

**NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS ORDER
WAIVING HUMAN SUBJECT REQUIREMENT AND ACCEPTING MANIKIN
CLINICAL EXAMINATION DURING STATE OF EMERGENCY**

WHEREAS, COVID-19 is an infectious disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can be spread from person-to-person; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19; and

WHEREAS, on March 10, 2020, in Executive Order No. 116, North Carolina Governor Roy Cooper declared a state of emergency for the entire state of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, as of May 13, 2020, the North Carolina Department of Health and Human Services reported over 15,000 laboratory confirmed cases and 597 deaths resulting from the COVID-19 pandemic spanning 99 of 100 counties in North Carolina; and

WHEREAS, the North Carolina State Board of Dental Examiners (Board) is an agency of the State of North Carolina organized under Chapter 90 of the North Carolina General Statutes and is charged with the responsibility for licensing dentists and dental hygienists to practice in North Carolina and regulating such practice in the interests of the public health, safety, and welfare of the citizens of the State; and

WHEREAS, agencies approved by the Board to administer clinical examinations required for licensure of both dentists and dental hygienists have suspended administration temporarily as a result of the COVID-19 pandemic; and

WHEREAS, the North Carolina Dental Practice Act (DPA) requires that an applicant for dental licensure pass a clinical licensing examination through standards determined by the Board to assess the applicant's proficiency in the knowledge and practice of dentistry; and

WHEREAS, the DPA further provides that the Board is authorized to accept the results of Board-approved "clinical examinations that shall include procedures performed on human subjects as part of the assessment of restorative clinical competencies and that are determined by the Board to be of such character as to thoroughly test the qualifications of the applicant," N.C. Gen. Stat. § 90-30(a); and

WHEREAS, Board Rule 21 NCAC 16B .0303 requires that all applicants for dental licensure achieve passing scores on clinical examinations administered by a Board-approved testing agency, and further provides that to qualify as a Board-approved testing agency, the clinical exam administered by the testing agency must “include procedures performed on human subjects as part of the assessment of restorative clinical competencies,” among other requirements; and

WHEREAS, the Board has received inquiries from dental schools, applicants, and others requesting that, during the pandemic and state of emergency, the Board accept clinical examinations that are not performed on human subjects; and

WHEREAS, in determining proficiency in the knowledge and practice of dentistry as required by the DPA, it is essential that the Board assess each applicant’s clinical hand skills in a manner that accurately reflects his or her ability to perform clinical procedures on patients; and

WHEREAS, the Board has approved the Council of Interstate Testing Agencies (CITA) and the Commission on Dental Competency Assessments (CDCA) to administer the clinical examination provided by the American Board of Dental Examiners, Inc. (ADEX); and

WHEREAS, by letter dated April 29, 2020, ADEX informed the Board that ADEX had evaluated and approved a new manikin examination using the CompeDont™ tooth to satisfy the restorative procedures component of its clinical examinations; and

WHEREAS, ADEX reported that the CompeDont™ tooth allowed administration of the ADEX clinical examination and all restorative criteria evaluated, just as with a human subject patient, unlike other typodont teeth being utilized in other clinical examinations; and

WHEREAS, ADEX informed the Board that after reviewing the results of its research study, its member dental boards voted to allow the restorative procedures in its clinical examination process to be completed either on a live human subject patient or utilizing the CompeDont™ tooth; and

WHEREAS, utilizing the CompeDont™ tooth to complete the restorative portion of the clinical examination during the state of emergency would not require use of personal protective equipment (PPE) nor result in producing potentially infectious aerosol during the examinations, thereby reducing the risks of infection and preserving PPE for other essential uses during the COVID-19 pandemic; and

WHEREAS, on May 4, 2020, Governor Cooper signed into law Session Law 2020-3 Senate Bill 704 (COVID-19 Relief Act); and

WHEREAS, the COVID-19 Relief Act included a new provision of the DPA authorizing the Board to waive requirements under the DPA to permit the provision of dental and dental hygiene services to the public during a state of emergency, N.C. Gen. Stat. § 90-28.5, Disasters and Emergencies; and

WHEREAS, the COVID-19 Relief Act also included Section 4.38 that authorizes and encourages state agencies, such as the Board, to modify examination requirements implemented pursuant to its statutes if the agency determines that doing so is in the public interest due to the impacts of the coronavirus, including protecting the public health, safety, and welfare of the citizens of North Carolina.

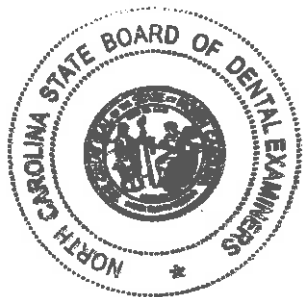
NOW, THEREFORE, it is **ORDERED** that:

In the public interest due to the impacts of the coronavirus and as authorized by the above provisions of the recently enacted COVID-19 Relief Act, the Board modifies its examinations requirements and waives the human subject requirement in the DPA and its regulations to the following limited extent:

1. The Board temporarily will accept the administration of the ADEX clinical examination utilizing the CompeDont™ tooth to satisfy the restorative procedures component of its clinical examinations, in addition to accepting administration of the examination using human subjects.
2. The Board's acceptance of the CompeDont™ tooth administration shall remain in effect during the declared state of emergency in North Carolina, unless the Board enters a subsequent order determining that such acceptance is no longer necessary to protect the public health, safety, and welfare of the citizens of North Carolina.

This the 13th day of May 2020

North Carolina State Board of Dental Examiners



Merlin W. Young DDS

By: _____

Merlin W. Young, DDS