

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16Y .0104

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

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

On the Submission for Permanent Rule Form, please insert the name of the Rule in Box 2.

In (a), line 4, and (b), line 7, please remove the comma after "Canada"

In (c), to be clear – you refer on line 11 to "direction." However, Paragraphs (b) and (e) refer to "supervision." Will the use of only "direction" create issues relating to the applicability of (c) to (b) and (e)?

In the History Note, line 26, please simply replace the comma after "2017" with a semicolon.

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: September 27, 2017

21 NCAC 16Y .0104 is amended as published in 31:22 NCR 2226 as follows:

21 NCAC 16Y .0104 DIRECTION AND SUPERVISION

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

(c) Holders of any valid intern permit under this Rule who are required to be on-call, either in-person or by electronic means, in an emergency setting may practice under the direction of a dentist following the accrediting standard of the Commission on Dental Accreditation (CODA).

~~(c)~~ (d) For purposes of this Rule, ~~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~~ the acts that ~~and such acts~~ are being performed pursuant to the dentist's order, control, and approval.

~~(d)~~ (e) For purposes of this Rule, ~~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~~ the acts that ~~and such acts~~ are being performed pursuant to the dentist's order, control, and approval.

(f) The CODA accrediting standard and its subsequent amendments and editions, which are incorporated herein by reference, are published on the American Dental Association's website located at <http://www.ada.org/en/coda/policies-and-guidelines/policy-and-procedure-manual>, and are available at no cost.

History Note: Authority G.S. 90-28; 90-29.4;
Eff. August 1, 2002;
Amended Eff. November 1, 2017, July 1, 2015.