUCTED BY THE BOARD
4	(a) Written instr	ructions designating the subject areas to be covered will be made available to candidates prior to the
5	date fixed for ea	ch examination.
6	(b) Each candid	ate will be given a numbered badge. This badge will contain the candidate's photograph and will be
7	presented to the	candidate prior to the examination. The number on the badge will be the only identification allowed
8	on any paper or	manuscript during this examination. This badge must be returned to the Board at the completion of
9	the examination.	-
10	(c) The Board	reserves the right to dismiss any candidate who may be detected using or attempting to use any
11	assistance not pr	ovided as an accommodation. If such violation is discovered by the Board after a license has been
12	issued to the viol	lator, the license shall be revoked.
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14	History Note:	Authority G.S. 90-28; 90-30; 90-48;
15		<i>Eff. March 1, 2006.</i>
16		<u>Repealed Eff. July 1, 2014.</u>

- 1 21 NCAC 16B .0404 is proposed for repeal as published in 28 NCR 15:1718 as follows:
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3 21 NCAC 16B.0404 PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL
 4 EXAMINATION

- 5 Each candidate must furnish his own patients and instruments for the Board conducted clinical examination.
- 6 Additional instructions concerning supplies will be mailed to each candidate. A dental unit, chair, and stand to hold
- 7 instrument cases are available for each candidate.
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9 History Note: Authority G.S. 90-28; 90-30; 90-48;

- 10 *Eff. March 1, 2006.*
- 11 <u>Repealed Eff. July 1, 2014.</u>

1	21 NCAC 16B	.0405 is proposed for repeal as published in 28 NCR 15:1718 as follows:
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3	21 NCAC 16B	.0405 SCOPE OF BOARD CONDUCTED CLINICAL EXAMINATION
4	(a) The Board	conducted clinical examination may cover such of the following subject areas as the Board may
5	designate:	
6	(1)	Clinical operative dentistry;
7	(2)	Oral surgery, radiography, radiographic interpretation and oral diagnosis;
8	(3)	Fixed and removable prosthodontics;
9	(4)	
10	(5)	Simulated clinical procedures;
11	(6)	- Endodontics.
12	(b) Each graded	d procedure will be examined separately by at least three examiners.
13	(c) The clinical	examination will begin and end promptly as designated.
14		
15	History Note:	Authority G.S. 90-28; 90-30; 90-48;
16		Eff. March 1, 2006.
17		Repealed Eff. July 1, 2014.

- 21 NCAC 16B .0406 is proposed for repeal as published in 28 NCR 15:1718 as follows:
- 3 21 NCAC 16B .0406 BOARD CONDUCTED REEXAMINATION 4 (a) A complete application is required in case of reexamination. For purposes of this Rule: 5 (1) any person who has taken the clinical portion of the Board conducted clinical examination one 6 time without passing, is considered to have failed the clinical portion of the examination; and 7 (2)any person who has taken the written portion of the Board conducted written examination three 8 times without passing, is considered to have failed the written portion of the examination. 9 (b) Any applicant who has failed the clinical portion of the examination three times, regardless of having passed the 10 written portion of the examination, shall successfully complete an additional course of study in clinical dentistry 11 encompassing at least one academic year, such course of study as determined by the Board shall be in the area or 12 areas of deficiency exhibited on the examination and shall provide additional experience and expertise in clinical 13 dentistry for the applicant. Such applicant must send evidence of the additional study, along with the application, 14 before being admitted for reexamination. 15 (c) Any applicant who has not passed the written portion of the examination may retake the written portion of the 16 examination two additional times during the twelve month period from the date of the initial examination. The 17 applicant must wait a minimum of 72 hours before attempting to retake a written examination. Any applicant who 18 has failed the written portion of the examination as defined in Paragraph (a), shall successfully complete an 19 additional course of study, such course of study as determined by the Board shall be in the area or areas of 20 deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the 21 application, before being admitted for reexamination. 22 (d) Any applicant who has passed the written portion of the examination but has failed the clinical portion of the 23 examination need not retake the written portion of the examination upon subsequent reexamination during one 24 calendar year. 25 26 *History Note:* Authority G.S. 90-28; 90-30; 90-48; 27 Eff. April 1, 2006.

Repealed Eff. July 1, 2014.

- 1 21 NCAC 16B .0501 is proposed for amendment as published in 28 NCR 15:1718 as follows: 2 3 21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS 4 (a) An applicant for a dental license by credentials shall submit to the Board: 5 (1)a completed, notarized application form provided by the Board; 6 (2)the non-refundable licensure by credentials fee; 7 an affidavit from the applicant stating for the five years immediately preceding the application: (3) 8 (A) the dates that and locations where the applicant has practiced dentistry; 9 **(B)** that the applicant has provided at least 5000 5,000 hours of clinical care directly to 10 patients, not including post graduate training, residency programs or an internship and 11 (C) that the applicant has continuously held an active, unrestricted dental license issued by 12 another U.S. state or any U.S. territory; 13 (4) if applicable, a statement disclosing and explaining any disciplinary actions, investigations, 14 malpractice claims, state or federal agency complaints, judgments, settlements, or criminal 15 charges; 16 (5) if applicable, a statement disclosing and explaining periods, within the last 10 years, of 17 any voluntary or involuntary commitment to any hospital or treatment facility, observation, 18 assessment, or treatment for substance abuse, with verification demonstrating that the applicant 19 has complied with all provisions and terms of any county or state drug treatment program, or 20 impaired dentists or other impaired professionals program; 21 (6) a copy of a current CPR certificate an unexpired course completion certification card 22 in cardiopulmonary resuscitation; and 23 (7) a statement disclosing whether or not the applicant holds or has ever held a registration with the 24 federal Drug Enforcement Administration (DEA) and whether such registration has ever 25 been surrendered surrendered, surrendered for cause, or revoked. 26 (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials 27 shall arrange for and ensure the submission to the Board office, the following documents as a package, with each 28 document in an unopened envelope sealed by the entity involved: 29 official transcripts from the applicant's dental school verifying that the applicant has graduated (1)30 from a dental school accredited by the Commission on Dental Accreditation of the American 31 Dental Association; 32 (2)if the applicant is or has ever been employed as a dentist by or under contract with a federal 33 agency, a letter certifying the applicant's current status and disciplinary history from each federal
- 35 (3) certificate of the applicant's licensure status from the dental regulatory authority or other 36 occupational or professional regulatory authority and complete information regarding any

agency where the applicant is or has been employed or under contract;

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

37 complete package, the application shall be returned to the applicant.

1	(d) All applicat	nts 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 applican	nt 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, th	ne applicant may retake the examination failed two additional times during a one year period. The
8	applicant must v	vait a minimum of 72 hours before attempting to retake a written examination. Individuals who fail
9	the clinical exan	nination 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.
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1	21 NCAC 16B .00	501 is proposed for amendment as published in 28 NCR 15:1718 as follows:
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3	21 NCAC 16B .0	601 LIMITED VOLUNTEER DENTAL LICENSE
4	(a) An applicant	for a limited volunteer dental license shall submit to the Board:
5	(1)	a completed, notarized application form provided by the Board;
6	(2)	the <u>non-refundable</u> limited volunteer dental licensure fee;
7	(3)	an affidavit from the applicant stating:
8		(A) for the five years immediately preceding application, the dates that and locations where
9		the applicant has practiced dentistry;
10		(B) that the applicant has provided at least 1000 hours per year of clinical care directly to
11		patients, for a minimum of five years, not including post graduate training, residency
12		programs or an internship; and
13		(C) that the applicant has provided at least 500 hours of clinical care directly to patients
14		within the last five years, not including post graduate training, residency programs or an
15		internship;
16	(4)	if applicable, a statement disclosing and explaining periods, within the last 10 years, of any
17		voluntary or involuntary commitment to a hospital or treatment facility, years, of observation,
18		assessment, or treatment for substance abuse, with verification from the applicable program
19		demonstrating that the applicant has complied with all provisions and terms of any county or state
20		drug treatment program, or impaired dentists or other impaired professionals program; and
21	(5)	a copy of a current <u>CPR certification</u> course completion certification card. card in
22		cardiopulmonary resuscitation.
23	(b) In addition to	the requirements of Paragraph (a) of this Rule, an applicant for a limited volunteer dental license
24	shall arrange for	and ensure the submission to the Board office, the following documents as a package, with each
25	document in an ur	nopened envelope sealed by the entity involved:
26	(1)	official transcripts verifying that the applicant has graduated from a dental school documentation
27		of graduation from a dental school accredited by the Commission on Dental Accreditation of the
28		American Dental Association;
29	(2)	certificate of the applicant's licensure status from the dental regulatory authority or other
30		occupational or professional regulatory authority and, if applicable, of the applicant's authorization
31		to treat veterans or personnel enlisted in the United States armed services, and information
32		regarding all disciplinary actions taken or investigations pending, from all licensing jurisdictions
33		where the applicant holds or has ever held a dental license or other occupational or professional
34		license;
35	(3)	a report from the National Practitioner Databank;
36	(4)	a report of any pending or final malpractice actions against the applicant verified by the
37		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 inform	ation required must be completed and received by the Board office as a complete package with the
9	initial application	on and application fee. Incomplete applications If all of the information is not received as a complete
10	package, the ap	plication shall be returned to the applicant.
11	(d) All applicat	nts shall submit to the Board a signed release form, completed Fingerprint Record Card, and such
12	other form(s) re	equired to perform a criminal history check at the time of the application. The forms are available at
13	the Board.	
14	(e) An applicar	t for limited volunteer dental license must successfully complete written examinations as set out in
15	G.S. 90-37.1 a	and, if deemed necessary by the Board based on the applicant's history, a clinical simulation
16	examination ad	ministered by the Board. An applicant who fails the written exam may retake it If the applicant fails
17	any of the exa	minations, 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. A	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 a	applicant reapply for a limited volunteer dental license, an additional limited volunteer dental license
22	fee shall be req	uired.
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 a	and has current CPR certification.
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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:

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# 21 NCAC 16B .0701 INSTRUCTOR'S LICENSE

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

- 5 (1) a completed, notarized application form provided by the Board; Board at www.ncdentalboard.org.
  - (2) the <u>non-refundable</u> instructor's licensure fee;
- 7 (3) a photograph of the applicant, taken within six months prior to the date of the application, affixed
   8 to the application.
- 9
   (4) a signed release form and completed Fingerprint Record Card, and other form(s) required to

   10
   perform a criminal history check at the time of the application. The form and card are available

   11
   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;
- 31 (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
- 36 (5) certification letter from the dean or director that the applicant has met or been approved under the 37 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 inform	ation required must be completed and received by the Board office as a complete package with the
5	initial application	on and application fee. Incomplete applications If all of the information is not received as a complete
6	package, the ap	plication shall be returned to the applicant.
7	(d) All applicar	ts shall submit to the Board a signed release form, completed Fingerprint Record Card, and such
8	other form(s) re	quired to perform a criminal history check at the time of the application.
9	(d) Any applica	nt who changes his or her address shall notify the Board office within 10 business days.
10	(e) Should the a	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 <u>basis</u> , <del>basis. [as set out in 21 NCAC16R] as set out in Rule 16R .0102</del>
13	of this Subchapt	er.
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:

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3	21 NCAC 16B .0	801 TEMPORARY VOLUNTEER DENTAL PERMIT
4	(a) An applicant	for a Temporary Volunteer Dental License shall submit to the Board:
5	(1)	A completed, notarized application form provided by the Board; with a photograph of the
6		applicant, taken within six months of the application date attached;
7	(2)	A statement from all jurisdictions in which the applicant is now or has ever been licensed,
8		disclosing the applicant's disciplinary history and current status of the applicant's license;
9	(3)	A statement signed by a N.C. licensed dentist agreeing to provide supervision or direction to the
10		temporary volunteer dentist, stating where, within the next calendar year, such supervision or
11		direction will occur, and affirming that no fee or monetary compensation of any kind will be paid
12		to the applicant for dental services performed; and
13	(4)	A statement signed by the applicant stating where the applicant will practice, the type of facility
14		where the practice will occur, the duration of the practice, the name of the supervising dentist, and
15		affirming that no fee will be charged or accepted. The applicant must update the information
16		within five days of any changes in the practice location or facility.
17	(b) All informati	on required must be completed and received in the Board office as a complete package at least two
18	weeks prior to th	e issuance of the license. Incomplete applications If all required information is not received, the
19	application shall	be returned to the applicant. The applicant must report any changes to submitted information
20	within five days of	of when the applicant knew or should have known of the changes.
21	(c) To renew the	e Temporary Volunteer Dental License the licensee must-must submit: the information required in
22	<u>(a)(2) – (4) of thi</u>	s Rule, along with an affidavit stating that the information on the original application is correct and
23	requires no updat	e or correction.
24	(1)	Submit an affidavit stating that all information on the original application is correct and requires
25		no update or correction;
26	(2)	A certificate of licensure from all jurisdictions in which the applicant is currently licensed
27		certifying that the applicant holds a valid unrestricted license to practice general dentistry, is
28		currently in good standing, and has never been disciplined;
29	(3)	A statement signed by a NC licensed dentist agreeing to provide supervision or direction to the
30		temporary volunteer dentist, where, within the next calendar year, such supervision or direction is
31		to occur, and affirming that no fee or monetary compensation of any kind will be paid to the
32		licensee for dental services performed; and
33	(4)	A statement signed by the applicant stating where the applicant will practice, the type of facility
34		where the practice will occur, the duration of the practice, the name of the supervising dentist, and
35		affirming that no fee will be charged or accepted. The applicant must update the information
36		within five days of any changes in the practice location or facility.

1	(d) All required	d information must be completed and received in the Board office as a complete package at least two
2	weeks prior to	the renewal of the license. Incomplete applications If all required information is not received, the
3	renewal applica	tion shall be returned to the applicant. The applicant licensee must report any changes to submitted
4	information wit	hin five days of when the licensee knew or should have known of the changes.
5	(e) Licensees m	ust notify the Board within five days after any changes in their practice location or facility.
6		
7	History Note:	Authority G.S. 90-29; <del>90-37.1; <u>;</u></del>
8		Eff. February 1, 2008.
9		Amended Eff. July 1, 2014.
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21 NCAC 16B .0901 is proposed for amendment as published in 28 NCR 15:1718 as follows:
 2

3	21 NCAC 16B.	0901 DEFINITIONS
4	The following de	finitions apply only to this Subchapter:
5	(1)	"Dental Board" the North Carolina State Board of Dental Examiners.
6	(2)	"Eligible licensees" all dentists currently licensed by and in good standing with the North
7		Carolina State Board of Dental Examiners who are serving in the armed forces of the United
8		States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.
9	(3)	"Extension period" the time period disregarded pursuant to 26 U.S.C. 7508.
10	(4)	"Good standing" a dentist whose license is not suspended or revoked. suspended, revoked or
11		subject to a probationary order.
12		
13	History Note:	Authority G.S. 90-28; 93B-15;
14		Eff. April 1, 2010.
15		Amended Eff. July 1, 2014.

1	21 NCAC 16B.	1002 is proposed for amendment as published in 28 NCR 15:1718 as follows:
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3	21 NCAC 16B.	1002 DENTAL LICENSURE BY ENDORSEMENT BASED ON STATUS AS
4		MILITARY SPOUSE
5	(a) An applicant	t for a dental license by endorsement based on the applicant's status as a military spouse shall submit
6	to the Board:	
7	(1)	a completed, signed and notarized application form provided by the Board
8		at www.ncdentalboard.org;
9	(2)	the non-refundable application fee required by Rule 16M .0101(a)(14) of this Chapter;
10	(3)	written evidence demonstrating that the applicant is married to an active member of the U.S.
11		military and that such applicant:
12		(A) holds a current dental license from another jurisdiction whose standards for licensure are
13		substantially equivalent to or greater than those required for licensure as a dentist in
14		North Carolina as set forth in these Rules; and
15		(B) has engaged in the active practice of dentistry as defined by G.S. 90-29(b)(1) for at least
16		1,500 hours per year during at least two of the five years preceding the date of
17		application; and
18	(4)	a statement disclosing and explaining the commission of an act set out in G.S. 90-41(a) or (b), any
19		disciplinary actions, investigations, malpractice claims, state or federal agency complaints,
20		judgments, settlements, or criminal charges.
21	(5)	a statement disclosing and explaining periods, within the last 10 years, of any voluntary or
22		involuntary commitment to any hospital or treatment facility, observation, assessment, or
23		treatment for substance abuse, with verification demonstrating that the applicant has complied
24		with all provisions and terms of any county or state drug treatment program, or impaired dentists
25		or other impaired professionals program;
26	(6)	a copy of a current CPR certification:
27	(7)	a report from the National Practitioner Data Bank; and
28	(8)	the applicant's passing score on the Dental National Board Part I and Part II written examination
29		administered by the Joint Commission on National Dental Examinations.
30	(b) All informa	tion required must be completed and received by the Board office as a complete package with the
31	initial applicatio	n and application fee. Incomplete application packages shall be returned to the applicant.
32	(c) All applicants shall submit to the Board a signed release form, form and completed Fingerprint Record Card	
33	and Card, obtained from the Board. other forms required to perform a criminal history check. The form and card	
34	may be obtained	from the Board.
35		
36	History Note:	Authority G.S. 90-30(b); 90-41; 90-36; 93B-15.1;
37		Eff. September 1, 2013.

Amended Eff. July 1, 2014.

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

- 3 21 NCAC 16B. 1101 PROOF OF COMPETENCY
- 4 (a) All applications for reinstatement shall be submitted on forms furnished by the Board at www.ncdentalboard.org
- 5 and no application shall be deemed complete which does not set forth all the information required relative to the
- 6 <u>applicant</u>. Incomplete applications will be returned to the applicant.
- 7 (b) The application for reinstatement shall be accompanied by:
- 8 (1) the non-refundable reinstatement fee;
- 9 (2) two letters of character reference from non-family members;
- 10 (3) a current report from the National Practitioner Databank;
- 11 (4) proof of completion of continuing education courses in clinical patient care from Board-approved
- 12 sponsors, as defined in Rule 16R .0104 of this Subchapter, in amounts equal to the hours required for
- 13 renewal of a dental license; and
- 14 (5) a copy of current CPR card.
- 15 (c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from
- 16 <u>the board of each state in which they are licensed.</u>
- 17 (d) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one
- 18 year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s)
- 19 required to perform a criminal history check. The form and card are available from the Board office.
- 20 (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.
- 23 (f) Applicants seeking reinstatement of a North Carolina dental license that has been revoked, suspended, inactive
- 24 or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants
- 25 <u>before applying for reinstatement.</u>
- 26 (g) Any applicant who changes his address shall notify the Board office within 10 business days.
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- 28 <u>History Note:</u> Authority G.S. 90-30; 90-41;
- 29 <u>Eff. July 1, 2014.</u>

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

# 3 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.

- 6 (b) The examination requirement does not apply to persons who do not hold a North Carolina dental hygiene license
- 7 who are seeking volunteer licenses pursuant to G.S. 90-21.107 or license by endorsement pursuant to Rules 16G
- 8 .0107 or .0108 of this Chapter.
- 9 (c) All dental hygienists must maintain current CPR certification at all times.
- 10

- 11 *History Note: Authority G.S.* 90-223; 90-224;
- 12 *Eff. September 3, 1976;*
- 13 Readopted Eff. September 26, 1977;
- 14 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:

### 3 21 NCAC 16C .0202 STUDENT MAY APPLY

4 The Board shall accept dental hygienist applications from students currently enrolled in schools of dental

- 5 hygiene. The Board shall deny such applications if the applicant fails to complete the required course of study.
- 6 Applications will automatically be denied if the applicant fails to complete the required course of study or fails a
- 7 <u>Board approved licensure examination.</u>
- 8

9	History Note:	Authority G.S. 90-223; 90-224;
10		Eff. September 3, 1976;
11		Readopted Eff. September 26, 1977;

12 Amended Eff. <u>July 1, 2014</u>; June 1, 2006; May 1, 1989.

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

### 3 21 NCAC 16C .0301 APPLICATION FOR LICENSURE

4 (a) All applications for licensure shall be made on the forms furnished by the Board at www.ncdentalboard.org and 5 no application shall be deemed complete which does not set forth all the information required relative to the 6 applicant. Incomplete applications will be returned to the applicant. Any applicant who changes his address shall 7 notify the Board office within 10 business days. Applicants shall ensure that a final transcript from his or her high 8 school is sent to the Board office in a sealed envelope. proof of graduation from high school or its equivalent is sent 9 to the Board office. Applicants must also ensure that an official final transcript proof of graduation from a dental 10 hygiene program as set forth in G.S. 90-224 is sent in a sealed envelope to the Board office. 11 (b) The nonrefundable application fee shall accompany the application. 12 (c) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the 13 board of each state in which they are licensed. A photograph of the applicant, taken within six months prior to the 14 date of the application, must be affixed to the application. 15 (d) All applicants shall submit to the Board a signed release form and completed Fingerprint Record Card and other 16 form(s) required to perform a criminal history check at the time of the application. The form and card are available 17 from the Board office. 18 (e) All applicants shall arrange for and ensure the submission to the Board office the examination scores required by 19 Rule .0303 of this Subchapter. The examination requirement does not apply to individuals who do not hold a North 20 Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107 or licensure by 21 endorsement pursuant to Rules 16G .0107 or 16G .0108 of this Chapter. 22 (f) All applicants must include a statement disclosing and explaining periods, within the last 10 years, of any 23 voluntary or involuntary commitment to any hospital or treatment facility, observation, assessment, or treatment for 24 substance abuse, with verification demonstrating that the applicant has complied with all provisions and terms of 25 any drug treatment program, or impaired dental hygienists or other impaired professionals program. 26 (g) All applicants for dental hygiene licensure shall achieve a passing score on the Dental Hygiene National Board 27 examination administered by the Joint Commission on National Dental Examinations. 28 29 Authority G.S. 90-223; 90-224; History Note: 30 Eff. September 3, 1976; 31 Readopted Eff. September 26, 1977; 32 Amended Eff. July 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989.

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

3 21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS

4 (a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and

- 5 jurisprudence examinations. Reexamination on the written examinations shall be governed by Rule <del>16C .0405.</del> 16C
- 6 .0311 of this Subchapter.
- 7 (b) All applicants for dental hygiene licensure shall achieve passing scores on written and clinical examinations
   8 administered by the board or Board approved testing agencies according to this Rule.
- 9 (c) Clinical testing agencies must permit Board representation on the Board of Directors and the Examination 10 Review Committee or equivalent committee and allow Board input in the examination development and
- 11 administration.

12 (d) The clinical examination shall:

- (1) be substantially equivalent to or an improvement to the clinical licensure examination most
   recently administered by the Board;
- 15 (2) include procedures performed on human subjects as part of the assessment of clinical competency;
- 16 (3) include probing, supra and subgingival scaling and soft tissue management;
- 17 (4) provide the following:
  - (A) anonymity between applicants and examination raters;
  - (B) standardization and calibration of raters;
- 20 (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;
- 24 (E) a minimum passing score set by the Board for each subject area tested;
- 25 (F) an annual review of the examination; and its technical manual by the Board and a
   26 psychometrician selected by the Board;
- 27 (G) a task analysis performed once every <u>seven</u> four years which surveys dentists on a
   28 nationwide survey to determine the content domain to be scored and how the sections of
   29 the examination are scored;
- 30 (H) a defined system of quality assurance to ensure uniform, consistent administration of the
  31 examination at each testing site; and
- 32 (I) a system of applicant assessment which utilizes raters of applicant performance who are
   33 not full time employees of any dental academic institution.
- 34
   (I)
   does not permit a dental hygiene instructor to grade candidates at any institution at which

   35
   the instructor is employed on a full time basis.

36 (e) (d) The Board shall accept scores upon approved examinations for a period of five years following the date of

37 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. <u>July 1, 2014</u> ; June 1, 2009; June 1, 2006; May 1, 1989; March 1, 1988
10		

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

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# 3 21 NCAC 16C .0311 REEXAMINATION

- 4 (a) Any applicant who has passed the written examination but has failed the clinical portion of any Board approved
- 5 examination must also re-take the written examination unless the applicant successfully passes the clinical
- 6 examination within one year of passing the written examination. The Board will not accept scores from the written
- 7 <u>examination that are more than one year old.</u>
- 8 (b) Any applicant who has failed the written examination may retake the written portion of the examination two
- 9 additional times during a one year period and need not retake the clinical portion of the examination. The applicant
- 10 must wait at least 72 hours before attempting to retake the written examination. If the applicant does not pass the
- 11 written portion of the examination upon the second reexamination, the applicant must retake the written and clinical
- 12 portions of the examination upon subsequent reexamination.
- 13 (c) Any applicant who has failed the written or clinical portions of the examination three times shall successfully
- 14 complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination.
- 15 Such applicant must send evidence of the additional study, along with the application, before admitted for
- 16 <u>reexamination.</u>
- 17
- 18 *History Note:* Authority G.S. 90-223, 90-224;
- 19 <u>Eff. July 1, 2014.</u>
- 20

- 1 2
- 21 NCAC 16C .0401 is proposed for repeal as published in 28 NCR 16:1869 as follows:
- 3 21 NCAC 16C .0401 APPLICATION FOR EXAMINATION CONDUCTED BY THE BOARD
- 4 (a) All applications for licensure examination conducted by the Board shall be made on the forms furnished by the
- 5 Board, and no application shall be deemed complete which does not set forth all the information required by these
- 6 Rules relative to the applicant. Any candidate who changes his address shall notify the Board office.
- 7 (b) The fee for such examination or re examination must accompany the application. Such fee is non refundable.
- 8 (c) Two identical photographs of the applicant, taken within six months prior to the date of the application, not over
- 9 two inches in height, must be submitted. One photograph must be affixed to the application and the second
- 10 photograph must be paper clipped to the application to be used as part of the identification badge.
- 11

- 12 History Note: Authority G.S. 90-223; 90-224.1;
  - *Eff. June 1, 2006.*
- 14 <u>Repealed Eff. July 1, 2014.</u>

- 1 21 NCAC 16C .0402 is proposed for repeal as published in 28 NCR 16:1869 as follows:
- 2

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# 3 21 NCAC 16C .0402 TIME FOR FILING

- 4 The completed application, fee, photographs, and sealed proof of graduation from the school as required by G.S. 90-
- 5 224(a) must be received in the Board's office at least 90 days prior to the date of the examination conducted by the 6 Board. Sealed proof of graduation from dental hygiene school for those still in dental hygiene school at the time of
- 7 the application must be sent in upon graduation. All data received by the Board concerning the applicant shall be
- The uppreation must be sent in upon graduation. The data received by the Board concerning the uppreatic shart be
- 8 part of the application and shall be retained as part of the record.

10	History Note:	Authority G.S. 90-223; 90-224;
11		Eff. June 1, 2006;
12		Amended Eff. February 1, 2008.
13		<u>Repealed Eff. July 1, 2014.</u>

- 1 2
- 21 NCAC 16C .0403 is proposed for repeal as published in 28 NCR 16:1869 as follows:
- 3 21 NCAC 16C .0403 EXAMINATION CONDUCTED BY THE BOARD
  - 4 (a) Each candidate shall be given a numbered badge. This badge shall contain the candidate's photograph and shall
  - 5 be presented to the candidate prior to the examination. The number on the badge shall be the only identification
  - 6 allowed on any paper or manuscript during this examination. The badge must be returned to the Board at the
  - 7 completion of the examination.
  - 8 (b) The Board may dismiss any candidate who is using or appears to be using any assistance not provided as an
  - 9 accommodation. If such violation is discovered by the Board after a license has been issued to the violator, the
  - 10 license shall be revoked.
  - 11
  - 12 *History Note: Authority G.S.* 90-223; 90-224;
  - 13 *Eff. June 1, 2006.*
  - 14 *Repealed Eff. July 1, 2014.*

1 21 NCAC 16C .0404 is proposed for repeal as published in 28 NCR 16:1869 as follows:

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3 21 NCAC 16C .0404 PATIENTS AND SUPPLIES FOR BOARD CONDUCTED CLINICAL
 4 EXAMINATION

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

- 6 (b) Supplies necessary for all clinical work are to be provided by the candidate.
- 8 History Note: Authority G.S. 90-223; 90-224;

9 *Eff. June 1, 2006.* 

10 <u>Repealed Eff. July 1, 2014.</u>

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

- 3 21 NCAC 16C .0405 BOARD CONDUCTED REEXAMINATION
- 4 (a) A complete application, except for official proof of graduation as required by G.S. 90 224(a) and National
- 5 Board score, is required in case of reexamination.
- 6 (b) Any applicant who has passed the written portion of the examination but has failed the clinical portion of the
- 7 examination conducted by the Board must also re take the written examination unless the applicant successfully
- 8 passes the clinical examination within one year of passing the written examination.
- 9 (c) Any applicant who has passed the clinical portion of the examination conducted by the Board but has failed the
- 10 written portion of the examination may retake the written portion of the examination two additional times during a
- 11 one year period and need not retake the clinical portion of the examination. If the applicant does not pass the written
- 12 portion of the examination upon the second reexamination, the applicant must retake both the written and clinical
- 13 portions of the examination upon subsequent reexamination.
- 14 (d) Any applicant who has failed the written or clinical portions of the examination three times shall successfully
- 15 complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination.
- 16 Such applicant must send evidence of the additional study, along with the application, before admitted for
- 17 reexamination.
- 18
- 19 History Note: Authority G.S. 90-223; 90-224;
- 20 *Eff. June 1, 2006;*
- 21 Amended Eff. July 1, 2010.
- 22 *Repealed Eff. July 1, 2014.*

1	21 NCAC 16C .0	501 is proposed for amendment as published in 28 NCR 16:1869 as follows:
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3	21 NCAC 16C .(	0501 DENTAL HYGIENE LICENSURE BY CREDENTIALS
4	(a) An applicant	for a dental hygiene license by credentials shall submit to the Board:
5	(1)	a completed, notarized application form provided by the Board;
6	(2)	the <u>nonrefundable licensure</u> by credentials fee;
7	(3)	an affidavit from the applicant stating for the two years immediately preceding the application:
8		(A) the dates that and locations where the applicant has practiced dental hygiene;
9		(B) that the applicant has provided at least 2000 hours of clinical care directly to patients; and
10		(C) that the applicant has continuously held an active, unrestricted dental hygiene license
11		issued by another U.S. state or any U.S. territory.
12	(4)	a statement disclosing and explaining any disciplinary actions, investigations, malpractice claims,
13		state or federal agency complaints, judgments, settlements, or criminal charges;
14	(5)	if applicable, a statement disclosing and explaining periods, within the last 10 years, of any
15		voluntary or involuntary commitment to a hospital or treatment facility, observation, assessment,
16	or treatment for substance abuse, with verification demonstrating that the applicant has compl	
17	with all provisions and terms of any county or state drug treatment program, or impaired de	
18	hygiene or other impaired professionals program; and	
19	(6)	a copy of a current CPR certificate. an unexpired course completion certification card in
20		cardiopulmonary resuscitation.
21	(b) In addition	to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by
22	credentials shall	arrange for and ensure the submission to the Board office, the following documents as a package,
23	with each docume	ent in an unopened envelope sealed by the entity involved:
24	(1)	official transcripts certifying that the applicant has graduated from a dental hygiene program
25		accredited by the Commission on Dental Accreditation of the American Dental Association;
26	(2)	if the applicant is or has ever been employed as a dentist or dental hygienist by or under contract
27		with a federal agency, a certification-letter certifying of-the applicant's current status and
28		disciplinary history from each federal agency where the applicant is or has been employed or
29		under contract;
30	(3)	certificate of the applicant's licensure status from the regulatory authority or other occupational or
31		professional regulatory authority and complete information regarding all disciplinary actions taken
32		or investigations pending, from all licensing jurisdictions where the applicant holds or has ever
33		held a dental hygiene license or other occupational or professional license;
34	(4)	a report from the National Practitioner Databank, if reporting is required or allowed by federal
35		<del>law;</del>
36	(5)	a report of any pending or final malpractice actions against the applicant verified by the
37		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	tion required must be completed and received by the Board office as a complete package with the	
9	initial application	on and application fee. Incomplete applications If all of the information is not received as a complete	
10	package, the app	plication 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 examin	ation or who do not pass the written examination after three attempts within one year may not	
18	reapply for licer	nsure 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. <u>July 1, 2014;</u> February 1, 2010.	

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

- 3 21 NCAC 16C. 0601 PROOF OF COMPETENCY
- 4 (a) All applications for reinstatement shall be made on the forms furnished by the Board at www.ncdentalboard.org
- 5 and no application shall be deemed complete which does not set forth all the information required relative to the
- 6 applicant. Incomplete applications will be returned to the applicant. Any applicant who changes his address shall
- 7 <u>notify the Board office within 10 business days.</u>
- 8 (b) The reinstatement fee shall accompany the application.
- 9 (c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed
- 10 for more than five years must successfully pass the clinical examination given to first-time applicants before seeking
- 11 <u>reinstatement.</u>
- 12 (d) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for
- 13 two to five years may, at the Board's discretion, be required to take refresher courses as specified by the Board.
- 14 (e) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the
- 15 <u>board of each state in which they are licensed.</u>
- 16 (f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year
- 17 shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required
- 18 to perform a criminal history check at the time of the application for reinstatement. The form and card are available
- 19 <u>from the Board office.</u>
- 20 (g) Documentation of continuing education in clinical patient care, by Board-approved sponsors, equal to the
- 21 <u>number of hours currently required for the renewal of a dental hygiene license and current CPR certification.</u>
- 22 (h) Two letters of character reference from non-family members.
- 23 (i) A report from the National Practitioner Databank.
- 24
- 25 <u>History Note:</u> Authority G.S. 90-223; 90-224;
- 26 <u>Eff. July 1, 2014.</u>

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

#### 3 21 NCAC 16Q .0303 TEMPORARY APPROVAL PRIOR TO SITE INSPECTION

4 (a) If a dentist meets the requirements of Paragraphs (a) - (e) of Rule .0301 of this Subchapter, he/she shall be 5 granted temporary approval to administer moderate conscious sedation, or moderate pediatric conscious 6 sedation until a permit can be issued. If a dentist meets the requirements of Paragraph (j) of Rule .0301 of this 7 Subchapter, he/she shall be granted temporary approval to administer moderate conscious sedation limited to oral 8 routes and nitrous oxide inhalation. Temporary approval may be granted based solely on credentials until all 9 processing and investigation has been completed. Temporary approval may not exceed three months. The 10 temporary approval will expire after 90 days. Extensions will not be granted. An applicant who fails to complete 11 the requirements within the time allowed by this Rule must re-apply for a permit and will not be eligible for 12 temporary approval. An on-site evaluation of the facilities, equipment, procedures, and personnel shall be required 13 prior to issuance of a permanent permit. The evaluation shall be conducted in accordance with Rules .0204 - .0205 14 of this Subchapter, except that evaluations of dentists applying for moderate conscious sedation permits may be 15 conducted by dentists who have been issued moderate conscious sedation permits by the Board and who have been 16 approved by the Board, as set out in these Rules. A two hundred seventy five dollar (\$275.00) inspection fee shall 17 be collected for each site inspected pursuant to this Rule. 18 (b) An inspection may be made upon renewal of the permit or for cause. 19 (c) Temporary approval shall not be granted to a provisional licensee or applicants who are the subject of a pending 20 Board disciplinary investigation or whose licenses have been revoked, suspended or are subject to an order of stayed

- 21 suspension or probation.
- 22

23	History Note:	Authority G.S. 90-28; 90-30.1;
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- Eff. February 1, 1990;
- 25 Amended Eff. August 1, 2002; January 1, 1994;
- 26 *Temporary Amendment Eff. December 11, 2002;*
- 27 Amended Eff. July 1, 2014; February 1, 2009; July 3, 2008; August 1, 2004.