



## NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

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](http://www.ncdentalboard.org)

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

ADOPTION:

AMENDMENT: [21 NCAC 16U .0103](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [03/01/2022](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">11/11/2021</a>	<a href="#">6:30 pm</a>	<a href="#">2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560</a>

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 16U .0103 is proposed for amendment to establish specific criteria by which the North Carolina Department of Health and Human Services may provide reports to the Dental Board from the Controlled Substance Reporting System.

**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: 12/14/2021**

**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: Dauna L. Bartley  
919-283-1390  
dauna@brockerlawfirm.com

**Agency contact, if any:**

Name:  
Phone:  
Email:

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

**Date: 09/10/2021**

1 21 NCAC 16U .0103 is proposed for amendment as follows:

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**21 NCAC 16U .0103      REPORTS FROM THE CONTROLLED SUBSTANCES REPORTING SYSTEM**

~~(a) The Department of Health and Human Services (DHHS) may submit a report to the North Carolina State Board of Dental Examiners if it receives information that DHHS believes provides a basis to investigate whether a dentist has issued prescriptions for controlled substances in a manner that may violate laws governing the prescribing of controlled substances or the practice of dentistry, regarding the prescribing practices of those dentists who have issued:~~

- ~~(1) at least 10 prescriptions for an opioid with at least 75 morphine milligram equivalents per day;~~
- ~~(2) a benzodiazepine and an opioid to at least five patients where the patient's prescriptions overlap for at least two days; or~~
- ~~(3) at least five atypical prescriptions, which is defined as either:
  - ~~(A) medications classified as a stimulant, muscle relaxant, or hypnotic; or~~
  - ~~(B) at least 120 doses of an opioid or benzodiazepine.~~~~

~~(b) DHHS may report to the Board information regarding dentists who have had a patient death in the 12 months preceding the report due to opioid poisoning where the dentist prescribed 30 or more tablets of an opioid to the patient within 60 days of the patient's death.~~

~~(c) DHHS may submit these reports to the Board upon request and may include the information described in G.S. 90-113.73(b).~~

~~(d) The reports and communications between DHHS and the Board shall remain confidential pursuant to G.S. 90-41 and G.S. 90-113.74.~~

*History Note: Authority G.S. 90-41; 90-48; 90-113.74;  
Eff. July 1, 2015;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018-2018;  
Amended Eff. \_\_\_\_\_.*