NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS ORDER WAIVING HUMAN SUBJECT REQUIREMENT AND ACCEPTING TYPODONT PERIODONTAL SCALING PROCEDURES COMPONENT FOR 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 June 17, 2020, the North Carolina Department of Health and Human Services reported 46,855 laboratory confirmed cases, 667,422 completed tests, and 846 patients currently hospitalized with COVID-19 spanning all 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 or delayed administration of examinations 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 North Carolina Dental Hygiene Act (DHA) requires that an applicant for dental hygiene licensure pass a clinical licensing examination through standards determined by the Board to assess the applicant’s proficiency in the knowledge and practice of dental hygiene; 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 examination administered by the testing agency must "include evaluations in clinical periodontics," among other requirements.

WHEREAS, Board Rule 21 NCAC 16C .0303 requires that all applicants for dental hygiene 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 clinical competencies," among other requirements; and

WHEREAS, the Board has received inquiries from dental and dental hygiene 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 and dental hygiene as required by the DPA and DHA, 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) for both dental and dental hygiene licensure applicants; and

WHEREAS, ADEX announced that it had evaluated and approved the use and offering of a selected typodont as an option in the periodontal scaling procedures component for both dental and dental hygiene clinical licensure examinations; and

WHEREAS, the evaluation performed for ADEX on the selected typodont concluded: “The collection of evidence supports use of this typodont in ADEX examination exercises for jurisdictions that may want to offer both a psychomotor performance examination and a fully nonpatient licensure pathway. Notwithstanding this conclusion, the data also suggest that a patient-based demonstration of clinical skills remains a superior comparative option.”

WHEREAS, after reviewing the results of the evaluation, ADEX member dental boards voted to allow the periodontal scaling procedures component of its clinical licensure examination process to be completed either on a live human subject patient or utilizing the approved typodont for both the dental and dental hygiene clinical licensure examination; and
WHEREAS, utilizing the typodont 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 and DHA 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 any human subject requirement in its statutes and regulations to the following limited extent:

1. The Board temporarily will accept the administration of the ADEX clinical examination utilizing the approved typodont to satisfy the periodontal scaling procedures component for both dental and dental hygiene applicants, in addition to accepting administration of the examination using human subjects for that component.

2. The Board’s acceptance of the typodont 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.

3. By temporarily accepting the typodont administration for periodontal scaling procedures component and previously accepting the CompeDont™ for restorative procedures, the Board will accept administration of clinical licensure examinations for both dental and dental hygiene applicants without any human subject, during the declared state of emergency.
4. After the declared state of emergency ends, the Board will resume only accepting the periodontal scaling procedures component administered on a human subject for both the dental and dental hygiene clinical licensure examinations, as the superior examination administration to assess accurately an applicant’s ability to perform clinical procedures on patients.

This the 19 day of June 2020

North Carolina State Board of Dental Examiners

By: ____________________________
Merlin W. Young, DDS