

Burgos, Alexander N

Subject: FW: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026
Attachments: 21 NCAC 16B .0501.docx; 21 NCAC 16H .0105.docx; 21 NCAC 16H .0106.docx; 21 NCAC 16U .0204.docx

From: Whitney Waldenberg <Whitney@brokerlawfirm.com>
Sent: Tuesday, July 7, 2026 11:26 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Doug Brocker <doug@brokerlawfirm.com>; File <file@brokerlawfirm.com>; Sherri Roycroft <sherri@brokerlawfirm.com>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: RE: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning,

Attached please find electronic versions the following rules for permanent adoption. Each has been reviewed for technical changes and is ready for the RRC's July agenda:

- 21 NCAC 16B .0501
- 21 NCAC 16H .0105
- 21 NCAC 16H .0106
- 21 NCAC 16U .0204

I plan to attend the meeting by WebEx, but will let you know if that changes to in-person.

Thank you,

Whitney

21 NCAC 16B .0501 is amended with changes as published in 40:18 NCR 1483-84 as follows:

21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS

(a) Except for instructors applying under Rule .0502 of this Section, an applicant for a dental license by credentials shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the non-refundable licensure by credentials fee set forth in ~~21 NCAC 16M .0101; 21 NCAC 16M .0101(10);~~
- (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
 - (A) the dates that and locations where the applicant has practiced dentistry;
 - (B) that the applicant has provided at least 5,000 hours of clinical care to ~~patients, patients, not including postgraduate training, residency programs, or an internship; [internship, except that applicants]~~ Applicants applying under G.S. 90-36(b1)(2) may rely upon the hours of clinical care provided to patients during their participation in an advanced dental education program to meet the 5,000-hour requirement of this Part;
 - (C) that the applicant has held an active, unrestricted dental license issued by another U.S. state or U.S. territory, without any period of interruption; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall request the applicable entity to send the following required information or documents, in a sealed envelope or via secure electronic transmission, directly from the entity to the Board office:

- (1) the applicant's official transcripts from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association ("CODA") showing the applicant graduated with a DDS or DMD ~~degree; degree, except that for applicants applying under G.S. 90-36(b1)(2), a copy of the applicant's general dental degree and the applicant's official transcripts from an advanced dental education program accredited by CODA that issued either a certificate or a degree to the applicant;~~
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and a disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) scores from:
 - (A) the National Board Dental Examination administered by the Joint Commission on National Dental Examinations; and

- (B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d) of this Subchapter;
- (4) a report of any pending or final malpractice actions against the applicant verified by any malpractice insurance carrier covering the applicant; and
- (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.
- (c) An application shall be complete when the Board receives all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by this Rule. Partial applications that are not completed within one year of the date the first document is submitted to the Board shall be disregarded as expired without a refund of the application fee.
- (d) An applicant for dental licensure by credentials shall pass the Board's written examinations in sterilization and jurisprudence as set out in Rule .0303(a) of this Subchapter. Individuals who do not pass either written examination after three attempts within one year in accordance with Rule .0317(b) of this Subchapter shall not be eligible for reexamination under Rule .0317(c) of this Subchapter and may not reapply for licensure by credentials.
- (e) If an applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program, the applicant shall be subject to all the requirements of this Rule, except:
- (1) the applicant is not required to hold a dental license issued by any U.S. state or territory; and
- (2) the applicant shall satisfy the educational credentials requirement set out in Subparagraph (b)(1) of this Rule by requesting the applicable entity to send directly to the Board office, in a sealed envelope or via secure electronic transmission:
- (A) official transcripts from any school or college showing the applicant graduated with a general dental degree; and
- (B) official transcripts from a school or college showing the applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program in the school.
- (f) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.
- (g) Any license obtained through fraud or by any false ~~representation~~ representation, as determined by the Board, shall be revoked.

History Note: Authority G.S. 90-28; 90-36; 90-41; 90-48;
Temporary Adoption Eff. January 1, 2003;
Eff. January 1, 2004;
Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;
Amended Eff. September 1, 2014; February 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. August 1, 2026; December 1, 2023; March 1, 2020.

21 NCAC 16H .0105 is amended with changes as published in 40:18 NCR 1485-87 as follows:

21 NCAC 16H .0105 DENTAL RADIOLOGY COURSE AND EXAMINATION REQUIREMENTS

(a) If a dental radiology course and the course's final examination meet the requirements of this Rule, the Board will recognize the course and final examination as satisfying the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

(b) For the Board to recognize a dental radiology course and its final examination:

(1) The course shall include at least 7 hours of didactic, lecture-based instruction and at least 14 hours of laboratory instruction.

(2) The course curriculum shall include instruction and training in clinical dental radiology, in the production and use of dental x-rays, and on digital x-ray equipment. The course shall enable the student to:

(A) identify in sequence the steps necessary for operating dental x-ray equipment;

(B) identify the requirements of a diagnostic digital image;

(C) differentiate the effect of variations in amperage, kilo-voltage, distance, and exposure time on the resulting digital images;

(D) identify the terms used to measure radiation;

(E) establish guidelines for maintaining radiation safety and the ALARA ("as low as reasonably achievable") principle;

(F) follow principles of radiologic health practices and radiation biology;

(G) identify radiation safety techniques and monitoring devices;

(H) identify the parts and identification marks on dental x-ray sensors;

(I) identify and compare intraoral sensors according to size and customary usage;

(J) identify methods of sensor handling and storage;

(K) identify and perform in sequence the steps in processing digital images;

(L) differentiate between preliminary interpretation and diagnosis of the digital images;

(M) identify the anatomical landmarks of the face and skull;

(N) identify any dental radiograph according to its location in the maxilla or mandible, and position it on a digital image mount;

(O) identify the types of radiographic errors caused by faulty exposure techniques;

(P) identify the types of radiographic errors caused by incorrect digital mount positioning and angulation of the central ray;

(Q) identify the types of radiographic errors caused by faulty digital processing techniques;

(R) identify the conditions that cause digital images to be fogged;

(S) identify the advance preparations necessary before exposing digital images;

(T) carry out the task of digital image exposure to completion;

- (U) use the paralleling technique to produce digital images of diagnostic quality addressing contrast, density, and definition;
- (V) explain the principles of digital imaging and quality assurance;
- (W) identify errors when using digital imaging in technique and processing;
- (X) explain the utilization of beam aligning devices; and
- (Y) describe the use of hand-held radiation exposure devices following guidelines from the Radiation Protection Section of the Department of Health and Human Services, Radiology Compliance Branch ("Radiation Protection Section"), which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at www.ncradiation.net/Xray/dentdose.htm.
- (3) The laboratory portion of the course shall have no more than six students per instructor, and shall include practice on dental radiography manikins. Students shall not practice on peer students unless the unit is turned off and all requirements of the Board's sterilization and infection control ~~rule~~, Rule, 21 NCAC 16J .0103, are satisfied. Students shall be required to achieve a passing score of at least 80 percent on a written examination on radiation safety prior to taking radiographs.
- (4) To complete the course, students shall be required to achieve a passing score of at least 80 percent on a written examination upon completion of the didactic, lecture-based portion of the course and to achieve a passing score of at least 80 percent on a final laboratory examination. The final laboratory examination shall be conducted on a manikin and include completion of a full mouth series.
- (5) The facility used as the training location for the course shall:
- (A) assume all overhead costs involved in offering the course;
- (B) comply with the Board's rules regarding sanitation, sterilization, and infection control set out in 21 NCAC 16J, the applicable guidelines of the Radiation Protection Section, and the OSHA guidelines and standards related to dentistry, which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at www.osha.gov/dentistry/standards;
- (C) provide access to a room large enough to accommodate the number of participants for lecture purposes;
- (D) have the number of x-ray machines necessary based on the course curriculum and enrollment to ensure there are no more than two students per machine; and
- (E) have facilities for digital radiography.
- (6) The didactic and laboratory portions of the course shall be taught by:
- (A) an instructor of dental radiography at an institution accredited by the Commission on Dental Accreditation ("CODA"), a list of which is available at no cost at www.ada.org/coda and is incorporated by reference, including subsequent amendments and editions; or

(B) an instructor who has successfully completed a Board-approved radiology instructor course set forth in 21 NCAC [16H.0106] 16H. 0106 ~~an instructor who has received a certification to teach dental radiography from a CODA accredited institution,~~ and has completed three hours of continuing education in the area of radiology every other year. The continuing education courses shall be offered by Board-approved continuing education course sponsors as set out in 21 NCAC 16I .0202 or 21 NCAC 16R .0202.

(7) The course sponsor shall provide students with all supplies.

(8) Course advertising shall comply with the Board's rules regarding advertisement of dental services set out in 21 NCAC 16P.

(c) A course sponsor seeking Board recognition of a dental radiology course shall submit to the Board office:

(1) the course outline, syllabus, and handouts;

(2) slides and other lecture materials;

(3) examinations and grading criteria; and

(4) the name, resume, and verification of credentials satisfying Subparagraph (b)(6) of this Rule for all course instructors.

(d) After the course sponsor submits all the information and documents required by Paragraph (c) of this Rule, the course will be reviewed by the Board for compliance with this Rule at the next scheduled Board meeting. The Board may delay reviewing a course until a later meeting if the Board's workload makes the review impracticable. If the Board delays reviewing a course, it shall notify the course sponsor. A course shall be recognized by a majority vote of the Board. A list of recognized courses is available on the Board's website at www.ncdentalboard.org.

(e) Upon receipt of evidence that a previously recognized course is not in compliance with this Rule, the Board will notify the course sponsor in writing of each item of noncompliance. Within 30 days from the date of the notice of noncompliance, the course sponsor shall provide a written response to the Board office which shall respond to each item of noncompliance. The response shall provide documentation of corrections made, and shall show each item is in compliance with this Rule. If the course sponsor fails to respond or correct noncompliance, the Board's recognition of the course shall be withdrawn. As of the date recognition is withdrawn, the course and its examination shall not satisfy the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

History Note: Authority G.S. 90-29(c)(12); 90-48;

Eff. July 1, ~~2023-2023~~;

Amended Eff. August 1, 2026.

21 NCAC 16H .0106 is adopted with changes as published in 40:18 NCR 1487 as follows:

21 NCAC 16H .0106 DENTAL RADIOLOGY INSTRUCTOR COURSE REQUIREMENTS

(a) All instructors of a dental radiology course shall successfully complete a Board-approved instructor's course that covers the following topics:

- (1) foundational concepts of teaching including developing a syllabus, establishing course objectives, adjusting to different learning styles, and developing grading criteria;
- (2) a review of basic radiography, including:
 - (A) radiation history and physics;
 - (B) radiography techniques;
 - (C) radiography errors;
 - (D) radiography equipment, including hand-held devices;
 - (E) patient protection; and
 - (F) anatomy;
- (3) a review of sanitation, sterilization, and infection control standards and techniques, including the Rules in Subchapter 16J;
- (4) guidance on educational activities designed for the laboratory portion of the dental radiography course including demonstrations of shadow casting, paralleling technique, patient shielding and safe operator distancing; evaluation of occupational dose limits, and labeling diagrams of radiography equipment;
- (5) administration of written examinations to students;
- (6) examination of students' clinical skills in the laboratory including:
 - (A) evaluation and correction of student errors in radiographs;
 - (B) explanation of the physics and geometry of bisecting and paralleling techniques; and
 - (C) demonstration and explanation to students of inaccuracies in angulation;
- (7) a review of the requirements set forth in the following:
 - (A) 21 NCAC ~~16H.0105~~ 16H.0105 of this Section;
 - (B) 10A NCAC 15;
 - (C) The Radiation Protection Guide for medical, ~~dental~~ dental, and veterinary arts published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/healartsprog.pdf>;
 - (D) The Hand-Held Dental X-Ray Guide published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/handhelddentgud.pdf>; and

(E) Entrance Skin Exposure Facts - Dental published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/eseguide.pdf>

(b) The instructor course may apply toward fulfillment of the continuing education requirements, including the requirements of 21 NCAC ~~16H.0105(b)(6)(B)~~, 16H. 0105(b)(6)(B), and all existing dental radiology instructors must successfully complete the instructor course on or before December 31, 2028.

(c) Beginning on January 1, 2029, all instructors must complete a Board-approved instructor's course before teaching a dental radiology course.

History Note: Authority G.S. 90-29(c)(12); 90-48;
Eff. August 1, 2026.

21 NCAC 16U .0204 is amended with changes as published in 40:18 NCR 1484-85 as follows:

21 NCAC 16U .0204 SETTLEMENT CONFERENCES

(a) A settlement conference shall not be conducted unless the Respondent agrees to participate and to waive any objection to the Board members being ~~exposed to~~ provided a forecast of the evidence.

(b) A settlement conference shall be conducted before the Board or a panel of the Board appointed by the President. At the settlement conference, ~~a Board investigator~~ the Board's investigative panel shall summarize the ~~circumstances~~ information obtained during the course of the investigation and present a forecast of the Board's evidence. The Respondent shall have an opportunity to forecast his or her evidence. ~~Forecasts of the evidence may be presented orally or in writing and exhibits may be presented. Witnesses may forecast their own testimony but shall not be sworn nor cross-examined.~~ The settlement conference shall not be recorded nor open to the public. ~~The allowed time for initial presentations shall be agreed upon by counsel ten days prior to the conference, subject to approval by the presiding Board member.~~

(c) If the Board ~~deems~~ determines that sanctions, discipline, or other action is ~~are appropriate~~ necessary, a Consent Order or ~~letter of reprimand~~ other written disposition shall be prepared and proposed to Respondent. ~~Should~~ If the Respondent rejects the ~~terms of the proposed~~ Consent Order or other disposition, ~~letter of reprimand~~, a contested case hearing ~~may~~ shall be scheduled.

History Note: Authority G.S. 90-28; 90-41; 90-41.1; 90-48; 90-223; 90-229; 90-231; 150B-41;

Eff. October 1, 1996;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018- 2018;

Amended Eff. August 1, 2026.

Burgos, Alexander N

Subject: FW: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Tuesday, July 7, 2026 11:07 AM

To: Whitney Waldenberg <Whitney@brockerlawfirm.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>; File <file@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: Re: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

I'm satisfied with the changes made. Please send the final revised rules to oah.rules@oah.nc.gov and cc Mr. Burgos and I (or just reply all).

These rules are final for review and can be placed on July's agenda. Please let us know if anyone from your agency will be present for the meeting, in-person or on WebEx.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026
Attachments: 2026-07-06 Responses to RRC - Board of Dental Examiners-Request for Technical Changes.docx; 21 NCAC 16B .0501.docx; 21 NCAC 16H .0105.docx; 21 NCAC 16H .0106.docx; 21 NCAC 16U .0204.docx

From: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Sent: Monday, July 6, 2026 9:28 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Doug Brocker <doug@brockerlawfirm.com>; File <file@brockerlawfirm.com>; Sherri Roycroft <sherri@brockerlawfirm.com>
Subject: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis,

Thank you for talking with me today. Attached please find our responses to your request for technical changes, as well as copies of the revised rules.

Please confirm receipt and let us know whether we have addressed your requests. We will await your feedback before submitting any documents to the OAH. We wanted to get you a response in advance of the submission deadline.

Thank you,

Whitney

21 NCAC 16B .0501 is amended with changes as published in 40:18 NCR 1483-84 as follows:

21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS

(a) Except for instructors applying under Rule .0502 of this Section, an applicant for a dental license by credentials shall submit to the Board:

- (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
- (2) the non-refundable licensure by credentials fee set forth in ~~21 NCAC 16M .0101; 21 NCAC 16M .0101(10);~~
- (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
 - (A) the dates that and locations where the applicant has practiced dentistry;
 - (B) that the applicant has provided at least 5,000 hours of clinical care to ~~patients, patients, not including postgraduate training, residency programs, or an internship; [internship, except that applicants]~~ Applicants applying under G.S. 90-36(b1)(2) may rely upon the hours of clinical care provided to patients during their participation in an advanced dental education program to meet the 5,000-hour requirement of this Part;
 - (C) that the applicant has held an active, unrestricted dental license issued by another U.S. state or U.S. territory, without any period of interruption; and
- (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall request the applicable entity to send the following required information or documents, in a sealed envelope or via secure electronic transmission, directly from the entity to the Board office:

- (1) the applicant's official transcripts from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association ("CODA") showing the applicant graduated with a DDS or DMD ~~degree; degree, except that for applicants applying under G.S. 90-36(b1)(2), a copy of the applicant's general dental degree and the applicant's official transcripts from an advanced dental education program accredited by CODA that issued either a certificate or a degree to the applicant;~~
- (2) a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority and a disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental license or other occupational or professional license;
- (3) scores from:
 - (A) the National Board Dental Examination administered by the Joint Commission on National Dental Examinations; and

- (B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d) of this Subchapter;
- (4) a report of any pending or final malpractice actions against the applicant verified by any malpractice insurance carrier covering the applicant; and
- (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.
- (c) An application shall be complete when the Board receives all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by this Rule. Partial applications that are not completed within one year of the date the first document is submitted to the Board shall be disregarded as expired without a refund of the application fee.
- (d) An applicant for dental licensure by credentials shall pass the Board's written examinations in sterilization and jurisprudence as set out in Rule .0303(a) of this Subchapter. Individuals who do not pass either written examination after three attempts within one year in accordance with Rule .0317(b) of this Subchapter shall not be eligible for reexamination under Rule .0317(c) of this Subchapter and may not reapply for licensure by credentials.
- (e) If an applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program, the applicant shall be subject to all the requirements of this Rule, except:
- (1) the applicant is not required to hold a dental license issued by any U.S. state or territory; and
- (2) the applicant shall satisfy the educational credentials requirement set out in Subparagraph (b)(1) of this Rule by requesting the applicable entity to send directly to the Board office, in a sealed envelope or via secure electronic transmission:
- (A) official transcripts from any school or college showing the applicant graduated with a general dental degree; and
- (B) official transcripts from a school or college showing the applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education program in the school.
- (f) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.
- (g) Any license obtained through fraud or by any false ~~representation~~ representation, as determined by the Board, shall be revoked.

History Note: Authority G.S. 90-28; 90-36; 90-41; 90-48;
Temporary Adoption Eff. January 1, 2003;
Eff. January 1, 2004;
Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;
Amended Eff. September 1, 2014; February 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. August 1, 2026; December 1, 2023; March 1, 2020.

21 NCAC 16H .0105 is amended with changes as published in 40:18 NCR 1485-87 as follows:

21 NCAC 16H .0105 DENTAL RADIOLOGY COURSE AND EXAMINATION REQUIREMENTS

(a) If a dental radiology course and the course's final examination meet the requirements of this Rule, the Board will recognize the course and final examination as satisfying the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

(b) For the Board to recognize a dental radiology course and its final examination:

(1) The course shall include at least 7 hours of didactic, lecture-based instruction and at least 14 hours of laboratory instruction.

(2) The course curriculum shall include instruction and training in clinical dental radiology, in the production and use of dental x-rays, and on digital x-ray equipment. The course shall enable the student to:

(A) identify in sequence the steps necessary for operating dental x-ray equipment;

(B) identify the requirements of a diagnostic digital image;

(C) differentiate the effect of variations in amperage, kilo-voltage, distance, and exposure time on the resulting digital images;

(D) identify the terms used to measure radiation;

(E) establish guidelines for maintaining radiation safety and the ALARA ("as low as reasonably achievable") principle;

(F) follow principles of radiologic health practices and radiation biology;

(G) identify radiation safety techniques and monitoring devices;

(H) identify the parts and identification marks on dental x-ray sensors;

(I) identify and compare intraoral sensors according to size and customary usage;

(J) identify methods of sensor handling and storage;

(K) identify and perform in sequence the steps in processing digital images;

(L) differentiate between preliminary interpretation and diagnosis of the digital images;

(M) identify the anatomical landmarks of the face and skull;

(N) identify any dental radiograph according to its location in the maxilla or mandible, and position it on a digital image mount;

(O) identify the types of radiographic errors caused by faulty exposure techniques;

(P) identify the types of radiographic errors caused by incorrect digital mount positioning and angulation of the central ray;

(Q) identify the types of radiographic errors caused by faulty digital processing techniques;

(R) identify the conditions that cause digital images to be fogged;

(S) identify the advance preparations necessary before exposing digital images;

(T) carry out the task of digital image exposure to completion;

- (U) use the paralleling technique to produce digital images of diagnostic quality addressing contrast, density, and definition;
- (V) explain the principles of digital imaging and quality assurance;
- (W) identify errors when using digital imaging in technique and processing;
- (X) explain the utilization of beam aligning devices; and
- (Y) describe the use of hand-held radiation exposure devices following guidelines from the Radiation Protection Section of the Department of Health and Human Services, Radiology Compliance Branch ("Radiation Protection Section"), which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at www.ncradiation.net/Xray/dentdose.htm.
- (3) The laboratory portion of the course shall have no more than six students per instructor, and shall include practice on dental radiography manikins. Students shall not practice on peer students unless the unit is turned off and all requirements of the Board's sterilization and infection control ~~rule~~, Rule, 21 NCAC 16J .0103, are satisfied. Students shall be required to achieve a passing score of at least 80 percent on a written examination on radiation safety prior to taking radiographs.
- (4) To complete the course, students shall be required to achieve a passing score of at least 80 percent on a written examination upon completion of the didactic, lecture-based portion of the course and to achieve a passing score of at least 80 percent on a final laboratory examination. The final laboratory examination shall be conducted on a manikin and include completion of a full mouth series.
- (5) The facility used as the training location for the course shall:
- (A) assume all overhead costs involved in offering the course;
- (B) comply with the Board's rules regarding sanitation, sterilization, and infection control set out in 21 NCAC 16J, the applicable guidelines of the Radiation Protection Section, and the OSHA guidelines and standards related to dentistry, which are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at www.osha.gov/dentistry/standards;
- (C) provide access to a room large enough to accommodate the number of participants for lecture purposes;
- (D) have the number of x-ray machines necessary based on the course curriculum and enrollment to ensure there are no more than two students per machine; and
- (E) have facilities for digital radiography.
- (6) The didactic and laboratory portions of the course shall be taught by:
- (A) an instructor of dental radiography at an institution accredited by the Commission on Dental Accreditation ("CODA"), a list of which is available at no cost at www.ada.org/coda and is incorporated by reference, including subsequent amendments and editions; or

(B) an instructor who has successfully completed a Board-approved radiology instructor course set forth in 21 NCAC [16H.0106] 16H. 0106 ~~an instructor who has received a certification to teach dental radiography from a CODA accredited institution,~~ and has completed three hours of continuing education in the area of radiology every other year. The continuing education courses shall be offered by Board-approved continuing education course sponsors as set out in 21 NCAC 16I .0202 or 21 NCAC 16R .0202.

(7) The course sponsor shall provide students with all supplies.

(8) Course advertising shall comply with the Board's rules regarding advertisement of dental services set out in 21 NCAC 16P.

(c) A course sponsor seeking Board recognition of a dental radiology course shall submit to the Board office:

(1) the course outline, syllabus, and handouts;

(2) slides and other lecture materials;

(3) examinations and grading criteria; and

(4) the name, resume, and verification of credentials satisfying Subparagraph (b)(6) of this Rule for all course instructors.

(d) After the course sponsor submits all the information and documents required by Paragraph (c) of this Rule, the course will be reviewed by the Board for compliance with this Rule at the next scheduled Board meeting. The Board may delay reviewing a course until a later meeting if the Board's workload makes the review impracticable. If the Board delays reviewing a course, it shall notify the course sponsor. A course shall be recognized by a majority vote of the Board. A list of recognized courses is available on the Board's website at www.ncdentalboard.org.

(e) Upon receipt of evidence that a previously recognized course is not in compliance with this Rule, the Board will notify the course sponsor in writing of each item of noncompliance. Within 30 days from the date of the notice of noncompliance, the course sponsor shall provide a written response to the Board office which shall respond to each item of noncompliance. The response shall provide documentation of corrections made, and shall show each item is in compliance with this Rule. If the course sponsor fails to respond or correct noncompliance, the Board's recognition of the course shall be withdrawn. As of the date recognition is withdrawn, the course and its examination shall not satisfy the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

History Note: Authority G.S. 90-29(c)(12); 90-48;

Eff. July 1, ~~2023-2023~~;

Amended Eff. August 1, 2026.

21 NCAC 16H .0106 is adopted with changes as published in 40:18 NCR 1487 as follows:

21 NCAC 16H .0106 DENTAL RADIOLOGY INSTRUCTOR COURSE REQUIREMENTS

(a) All instructors of a dental radiology course shall successfully complete a Board-approved instructor's course that covers the following topics:

- (1) foundational concepts of teaching including developing a syllabus, establishing course objectives, adjusting to different learning styles, and developing grading criteria;
- (2) a review of basic radiography, including:
 - (A) radiation history and physics;
 - (B) radiography techniques;
 - (C) radiography errors;
 - (D) radiography equipment, including hand-held devices;
 - (E) patient protection; and
 - (F) anatomy;
- (3) a review of sanitation, sterilization, and infection control standards and techniques, including the Rules in Subchapter 16J;
- (4) guidance on educational activities designed for the laboratory portion of the dental radiography course including demonstrations of shadow casting, paralleling technique, patient shielding and safe operator distancing; evaluation of occupational dose limits, and labeling diagrams of radiography equipment;
- (5) administration of written examinations to students;
- (6) examination of students' clinical skills in the laboratory including:
 - (A) evaluation and correction of student errors in radiographs;
 - (B) explanation of the physics and geometry of bisecting and paralleling techniques; and
 - (C) demonstration and explanation to students of inaccuracies in angulation;
- (7) a review of the requirements set forth in the following:
 - (A) 21 NCAC ~~16H.0105~~ 16H.0105 of this Section;
 - (B) 10A NCAC 15;
 - (C) The Radiation Protection Guide for medical, ~~dental~~ dental, and veterinary arts published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/healartsprog.pdf>;
 - (D) The Hand-Held Dental X-Ray Guide published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/handhelddentgud.pdf>; and

(E) Entrance Skin Exposure Facts - Dental published by the Radiation Protection Section of the Division of Health Services of the North Carolina Department of Health and Human Services available at no cost at <https://radiation.ncdhhs.gov/xray/documents/eseguide.pdf>

(b) The instructor course may apply toward fulfillment of the continuing education requirements, including the requirements of 21 NCAC ~~16H.0105(b)(6)(B)~~, 16H. 0105(b)(6)(B), and all existing dental radiology instructors must successfully complete the instructor course on or before December 31, 2028.

(c) Beginning on January 1, 2029, all instructors must complete a Board-approved instructor's course before teaching a dental radiology course.

History Note: Authority G.S. 90-29(c)(12); 90-48;
Eff. August 1, 2026.

21 NCAC 16U .0204 is amended with changes as published in 40:18 NCR 1484-85 as follows:

21 NCAC 16U .0204 SETTLEMENT CONFERENCES

(a) A settlement conference shall not be conducted unless the Respondent agrees to participate and to waive any objection to the Board members being ~~exposed to~~ provided a forecast of the evidence.

(b) A settlement conference shall be conducted before the Board or a panel of the Board appointed by the President. At the settlement conference, ~~a Board investigator~~ the Board's investigative panel shall summarize the ~~circumstances~~ information obtained during the course of the investigation and present a forecast of the Board's evidence. The Respondent shall have an opportunity to forecast his or her evidence. ~~Forecasts of the evidence may be presented orally or in writing and exhibits may be presented. Witnesses may forecast their own testimony but shall not be sworn nor cross-examined.~~ The settlement conference shall not be recorded nor open to the public. ~~The allowed time for initial presentations shall be agreed upon by counsel ten days prior to the conference, subject to approval by the presiding Board member.~~

(c) If the Board ~~deems~~ determines that sanctions, discipline, or other action is ~~are appropriate~~ necessary, a Consent Order or ~~letter of reprimand~~ other written disposition shall be prepared and proposed to Respondent. ~~Should~~ If the Respondent rejects the ~~terms of the proposed~~ Consent Order or other disposition, ~~letter of reprimand~~, a contested case hearing ~~may~~ shall be scheduled.

History Note: Authority G.S. 90-28; 90-41; 90-41.1; 90-48; 90-223; 90-229; 90-231; 150B-41;

Eff. October 1, 1996;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018- 2018;

Amended Eff. August 1, 2026.

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;~~;~~and”
 - Right: “~~day,~~ day; and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16B .0501

DEADLINE FOR RECEIPT: July 13, 2026.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

*In (a)(1), line 7, are all the contents of the “application form” listed in “Rule .0301(a) of this Subchapter?” All the required information on the application must be included in rule or statute. **Yes.***

*Line 10, add “(10)” to the end of the cited Rule. **We have made this change.***

*In (3)(B), lines 11-13, the language stricken through was included in the Register. Why was this language removed after publication? Will hours completed in postgraduate training, residency programs, and internships now count towards the 5,000 hours? Why does this not constitute a substantial change under G.S. 150B-21.2(g)? **The Board received an inquiry about the application of the proposed rule. When the Board examined the inquiry and the proposed rule, it saw an opportunity to restructure the language and enhance clarity.***

The rule, as originally published, began with an exclusion of clinical hours that were performed in an educational setting, but then created a rather large exception for hours performed in an advanced dental education program as set forth in 90-36(b1)(2) (CODA-certified and Board-approved program). Following publication, the Board determined that it wanted to flip the structure so that the original exception would be converted into a clear, positive statement as to when clinical hours performed in an educational setting can count toward the 5000-hour requirement.

There has been no substantive change from the rule that was published pursuant to the criteria in 150B-21.2(g). Hours of clinical care that are provided as part of a program that is not an advanced dental education program meeting the requirements of 90-36(b1)(2) would still not count toward the 5000-hour requirement. The application of the revised rule has the same effect as the

Travis C. Wiggs
Commission Counsel
Submitted on June 26, 2026

application of the published rule. The same persons would be affected and the subject matter addressed is the same under the revised rule as with the published version.

What is considered an “advanced dental education program?” Is this phrase defined or the specific programs listed somewhere? This term comes from G.S. 90-26(b1)(2), and it generally refers to higher education postdoctoral training programs that follow a general dentistry degree program to specialize or gain advanced clinical experience. Persons applying for licensure by credentials pursuant to this statute must have performed the clinical care in an advanced dental education program that is both CODA-certified and Board approved. This term is generally known to regulated persons and specifically to the individuals who would be applying pursuant to this section.

Page 2, (g), line 27, who will determine if the license is obtained “through fraud or false representation?” Would this finding be made by the Board after a disciplinary process? If so, add “as determined by the Board” after “representation”. We have added “as determined by the Board,” per your suggestion.

Line 29, add G.S. 90-48 to the History Note as authority for this Rule. We have made the change.

Line 36, add the desired effective date for each rule. We have made the change.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16H .0105

DEADLINE FOR RECEIPT: July 13, 2026.

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 email the reviewing attorney to inquire concerning the staff recommendation.

Travis C. Wiggs
Commission Counsel
Submitted on June 26, 2026

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

*Page 2., line 13, capitalize “rule”. **We have made the change.***

*Page 3., line 2, add a space between “16H” and “.0106”. **We have made the change.***

*Line 31, add the desired effective date for each rule. **We have made the change.***

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16H .0106

DEADLINE FOR RECEIPT: July 13, 2026.

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 email the reviewing attorney to inquire concerning the staff recommendation.

Travis C. Wiggs
Commission Counsel
Submitted on June 26, 2026

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

Line 28, add a space between “16H” and “.0105”. We have made the change.

Line 30, add a comma after “dental”. We have made the change.

Page 2., line 5, add a space between “16H” and “.0105”. We have made the change.

Line 11, add the desired effective date for each rule. We have made the change.

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

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16U .0204

DEADLINE FOR RECEIPT: July 13, 2026.

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 email the reviewing attorney to inquire concerning the staff recommendation.

Travis C. Wiggs
Commission Counsel
Submitted on June 26, 2026

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

*Line 23, add the desired effective date for each rule. **We have made the change.***

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

Travis C. Wiggs
Commission Counsel
Submitted on June 26, 2026

Burgos, Alexander N

From: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Sent: Monday, July 6, 2026 12:05 PM
To: Wiggs, Travis C
Cc: Burgos, Alexander N; File
Subject: RE: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Can I call you around 1pm? Should I call the 984 number below?

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, July 6, 2026 9:59 AM
To: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; File <file@brockerlawfirm.com>
Subject: Re: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

Hey Whitney,

Yes, I have time. What time works for you?

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Sent: Monday, July 6, 2026 11:28 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; File <file@brockerlawfirm.com>
Subject: RE: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Travis, I hope you had a nice 4th. Let me know if you have time for a quick call today.

Thank you,

Whitney

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Tuesday, June 30, 2026 7:09 PM
To: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; File <file@brockerlawfirm.com>
Subject: Re: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

Hi Whitney,

I'm away from the office on leave this week but periodically responding to some emails, etc. Can we chat on Monday, the 6th?

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Sent: Monday, June 29, 2026 10:58 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; File <file@brockerlawfirm.com>
Subject: [External] RE: Board of Dental Examiners-RRC Request for Changes-July 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Travis,

Thank you very much. I have one quick question for clarification—do you have time for a call sometime this week? It should not take long at all.

Thank you,

Whitney

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, June 26, 2026 12:08 PM
To: Whitney Waldenberg <Whitney@brockerlawfirm.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Board of Dental Examiners-RRC Request for Changes-July 2026

Good afternoon,

I'm the attorney who reviewed the rules submitted by the Board of Dental Examiners for the July 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, July 30, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to

the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on July 13, 2026. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.