REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

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

*Rule 26 NCAC 02C .0404(b) requires that all introductory statements for Rules published in the Register (as these were) must include the volume, issue and page or pages of the notice publication. Please amend all introductory statements to include this information.*

*There are no effective dates indicated for any of the Rules. Please amend the Rules to include the proposed effective date.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16B .0101

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please make this Rule into two paragraphs. The original language will be (a), and the new language will be (b).*

*On line 4, please insert either “the” or “a” before “Board approved …” using whichever is appropriate.*

*Further, I’d re-word this sentence to state, “are required to pass the Board approved, as set forth in these Rules, written and clinical…”*

*On lines 6 and 7, change “Rules 16B .1001 - .1002.” to “Rules .1001 and .1002 of this Subchapter.”*

*What is the purpose of invoking G.S. 90-21.107 in this Rule? The relevant part of G.S. 90-21.102 defines a health care provider as any person who “is licensed to practice dentistry under Article 2 of this Chapter.” [G.S. 90-21.102(3)(g)]. G.S. 90-21.107 states that additional licensure is not required unless the individual meets certain criteria (revoked license, not in good standing, etc.) It appears to me that the Board cannot require a licensed dentist to take another examination anyway, so why is in the Rule?*

*Further, G.S. 90-21.105 states that if a dentist is not licensed, authorized, in good standing, or the subject of an investigation or pending disciplinary action, then the individual is not permitted to engage in the provision of healthcare under that act. That means that additional licensure requirements would only apply to a dentist who: 1) has been subjected to public disciplinary action in any state where licensed; 2) is pending disciplinary proceeding in any state where licensed; 3) had his or her license suspended or revoked due to disciplinary proceedings in any state where licensed; or 4) renders services outside the scope of practice authorized by the license. Would the Board require an NC licensed dentist who meets the above-listed criteria to take the examination and then issue an additional license to the dentist to qualify to provide services under the Voluntary Care Health Services Act?*

**§ 90‑21.105.  Department and licensure boards to review licensure status of volunteers.**

The Department shall forward the information received from a sponsoring organization under G.S. 90‑21.104(d)(1) to the appropriate licensure board within seven days after receipt. Upon receipt of any information or notice from a licensure board that a health care provider on the list submitted by the sponsoring organization pursuant to G.S. 90‑21.104(d)(1) is not licensed, authorized, or in good standing, or is the subject of an investigation or pending disciplinary action, the Department shall immediately notify the sponsoring organization that the health care provider is not permitted to engage in the voluntary provision of health care services on behalf of the sponsoring organization.  (2012‑155, s. 1.)

**§ 90‑21.107.  Additional licensure not required for certain volunteers.**

1. A health care provider who engages in the voluntary provision of health care services in association with a sponsoring organization for no more than seven days during any calendar year shall not be required to obtain additional licensure or authorization in connection therewith if the health care provider meets any of the following criteria:
2. The health care provider is duly licensed or authorized under the laws of this State to practice in the area in which the health care provider is providing voluntary health care services and is in good standing with the applicable licensing board.
3. The health care provider lawfully practices in another state or district in the area in which the health care provider is providing voluntary health care services and is in good standing with the applicable licensing board.
4. This exemption from additional licensure or authorization requirements does not apply if any of the following circumstances exist:
5. The health care provider has been subjected to public disciplinary action or is the subject of a pending disciplinary proceeding in any state in which the health care provider is or ever has been licensed.
6. The health care provider's license has been suspended or revoked pursuant to disciplinary proceedings in any state in which the health care provider is or ever has been licensed.
7. The health care provider renders services outside the scope of practice authorized by the health care provider's license or authorization.  (2012‑155, s. 1.)

*Why is G.S. 90-28 in the History Note? Is this really part of the Board’s bylaws or regulations for* *the purpose of facilitating the transaction of business by the Board?*

*Why is G.S. 93B-15.1 in the History Note? It doesn’t seem to be part of this Rule and I believe it should be removed.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16B .0317

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Re-write the Rule so it is not in passive voice by removing the “has” before the verbs. For example, in new (a), “Any applicant who passed the written examination but failed the clinical examination…”*

*Does this mean there are no limits on the number of times an applicant can take (and fail) the clinical portion of the examination?*

*In the Submission for Permanent Rule form, the Board states the amendment is necessary to remove the remediation requirement because the Board no longer gives the licensing examination and the Board does not have a practical way to determine when or how many times an applicant will fail an exam given by other providers.*

*Assuming this is restricted to the Board no longer administering the clinical portion of the examination, doesn’t this affect the language in the new Paragraph (a)/ former (b)? That language states that if the individual fails the clinical examination, the applicant must re-take the written exam unless the applicant passes the clinical examination in one year. On its face, it seems inconsistent to state that the Board cannot keep up with passing or failing of the clinical exam to require remediation in Paragraph (a), but that it can keep up with failure of that portion as it relates to the written exam in Paragraph (b). Please explain how this process is intended to work.*

*Further, as the Rule does not require the applicant to submit the successful passing of the clinical examination to the Board, how would the Board be able to keep up with this? Is this what is contemplated by Rule 16B .0301(e), which states:*

(e) All applicants shall arrange for and ensure the submission to the Board office the examination scores as required by Rule .0303(c) of this Subchapter, if applicable.

*For your reference, Rule 16B .0303(c) states:*

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

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16B .1001

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Remove the “and” at the end of lines 5, 6, 11 and 13. When striking the “and” at the end of (a)(2) on line 6, you need to properly insert a semicolon after the rule citation.*

*Subparagraphs (a)(3)(A) through (C) are missing the opening parenthesis on lines 10, 12 and 14. Further, they need to indented properly per Rule 26 NCAC 02C .0108(6).*

*In (a)(1), where does an applicant get the Board application? Is this in another Rule, or is the individual supposed to get it from a website or the Board’s office? The way to get it needs to be in the Rule. For example, if the application is found online, you can just state, “form provided by the Board at* [*www.ncdentalboard.org*](http://www.ncdentalboard.org)*” or something along those lines.*

*On line 6, replace “Section” with “Rule”*

*Remove “has” from lines 10, 12 and 14. Begin the sentences in active voice, so it states, “Completed…”*

*In (a)(3)(B), where can an individual find the testing or training and experience found for licensure? Is it as set forth in the Rules or statutes?*

*In (a)(3)(C), is the Board’s requirement of 1500 hours per year intended to define, “actively practice” as set forth in G.S. 93B-15.1(a)(2)? Further, will your regulated public understand what you mean by “actively practice”? Some of your other licensure rules state it means, “clinical care directly to patients, not including post graduate training, residency, or an internship.” (Rule 21 NCAC 16B .0501) Is this what you intend here? If so, since you’ve defined “actively practice” elsewhere, I think it would be appropriate to include that definition here.*

*Is (a)(4) intended to address 93B-15.1(a)(3), which states that the individual cannot have committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice dentistry in NC at the time the act was committed? Are the actions listed in (a)(4) the only reasons you would have taken adverse action on the licenses? G.S. 90-41, seems to state this is not the case. If there are other grounds, then they need to be spelled out in the Rule. If these are not the grounds that would be used to satisfy (a)(4), then I do not see that you have the authority to request this information.*

*In Paragraph (c), what are the “other form(s) required to perform a criminal history check”, and how would the applicant obtain them?*

*Why is G.S. 90-28 in the History Note? Please note, G.S. 93B-15.1(g) expressly authorizes occupational licensing boards to adopt rules to implement the law, so I do not see that you need the additional authority.*

*Further, is G.S. 90-36 in the History Note because most of the MOS for dentistry require licensure in a US state or territory?*

*G.S. 90-30(b) is the statute that gives the Board authority to conduct criminal background checks on “a person who has applied for a license through the Board.” Since certain criminal convictions can result in an applicant not being eligible for licensure, I think the statute should be in the History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16B .1002

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Remove the “and” at the end of lines 7, 8 and 13.*

*Subparagraphs (a)(3)(A) and (B) are missing the opening parenthesis on lines 11 and 14. Further, they need to indented properly per Rule 26 NCAC 02C .0108(6).*

*On line 8, replace “Section” with “Rule”*

*In (a)(1), where does an applicant get the Board application? Is this in Rule, or is the individual supposed to get it from a website or the Board’s office? The way to get it needs to be in the Rule. For example, if the application is found online, you can just state, “form provided by the Board at* [*www.ncdentalboard.org*](http://www.ncdentalboard.org)*” or something along those lines.*

*In (a)(3)(A), I think you need to state something along the lines of, “Holds a current dental license from another jurisdiction whose standards for licensure are substantially equivalent to or greater than those required for licensure as a dentist in North Carolina, as set forth in these Rules.” or whatever source is appropriate.*

*Please delete “has” from line 14.*

*In (a)(3)(B), is the Board’s requirement of 1500 hours per year intended to specify the Board’s method for demonstrating competency as set forth in G.S. 93B-15.1(b)(2)? Further, will your regulated public understand what you mean by “actively practice”? Some of your other licensure rules state it means, “clinical care directly to patients, not including post graduate training, residency, or an internship.” (Rule 21 NCAC 16B .0501) Is this what you intend here? If so, since you’ve defined “actively practice” elsewhere, I think it would be appropriate to include that definition here.*

*Is (a)(4) intended to address 93B-15.1(b)(3) and (b)(4)? Are the actions listed in (a)(4) the only reasons you would have taken adverse action on the licenses? G.S. 90-3 and 90-41 seem to show that this is not the case. If there are other grounds, then they need to be referenced or spelled out in the Rule. If these are not the grounds that would be used to satisfy (a)(4), then I do not see that you have the authority to request this information.*

*In Paragraph (c), what are the “other form(s) required to perform a criminal history check”, and how would the applicant obtain them?*

*Why is G.S. 90-28 in the History Note? Please note, G.S. 93B-15.1(g) expressly authorizes occupational licensing boards to adopt rules to implement the law, so I do not see that you need the additional authority.*

*G.S. 90-30(b) is the statute that gives the Board authority to conduct criminal background checks on “a person who has applied for a license through the Board.” Since certain criminal convictions can result in an applicant not being eligible for licensure, I think the statute should be in the History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16C .0101

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*On the Submission for Permanent Rule form, the agency checked that this rule does not establish or increase a fee, but includes an authority for not including the consultation. Please re-submit the form with the correct information.*

*Please make this Rule into two paragraphs. The original language will be (a), and the new language will be (b).*

*Is the language on line 4, “Before beginning the practice of dental hygiene in North Carolina” really necessary? It seems you could state something along the lines of “All dental hygienists must be licensed in order to practice dental hygiene.” and replace the entire first sentence.*

*On lines 7 and 8, I would change “Rule 16G .0107 or Rule .0108” to “Rules 16G .0107 or .0108.”*

*What is the purpose of invoking G.S. 90-21.107 in this Rule? The relevant part of G.S. 90-21.102 defines a health care provider as any person who “is licensed to practice as a dental hygienist under Article 16 of this Chapter. [G.S. 90-21.102(3)(k)]. G.S. 90-21.107 states that additional licensure is not required unless the individual meets certain criteria (revoked license, not in good standing, etc.) It appears to me that the Board cannot require a licensed hygienist to take another examination anyway, so why is in the Rule?*

*Further, G.S. 90-21.105 states that if a dental hygienist is not licensed, authorized, in good standing, or the subject of an investigation or pending disciplinary action, then the individual is not permitted to engage in the provision of healthcare under that act. That means that additional licensure requirements would only apply to a hygienist who: 1) has been subjected to public disciplinary action in any state where licensed; 2) is pending disciplinary proceeding in any state where licensed; 3) had his or her license suspended or revoked due to disciplinary proceedings in any state where licensed; or 4) renders services outside the scope of practice authorized by the license. Would the Board require an NC licensed dental hygienist who meets the 4 criteria listed above to take the examination and then issue an additional license to the dentist to qualify to provide services under the Voluntary Care Health Services Act?*

*Why is G.S. 90-28 in the History Note? Is this really part of the Board’s bylaws or regulations for* *the purpose of facilitating the transaction of business by the Board?*

*Why is G.S. 93B-15.1 in the History Note? It doesn’t seem to be part of this Rule and I believe it should be removed.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16C .0301

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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 Paragraph (a), what happens with the application if it is deemed incomplete? Is it returned to the applicant (which is what I suspect, based upon your language in other rules)? If so, I suggest you state this.*

*In (a), where can the applicant find the forms furnished by the Board? Are they online or sent to the applicant?*

*Also in (a), when is an applicant required to notify the Board of the change of address? While the application is pending? Is there a timeframe for the individual to do so after changing the address? Also, since you are repealing the rule with the Board’s contact information, do you have any concerns that individuals won’t know where to submit things, or do you feel they will know through the Board’s website?*

*The final sentence in (a) is awkwardly worded. Are you trying to say that applicants shall ensure the Board is sent the proof of graduation required in G.S. 90-224(a)? If so, I suggest you say that more clearly. Perhaps you could say:*

*Applicants shall contact the schools in G.S. 90-224(a) and ensure sealed proof of graduation is sent to the Board office.*

*Are you requiring the proof of high school graduation or equivalency AND the graduation from the dental hygienist program from the granting institutions, or just the graduation from the program?*

*Re-word (b) to eliminate the second sentence, so it states, “The nonrefundable application fee shall accompany the application.” You may also wish to reference the fee rule in the language to give a complete picture of the amount owed.*

*In (c), is the applicant required to have the secretary of that state’s board submit it to you, or get it from the secretary and deliver it to the Board himself? Further, do all boards have secretaries? (Instead of say, directors or chairs?)*

*In (d), what are the “other such form(s)” required for a criminal record check? How will an applicant know what they are? How will the applicant obtain them? Is this contemplating the language of G.S. 90-224(c), which states:*

(c)        The Department of Justice may provide a criminal record check to the Board for a person who has applied for a new or renewal license through the Board. The Board shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Board shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

*In (e), strike the comma after “office” on line 14. Strike the “as” at the end of line 14, as well.*

*On line 15, the correct way to remove the citation within the rule is to strike the entire citation and then insert the language you want. Make this change here. Also, the correct citation is “Rule .0303 of this Subchapter.”*

*Alternatively, why not rewrite the first sentence in (e), along the lines of*

*All applicants shall ensure the examination scores required by Rule .0303 of this Subchapter are submitted to the Board office.*

*Please note my concern regarding the use of 90-21.107 as articulated for other rules. It also seems that statute would not be applicable to anyone seeking licensure under Paragraph (c) of this Rule, as the Act states that applicant has to be licensed in this state to seek the designation. Is it your intent to only ensure that Paragraph (c) is not subject to 90-21.107?*

*In addition, on line 18, I would state, “Rules 16G .0107 or .0108.”*

*Why is G.S. 93B-15.1 in this History Note?*

*As Paragraph (c) speaks to applicants being credentialed for licensure in other states, I believe you need to insert a reference to G.S. 90-224.1 in your History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16G .0107

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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

*Out of curiosity, why is the rule proposed for Subchapter 16G, (which appears to be general for hygienists) rather than 16C, which is the licensure of hygienists?*

*In Paragraph (a), line 5, change “his/her” to “his or her”*

*Remove the “and” at the end of lines 7, 8, 12 and 14. Make sure you insert a semicolon after ($265) on line 8.*

*Insert the opening parenthesis marks for lines 11, 13 and 15. Also, properly indent this text per Rule 26 NCAC 02C .0108(6).*

*Remove “has” on lines 11, 13 and 15.*

*In (a)(3)(B), will the testing or training be “as set forth in these Rules” or statues or both? In other words, how would the applicant know what is the baseline for qualification so they can meet or exceed it?*

*In (a)(3)(C), is the Board’s requirement of 1500 hours per year intended to specify the Board’s method for demonstrating competency as set forth in G.S. 93B-15.1(b)(2)? Similar to the questions for the other 93B-15.1 rules, do you believe your regulated public knows what “actively practice” means, or do you have a definition you’d like to insert?*

*Is (a)(4) intended to address 93B-15.1(a)(3)? Are the actions listed in (a)(4) the only reasons you would have taken adverse action on the licenses? G.S. 90-229 seems to show that this is not the case. If there are other grounds, then they need to be referenced or spelled out in the Rule. If these are not the grounds that would be used to satisfy (a)(4), then I do not see that you have the authority to request this information.*

*In (c), what are the “other such form(s)” required for a criminal record check? How will an applicant know what they are? How will the applicant obtain them?*

*The History Note cites 90-28 and 90-36, and neither statute is applicable to dental hygienists. (Article 2 of Chapter 90 is “Dentistry”) Please remove them. If the Board wishes to use a law granting general rulemaking authority for dental hygienists, I recommend using G.S. 90-223.*

*As G.S. 90-232 authorizes the application fee, please insert it into the History Note. Also, while it is completely within your discretion to charge a lesser fee, and I have no issues with the language, is there a reason that dental applicants under G.S. 93B-15.1 will pay the regular price, but hygienists get a $10 discount for licensure? (Rule 16M .0102 states that ordinarily, the fee is $275.)*

*G.S. 90-224(c) is the statute that gives the Board authority to conduct criminal background checks on “a person who has applied for a license through the Board.” Since certain criminal convictions can result in an applicant not being eligible for licensure, I think the statute should be in the History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16G .0108

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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

*Out of curiosity, why is the rule proposed for Subchapter 16G, (which appears to be general for hygienists) rather than 16C, which is the licensure of hygienists?*

*Remove the “and” at the end of lines 7, 8, and 12.*

*Insert the opening parenthesis marks for lines 10 and 13. Also, properly indent this text per Rule 26 NCAC 02C .0108(6).*

*In (a)(3)(A), will the testing or training be “as set forth in these Rules” or statues or both? In other words, how would the applicant know what is the baseline for qualification so they can meet or exceed it?*

*Remove the “has” on line 13.*

*In (a)(3)(B), is the Board’s requirement of 1500 hours per year intended to specify the Board’s method for demonstrating competency as set forth in G.S. 93B-15.1(b)(2)?*

*Is (a)(4) intended to address 93B-15.1(b)(3) and (b)(4)? Are the actions listed in (a)(4) the only reasons you would have taken adverse action on the licenses? G.S. 90-229 seems to show that this is not the case. If there are other grounds, then they need to be referenced or spelled out in the Rule. If these are not the grounds that would be used to satisfy (a)(4), then I do not see that you have the authority to request this information.*

*In (c), what are the “other such form(s)” required for a criminal record check? How will an applicant know what they are? How will the applicant obtain them?*

*The History Note cites 90-28 and 90-36, and neither statute is applicable to dental hygienists. (Article 2 of Chapter 90 is “Dentistry”) Please remove them. If the Board wishes to use a law granting general rulemaking authority for dental hygienists, I recommend using G.S. 90-223.*

*As G.S. 90-232 authorizes the application fee, please insert it into the History Note. Also, while it is completely within your discretion to charge a lesser fee, and I have no issues with the language, is there a reason that dental applicants under G.S. 93B-15.1 will pay the regular price, but hygienists get a $10 discount for licensure? (Rule 16M .0102 states that ordinarily, the fee is $275.)*

*G.S. 90-224(c) is the statute that gives the Board authority to conduct criminal background checks on “a person who has applied for a license through the Board.” Since certain criminal convictions can result in an applicant not being eligible for licensure, I think the statute should be in the History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Dental Examiners

RULE CITATION: 21 NCAC 16M .0101

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please explain the difference between (a)(12), the “Renewal of limited volunteer dental license” and (a)(15), “Each limited volunteer dental licensed annual renewal.”*

*The language and the amount of the fee in Subparagraph (a)(15) comes directly from G.S. 90-39(15). What is the Board’s authority to charge the fee in (a)(12)?*

*Please note, I am aware that the Commission has found in the past that the Board can break down statutory fees into separate categories. Therefore, the fees in (a)(1) and (a)(13), allocated as the application and Board conducted examination processing fees are each considered part of the statutory fee in G.S. 90-39(1), and are the total application fee. Thus, the Board collects a total of $1200 in two different fees that are within the statutory confines. Is (a)(12) part of some other statutory fee?*

*What is the Board’s rationale for breaking any fees into separate parts?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.