# NOTICE OF TEXT
## [Authority G.S. 150B-21.2(c)]

**OAH USE ONLY**

**VOLUME:**

**ISSUE:**

**CHECK APPROPRIATE BOX:**

[X] **Notice with a scheduled hearing**

[ ] **Notice without a scheduled hearing**

[ ] **Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.**
**Previous publication of text was published in Volume: Issue:**

**1. Rule-Making Agency:** Board of Dental Examiners

**2. Link to agency website pursuant to G.S. 150B-19.1(c):** www.ncdentalboard.org

**3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:**

[X] **ADOPTION:** 21 NCAC 16F .0111; 16V .0103

[X] **AMENDMENT:** 21 NCAC 16A .0101

[ ] **REPEAL:**

[ ] **READOPTION with substantive changes:**

[ ] **READOPTION without substantive changes:**

[ ] **REPEAL through READOPTION:**

**4. Proposed effective date:** 09/01/2025

**5. Is a public hearing planned?** Yes

**If yes:**

| Date | Time | Location |
|---|---|---|
| 06/19/2025 | 6:30 pm | 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560 |

**6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:**

**7. Explain Reason For Proposed Rule(s):**

21 NCAC 16A .0101 is proposed for amendment to add the definitions of "responsible dentist manager" and "good standing."
21 NCAC 16F .0111 is proposed for adoption to address the administrative aspect of designating the responsible dentist manager.
21 NCAC 16V .0103 is proposed for adoption to make clear the circumstances in which a dentist commits unprofessional conduct in his or her role as supervisor, practice owner or responsible dentist manager.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Bobby White
Address: 2000 Perimeter Park Drive, Suite 160
Morrisville, NC 27560
Phone (optional):
Fax (optional):
EMail (optional)

**10. Comment Period Ends:** 06/30/2025

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Whitney S. Waldenberg
919-610-0573
whitney@brockerlawfirm.com

**Agency contact, if any:**

Name:
Phone:
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 03/14/2025

21 NCAC 16A .0101 is proposed for amendment as follows:

## CHAPTER 16 – BOARD OF DENTAL EXAMINERS

## SUBCHAPTER 16A – ORGANIZATION

### 21 NCAC 16A .0101 DEFINITIONS

As used in this Chapter:

(1) "Applicant" means a person applying for any license or permit issued by the Board.

(2) "Board" means the North Carolina State Board of Dental Examiners.

(3) "Current license" means a license that is renewed by the licensing board.

(4) "CPR certification" means the licensee has completed a CPR course that meets American Red Cross or American Heart Association standards for certification and that provides manikin testing of cardiopulmonary resuscitation. The course shall also cover the use of an automatic external defibrillator, unconscious and conscious choking, and rescue breathing. The manikin testing shall be provided by an instructor who is present in the training room with the students.

(5) "Internship" means practice in an educational training program. Internship does not mean practice under an intern permit while holding an unrestricted general dental or dental specialty license issued by a state, U.S. territory, or the District of Columbia.

(6) "Secure electronic transmission" means an electronic method of communication that ensures that completeness, integrity, and confidentiality of information are maintained during transmission.

(7) "Unrestricted license" means a license that is not under suspension or inactivation, or subject to the terms of a consent order or other disciplinary action imposed by the jurisdiction that issued the license, or limited by supervision or location requirements.

(8) Except where otherwise defined by these Rules or by statute, "supervision," "direct supervision," and "supervision and direction" means that the dentist overseeing treatment is present in the same facility or location and available during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval and that the dentist shall examine and evaluate the results of such acts.

(9) Except where otherwise defined by these Rules or by statute, "direction" or "under direction" means that the dentist ordering treatment does not have to be present in the same facility or location during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval, but that dentist shall be responsible for all consequences or results arising from such acts.

(10) "Responsible dentist manager" means a North Carolina licensed dentist designated by a professional corporation pursuant to 16F .0111 to oversee the provision of dental services at a specific dental facility and compliance with the Dental Practice Act, Dental Hygiene Act, and the Board's rules at the facility.

(11) "Good standing" means that the licensee's license is not suspended, revoked, or subject to a disciplinary order with probationary terms.

*History Note:* *Authority G.S. 90-28; 90-29(a); 90-29.3; 90-29.4; 90-29.5; 90-30; 90-41; 90-48; 90-224; 90-224.1; 90-226;*
*Eff. September 3, 1976;*
*Readopted Eff. September 26, 1977;*
*Amended Eff. May 1, 1991; May 1, 1989; September 1, 1988; October 1, 1986;*
*Temporary Amendment Eff. January 1, 2003;*
*Amended Eff. May 1, 2011; January 1, 2004;*
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;*
*Amended Eff. August 1, 2024; October 1, ~~2019.~~ 2019; _____.*

21 NCAC 16F .0111 is proposed for adoption as follows:

**21 NCAC 16F .0111 DESIGNATION OF RESPONSIBLE DENTIST MANAGER**

With the application made pursuant to 16F .0104 or 16F .0105, the professional entity may elect to designate a responsible dentist manager, as defined in 16A .0101, for each of the professional entity's facilities. The responsible dentist manager for a facility shall sign or electronically submit the designation to be effective. If a professional entity does not designate a responsible dentist manager or does not update its designation if a responsible dentist manager leaves the practice, each owner of the professional entity operating the facility shall be responsible for overseeing the provision of dental services at the facility and compliance with the Dental Practice Act, Dental Hygiene Act, and the Board's rules at the facility, including implementation of policies, procedures, and corrective measures to prevent violations.

*History Note:* *Authority G.S. 55B-10; 57D-2-01; 57D-2-02; 90-48;*
*Eff.*

21 NCAC 16V .0103 is proposed for adoption as follows:

**21 NCAC 16V .0103 UNPROFESSIONAL CONDUCT BY A DENTIST, PRACTICE OWNER, OR RESPONSIBLE DENTIST MANAGER**

Unprofessional conduct as set out in G.S. 90-41(a)(26) by a dentist, practice owner, or responsible dentist manager shall include the following:

(1) A dentist commits unprofessional conduct if:

(a) another dentist, dental hygienist, dental assistant, or other personnel providing services within the same practice commits a violation of the Dental Practice Act, Dental Hygiene Act, or the Board's Rules; and

(b) the dentist:

(i) directed the conduct resulting in the violation;

(ii) ratified the violation by express or implied consent or approval; or

(iii) knew or should have known of the violation committed by someone required to be under the dentist's supervision or direction and permitted it to occur on a reoccurring basis or following a previous similar violation.

(2) An owner of a dental practice or professional entity commits unprofessional conduct if reoccurring violations under subsection (1)(a) occur at a facility, unless there had been a designation of a responsible dentist manager for the facility prior to the violations. An owner does not commit unprofessional conduct if written policies designed to prevent the reoccurrence of violations had been implemented at the facility, but the policies were violated.

(3) A responsible dentist manager commits unprofessional conduct if reoccurring violations under subsection (1)(a) occur at the facility. A responsible dentist manager does not commit unprofessional conduct if written policies designed to prevent the reoccurrence of violations had been implemented at the facility, but the policies were violated.

*History Note:* *Authority G.S. 90-41;90-48;*
*Eff.*