

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16W .0101

DEADLINE FOR RECEIPT: Wednesday, January 13, 2016

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Submission for Permanent Rule Form, Box 6:

The Notice of Text was published on October 15, 2015.

Please put the date the Board adopted this Rule change.

In the Rule:

Please include an Introductory Statement as required by Rule 26 NCAC 02C .0404.

The name of a Rule is not subject to review, but I did want to inquire – does this Rule really define direction? Or is this Rule intended to define the term as used in G.S. 90-233(a)?

§ 90-233. Practice of dental hygiene.

(a) A dental hygienist may practice only under the supervision of one or more licensed dentists. This subsection shall be deemed to be complied with in the case of dental hygienists employed by or under contract with a local health department or State government dental public health program and especially trained by the Dental Health Section of the Department of Health and Human Services as public health hygienists, while performing their duties for the persons officially served by the local health department or State government program **under the direction of a duly licensed dentist** employed by that program or by the Dental Health Section of the Department of Health and Human Services.

I suggest making this a three or four Paragraph Rule, with each sentence being a Paragraph, or combining sentences 2 and 3 into one Paragraph.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 29, 2015

On line 5, I don't understand the cross-reference. Rule 21 NCAC 16Y .0104(c) relates to interns and states:

21 NCAC 16Y .0104 DIRECTION AND SUPERVISION

(a) Holders of a valid intern permit who are currently licensed in Canada, a U.S. territory or state may practice under direction of one or more dentists with a current and valid North Carolina license. Such directing dentist shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

(b) Holders of a valid intern permit who are not currently licensed in Canada, a U.S. territory or state may work only under supervision of one or more dentists with a current and valid North Carolina license. Such supervising dentist shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

(c) For purposes of this Section, the acts of a permit holder are deemed to be under the direction of a licensed dentist when performed in a locale where a licensed dentist is not always required to be physically present during the performance of such acts and such acts are being performed pursuant to the dentist's order, control, and approval.

(d) For purposes of this Section, the acts of a permit holder are deemed to be under the supervision of a licensed dentist when performed in a locale where a licensed dentist is physically present during the performance of such acts and such acts are being performed pursuant to the dentist's order, control, and approval.

Is the intent of the cross-reference to define "under the direction of a licensed dentist"? If so, shouldn't the term being defined be in quotation marks?

On line 7, I suggest you replace "must" with "shall"

On line 9, define or delete "complete" and "thorough"

Also on line 9, please insert a comma after "history"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: December 29, 2015

1 21 NCAC 16W .0101 is proposed for amendment as follows:

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3 **21 NCAC 16W .0101 DIRECTION DEFINED**

4 Pursuant to G.S. 90-233(a), a public health hygienist may perform clinical procedures under the direction of a
5 licensed dentist, as defined by 21 NCAC 16Y .0104(c) of this Chapter, who is employed by a State government
6 dental public health program or a local health department as a public health dentist. The specific clinical procedures
7 delegated to the hygienist must be completed, in accordance with a written order from the dentist, within ~~60~~ 120
8 days of the dentist's in-person evaluation of the patient. The dentist's evaluation of the patient shall include a
9 complete oral examination, thorough health history and diagnosis of the patient's condition. Direction of a licensed
10 dentist is not required for public health hygienists who provide only educational information, such as instruction in
11 brushing and flossing.

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13 *History Note: Authority G.S. 90-223; 90-233(a);*
14 *Temporary Adoption Eff. October 1, 1999;*
15 *Eff. April 1, 2001;*
16 *Amended Eff. February 1, 2016; July 1, 2015.*

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