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 16G .0110-.0111; 16H .0209
- [X] **AMENDMENT:** 21 NCAC 16G .0101; 16H .0104
- [ ] **REPEAL:**
- [ ] **READOPTION with substantive changes:**
- [ ] **READOPTION without substantive changes:**
- [ ] **REPEAL through READOPTION:**

4. Proposed effective date: 10/01/2026

5. Is a public hearing planned? Yes

If yes:

Date	Time	Location
08/13/2026	6:00 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):

The purpose of the proposed new rules and amendments to existing rules is to set forth the training requirements for dental hygienists to monitor administration of nitrous oxide, and to create an additional pathway for dental hygienists to be able to initiate and administer nitrous oxide if they complete additional training. The rules also seek to set forth the nitrous monitoring provisions applicable to dental assistants in subchapter H with the other provisions relating to dental assistants. The other changes are aimed at ensuring that the rules will be consistent with each other.

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: 08/14/2026

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
919-415-2357
whitney@brockerlawfirm.com

Agency contact, if any:

Name:
Phone:
Email:

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

Date: 04/17/2026

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

SUBCHAPTER 16G - DENTAL HYGIENISTS

SECTION .0100 - FUNCTIONS THAT MAY BE DELEGATED

21 NCAC 16G .0101 FUNCTIONS THAT MAY BE DELEGATED

A dental hygienist may be delegated functions to be performed under the control and supervision of a dentist who shall be responsible for any and all consequences or results arising from performance of such acts and functions. In addition to the functions set out in G.S. 90-221(a) and 21 NCAC 16H .0203, functions that may be delegated to a dental hygienist provided that the dentist first examined the patient and prescribed the procedure include:

(1) performing periodontal screening;

(2) performing periodontal probing;

(3) performing subgingival exploration for or removal of hard or soft deposits;

(4) performing sulcular irrigation;

(5) applying resorbable sulcular antimicrobial or antibiotic agents;

(6) using ultrasonic scalers for prophylaxis;

(7) performing scaling and root planning;

(8) applying oral cancer screening products in preparation for the dentist's examination and diagnosis of oral cancer;

(9) using laser fluorescence detectors in preparation for the dentist's examination and diagnosis of cavities;

(10) applying resin infiltration treatment for incipient smooth surface lesions, following the dentist's diagnosis that the lesion is non-penetrable; ~~or~~

(11) applying silver diamine ~~fluoride.~~fluoride;

(12) monitoring nitrous oxide subject to the requirements of 21 NCAC 16G. 0110; or

(13) initiating and administering nitrous oxide subject to the requirements of 21 NCAC 16G. 0111.

History Note: *Authority 90-29(c)(7); 90-29(c)(13); ~~90-41;~~ 90-48; 90-221; 90-223(b); 90-233;*
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 2017; August 1, 2016; April 1, 2015; August 1, 2008; August 1, 2000; May 1, 1989; October 1, 1985; March 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. _____; April 1, 2018.

21 NCAC 16G .0110 is proposed for adoption as follows:

21 NCAC 16G .0110 EDUCATIONAL REQUIREMENTS FOR DENTAL HYGIENIST MONITORING NITROUS OXIDE

(a) A dental hygienist may aid and assist a licensed dentist in the monitoring of nitrous oxide-oxygen inhalant sedation under the control and supervision of a dentist by completing a Board-approved course totaling at least seven hours that covers the following topics:

(1) definitions and descriptions of physiological and psychological aspects of pain and anxiety;

(2) the states of drug-induced central nervous system depression through all levels of consciousness and unconsciousness, with emphasis on the distinction between the conscious and unconscious state;

(3) respiratory and circulatory physiology, and related anatomy;

(4) pharmacology of agents used in the nitrous oxide techniques being taught, including drug interaction and incompatibility;

(5) patient monitoring, with particular attention to vital signs and reflexes related to consciousness;

(6) prevention, recognition, and management of complications and life-threatening situations that may occur during the use of the nitrous oxide techniques, including cardiopulmonary resuscitation;

(7) description and use of ventilation sedation equipment; and

(8) potential health hazards of trace anesthetics, and proposed techniques for elimination of these potential health hazards.

(b) Courses approved to satisfy the educational requirements of this Rule shall be provided and taught by:

(1) an instructor who is a dentist holding an unrestricted license as defined by 21 NCAC 16A .0101(7);

(2) an instructor licensed pursuant to 21 NCAC 16B .0701; or

(3) a dental hygienist or dental assistant under the direction of an instructor who satisfies the requirements of Subparagraph (b)(1) or (b)(2) of this Rule, who shall be physically present and administer nitrous oxide if it is administered in the course.

(c) Courses shall be reviewed at any Board meeting and approved by a majority of the Board to satisfy the educational requirements of this Rule. A list of approved courses is available on the Board's website at www.ncdentalboard.org.

(d) "Monitoring" for purposes of nitrous oxide monitoring only means observation of the patient during the flow of nitrous oxide and includes reducing the flow of nitrous oxide or shutting off equipment controlling such flow. "Monitoring" does not include initiating or increasing the flow of nitrous oxide.

History Note: *Authority 90-29(c)(7); 90-29(c)(13); 90-223(b); 90-233;*
Eff. _____.

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

21 NCAC 16G .0111 DENTAL HYGIENIST CERTIFICATION TO ADMINISTER NITROUS OXIDE

(a) In addition to aiding and assisting the dentist in monitoring of nitrous oxide-oxygen inhalant sedation, a dental hygienist may obtain a certification to administer nitrous oxide and initiate the flow of nitrous oxide under the control and supervision of a dentist. A dental hygienist shall not initiate or administer nitrous oxide to a patient without first obtaining a nitrous oxide administration certification.

(b) To obtain a nitrous oxide administration certification, the dental hygienist must be in good standing and, in addition to successfully completing the course set forth in 21 NCAC 16G .0110, must also successfully complete a Board-approved course that includes at least seven hours of didactic instruction and four hours of clinical instruction, and covers the following topics:

(1) pharmacology and physiology;

(2) patient selection and contraindications for administration of nitrous oxide;

(3) sequence of administration and titration of nitrous oxide;

(4) documentation of patient selection and the administration of nitrous oxide;

(5) emergency management; and

(6) legal and ethical considerations in the administration of nitrous oxide.

(c) The instructor of the Board-approved course set forth in Paragraph (b) of this Rule shall issue the nitrous oxide administration course completion certification to the dental hygienist that successfully completes such course. The hygienist shall maintain a certification of completion, a copy of which shall be provided to each dentist that supervises the hygienist's initiation and administration of nitrous oxide. Nothing in this Rule shall restrict the Board's authority to restrict a dental hygienist from initiating or administering nitrous oxide after certification is obtained.

(d) Courses approved to satisfy the educational requirements of Paragraph (b) of this Rule shall be provided by an institution accredited by the Commission on Dental Accreditation or otherwise approved by the Board, and the clinical portion of such courses shall not exceed a faculty-to-student ratio 1:5. The courses shall be taught by:

(1) an instructor who is a dentist holding an unrestricted license as defined by 21 NCAC 16A .0101(7); or

(2) an instructor licensed pursuant to 21 NCAC 16B .0701.

(e) Courses shall be reviewed at any Board meeting and approved by a majority of the Board to satisfy the educational and instructor requirements of this Rule. A list of approved courses is available on the Board's website at www.ncdentalboard.org.

(f) Nothing in this rule shall limit the ability of a lawfully qualified nurse or certified nurse anesthetist to administer nitrous oxide under the supervision and direction of a dentist.

History Note: *Authority G.S. 90-29(c)(7); 90-29(c)(13); 90-223(b); 90-233;*

Eff. _____.

21 NCAC 16H .0104 is proposed for amendment as follows:

21 NCAC 16H .0104 APPROVED EDUCATION AND TRAINING PROGRAMS

(a) To be classified as a Dental Assistant II, an assistant shall have and maintain an unexpired CPR certification and shall complete:

(1) a dental assisting program accredited by the Commission on Dental Accreditation ("CODA"), a list of which is available at no cost at coda.ada.org/find-a-program/search-dental-programs and is incorporated by reference, including subsequent amendments and editions;

(2) one complete school year or longer in a CODA-accredited dental hygiene program;

(3) a dental assisting program offered through a branch of the ~~U.S. armed forces~~ United States Armed Forces at the Medical Education & Training Campus that includes a clinical rotation providing dental assisting for live patients;

(4) the Certified Dental Assistant certification examinations administered by the Dental Assisting National Board ("DANB") with a passing score as set by DANB; or

(5) the following:

(A) employment as a Dental Assistant I for two years of the preceding five, consisting of at least 3,000 hours total; and

(B) a 3-hour course in sterilization and infection control, and a 3-hour course in dental office emergencies. The courses shall be offered by Board-approved course sponsors as set out in 21 NCAC 16I .0202.

(b) A Dental Assistant I who has completed the requirements of Part (a)(5)(B) of this ~~Rule~~ Rule, but not completed the employment hours required pursuant to Part ~~(a)(5)(A)~~ (a)(5)(A), may be trained by a licensed dentist and allowed to perform the functions of a Dental Assistant II, as specified in Rule .0203 of this Subchapter, under the direct control and supervision of a licensed dentist.

(c) A Dental Assistant I who is acting pursuant to paragraph (b) of this Rule is permitted to aid and assist a licensed dentist in the monitoring of nitrous oxide-oxygen inhalant sedation subject to the requirements set forth in 21 NCAC16H .0209, and is permitted to perform coronal polishing if the Dental Assistant I has met the requirements of 21 NCAC 16H .0203.

~~(c)~~(d) For purposes of this Rule, an unexpired CPR certification is one that is in effect and valid at the time of classification as a Dental Assistant ~~II~~ II, and remains so at all times while employed as a Dental Assistant II or while performing any of the permitted functions under Rule .0203 of this Subchapter.

~~(d)~~(e) A dental assistant shall not take radiographs before completing radiology training consistent with G.S. 90-29(c)(12).

History Note: *Authority G.S. 90-29(c)(9); 90-29(c)(13); 90-48;*
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;

Amended Eff. August 1, 2016; April 1, 2015; August 1, 2000; November 1, 1996; January 1, 1994; September 1, 1998; May 1, 1989; October 1, 1986.

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

Amended Eff. _____; August 1, 2024; September 1, 2020.

21 NCAC 16H .0209 is proposed for adoption as follows:

21 NCAC 16H .0209 EDUCATIONAL REQUIREMENTS FOR DENTAL ASSISTANT MONITORING NITROUS OXIDE

A Dental Assistant may aid and assist a licensed dentist in the monitoring of nitrous oxide-oxygen inhalant sedation by successfully completing the same course for dental hygienists set forth in 21 NCAC 16G. 0110 and subject to the same requirements set forth in 21 NCAC 16G .0110 for dental hygienists. The requirements apply to Dental Assistants II and those Dental Assistants I who are acting pursuant to 21 NCAC 16H .0104(c). Dental Assistants are not eligible to obtain nitrous oxide administration certification and shall not initiate, administer, or increase the flow of nitrous oxide to any patient.

History Note: *Authority G.S. 90-29(c)(9); 90-29(c)(13);*
Eff. _____.