



## 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 16B .1101; 16C .0303, .0601; 16G .0103; 16H .0104](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [09/01/2020](#)

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

If yes:

Date	Time	Location
<a href="#">06/11/2020</a>	<a href="#">6:30 p.m.</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 16B .1101 and 21 NCAC 16C .0601 are proposed for amendment to make them consistent with the content and structure of all other amended application rules.  
21 NCAC 16C .0303 is proposed for amendment to make the Board's examination rules for dentists and dental hygienists consistent.  
21 NCAC 16G .0103 is proposed for amendment to prohibit dental hygienists and dental assistants from administering anesthesia and sedation consistent with the Board's other rules and guidance to dentists.  
21 NCAC 16H .0104 is proposed for amendment to exclude coronal polishing from functions that may be delegated to a Dental Assistant I in training.

**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 facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**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: 06/15/2020**

**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: Doug Brocker  
919-424-6334  
doug@brockerlawfirm.com

**Agency contact, if any:**

Name:  
Phone:  
Email:

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

**Date: 03/13/2020**

1 21 NCAC 16B .1101 is proposed for amendment as follows:  
2

3 **SECTION .1100 - REINSTATEMENT**  
4

5 **21 NCAC 16B .1101 APPLICATION FOR REINSTATEMENT AND PROOF OF COMPETENCY**

6 (a) Any person desiring to practice dentistry in North Carolina whose North Carolina dental license has been revoked,  
7 suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for  
8 reinstatement of a dental license shall be submitted on forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and  
9 no application shall be deemed complete that does not set forth all the information required relative to the applicant.

10 Incomplete applications shall be returned to the applicant. shall include:

- 11 (1) original dental license number and date of issuance;
- 12 (2) full name;
- 13 (3) street address as of the date of the application;
- 14 (4) telephone number;
- 15 (5) email address;
- 16 (6) citizenship or immigration status, with verifying documentation;
- 17 (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the  
18 applicant has ever:
  - 19 (A) been summoned to court or before a magistrate for the violation of any law or ordinance or  
20 for the commission of any felony or misdemeanor;
  - 21 (B) been arrested for the violation of any law or ordinance or for the commission of any felony  
22 or misdemeanor;
  - 23 (C) been taken into custody for the violation of any law or ordinance or for the commission of  
24 any felony or misdemeanor;
  - 25 (D) been indicted for the violation of any law or ordinance or for the commission of any felony  
26 or misdemeanor;
  - 27 (E) been convicted or tried for the violation of any law or ordinance or for the commission of  
28 any felony or misdemeanor;
  - 29 (F) been charged with the violation of any law or ordinance or for the commission of any  
30 felony or misdemeanor; or
  - 31 (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony  
32 or misdemeanor;
- 33 (8) whether the applicant is under investigation as of the date of the application or has ever been  
34 investigated by the Board or any other licensing board;
- 35 (9) whether the applicant has ever had a civil lawsuit related to the practice of dentistry settled;
- 36 (10) all dental licenses from other jurisdictions ever held by the applicant, including dates of licensure;

1           (11) a statement disclosing all the applicant's dental practices from dental school graduation to the date  
2           of the application, including:

3           (A) the dates during which the applicant was engaged in practice as a dentist;

4           (B) the addresses of the offices or places at which the applicant was employed or practicing,  
5           and the names and addresses of all employers, partners, associates, or persons sharing  
6           office space;

7           (C) whether the applicant was practicing general dentistry or a specialty; and

8           (D) the reason for the termination of each employment or period of private practice;

9           (12) a statement disclosing and explaining any current condition or impairment, including substance  
10           abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way  
11           affects the ability to practice dentistry. For purposes of this Rule, "current" means recently enough  
12           that the condition or impairment may affect the applicant's ability to function as a dentist as set out  
13           in G.S. 90-41(a)(2) and (7). If the applicant contends that the condition or impairment is reduced or  
14           ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or  
15           support program, the applicant may provide information regarding the treatment or program, and  
16           may include any verification demonstrating that the applicant has complied with all provisions and  
17           terms of any drug treatment program, or impaired dentists or other impaired professionals program;

18           (13) two letters of character reference from non-family members;

19           (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within  
20           six months prior to the date the report is submitted to the Board;

21           (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC  
22           16R .0200, in amounts equal to the number of hours required for renewal of a dental license; and

23           (16) a copy of an unexpired CPR certificate.

24 (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information  
25 and materials listed in Paragraph (a) of this Rule, shall be accompanied by the nonrefundable reinstatement  
26 application fee set forth in 21 NCAC 16M .0101(a)(8) and the renewal fees set forth in 21 NCAC 16M .0101(a)(2)  
27 and (b).

28           (1) the non-refundable reinstatement fee;

29           (2) two letters of character reference from non-family members;

30           (3) a current report from the National Practitioner Databank;

31           (4) proof of completion of continuing education courses in clinical patient care from Board-approved  
32           sponsors, as defined in Rule 16R .0104 of this Chapter in amounts equal to the hours required for  
33           renewal of a dental license; and

34           (5) a copy of current CPR card.

35 (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been Applicants  
36 who are licensed in other states-states, the applicant shall request the dental regulatory authority or other occupational  
37 or professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental

1 license to send to the Board office, in an unopened envelope sealed by the authority, a certificate of the applicant's  
2 licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending. shall ensure  
3 that the Board receives verification of licensure from the board of each state in which they are licensed.

4 ~~(d) Applicants~~ An applicant whose North Carolina license has been revoked, suspended, ~~inactive or lapsed-retired, or~~  
5 expired for more than one year shall submit to the Board a completed fingerprint record card and signed release of  
6 information form authorizing the Board to request a fingerprint-based form, completed Fingerprint Record Card, and  
7 such other form(s) required to perform a criminal history record check from the North Carolina State Bureau of  
8 Investigation check. The form and card are available from the Board office.

9 ~~(e) Applicants~~ An applicant for reinstatement whose North Carolina dental license has been revoked, suspended,  
10 ~~inactive or lapsed-retired, or expired~~ for two to five years ~~may be required, at the Board's discretion, to shall take~~  
11 ~~refresher courses on topics as specified by the Board. Refresher courses may be required Board~~ if the Board  
12 ~~determines, based upon the facts of the case, determines~~ that the applicant ~~may lack lacks~~ skills or knowledge to  
13 practice dentistry ~~competently~~. Refresher courses for ~~individuals~~ an applicant whose licenses ~~have been~~  
14 license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher  
15 courses for ~~individuals~~ an applicant whose licenses ~~have~~ license has been ~~inactive or lapsed-retired or expired~~ shall be  
16 specified by the Board taking ~~take~~ into account the amount of time the license has been ~~inactive or lapsed-retired or~~  
17 expired and the ~~individual's~~ applicant's level of experience.

18 ~~(f) Applicants~~ An applicant for ~~seeking~~ reinstatement of a ~~whose~~ North Carolina dental license ~~that~~ has been revoked,  
19 suspended, ~~inactive or lapsed-retired, or expired~~ for more than five years ~~must successfully shall~~ pass the ~~elinical~~  
20 ~~examination given to first-time applicants~~ American Board of Dental Examiners dental licensure clinical examinations  
21 before applying for reinstatement.

22 (g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and  
23 the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be  
24 complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded  
25 as expired without a refund of the application fees.

26 ~~(g)(h)~~ Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

27 (i) Any license obtained through fraud or by any false representation shall be revoked.

28  
29 *History Note: Authority G.S. 90-30; 90-41; 90-42;*

30 *Eff. September 1, 2014;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
32 *2018-2018;*

33 *Amended Eff. \_\_\_\_\_.*

1 21 NCAC 16C .0303 is proposed for amendment as follows:

2  
3 **21 NCAC 16C .0303 BOARD APPROVED EXAMINATIONS**

4 (a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and  
5 jurisprudence examinations. ~~Reexamination on the written examinations~~ shall be governed by Rule .0311 of this  
6 Section.

7 (b) All applicants for dental hygiene licensure shall achieve passing scores on ~~written the examination administered~~  
8 by the Joint Commission on National Dental Examinations and clinical examinations administered by Board approved  
9 testing agencies. The Board shall determine which testing agencies are approved based on the requirements set forth  
10 in Paragraphs (c) and (d) of this Rule.

11 (c) ~~Clinical testing~~ To qualify as an approved testing agency, the test-development agencies shall permit allow Board  
12 representation on the ~~Board of Directors examination review committee and the Examination Review Committee~~  
13 board of directors of the agency or equivalent committee and allow Board input in the examination development and  
14 administration.

15 (d) ~~The~~ To qualify as an approved testing agency, the clinical examination administered by a testing agency shall:

16 (1) ~~be substantially equivalent to or an improvement to the clinical licensure examination most recently~~  
17 ~~administered by the Board;~~

18 (2)(1) include procedures performed on human subjects as part of the assessment of clinical competency;

19 (3)(2) include probing, ~~supra-supra-~~ and subgingival ~~sealing-scaling~~, and soft tissue management; and

20 (4)(3) provide the following:

21 (A) anonymity between applicants and examination graders;

22 (B) standardization and calibration of graders;

23 (C) a mechanism for post exam analysis;

24 (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all  
25 sections or areas tested and that does not allow weighted, ~~averaged-averaged~~, or overall  
26 scoring to compensate for failures in individual subject areas;

27 (E) a minimum passing score set by the testing agency for each subject area tested;

28 (F) an annual review of the examination;

29 (G) a task analysis performed at least once every seven years that surveys dentists nationwide  
30 to determine the content ~~domain to be scored and how the sections of the examination are~~  
31 ~~scored;~~ of the examination;

32 (H) a ~~defined~~-system of quality assurance to ensure uniform, consistent administration of the  
33 examination at each testing site; and

34 (I) does not permit a dental hygiene instructor to grade candidates at any institution at which  
35 the instructor is ~~employed on a full time basis-~~ employed.

36 (e) The Board shall accept examination scores for five years following the date of the examination. ~~Each applicant~~  
37 ~~shall arrange for and ensure the submission to the Board office the applicant's scores.~~ Individuals who apply for

1 licensure more than five years after the examination date ~~must~~shall re-take the ~~examination~~examination. Each ~~Each~~  
2 applicant shall arrange for ~~and ensure that~~ the applicant's scores ~~are to be~~ submitted to the Board office. ~~The applicant~~  
3 ~~shall comply with all requirements of such testing agency in applying for and taking the examination.~~  
4 (f) ~~The Board shall specify the agencies that will conduct Board approved licensure examinations.~~ The applicant shall  
5 comply with all requirements of the testing agency in applying for and taking the examination.

6  
7 *History Note: Authority G.S. 90-224;*  
8 *Eff. September 3, 1976;*  
9 *Readopted Eff. September 26, 1977;*  
10 *Amended Eff. September 1, 2014; June 1, 2009; June 1, 2006; May 1, 1989; March 1, 1988;*  
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
12 *2018-2018;*  
13 *Amended Eff. \_\_\_\_\_.*

1 21 NCAC 16C .0601 is proposed for amendment as follows:  
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3 **SECTION .0600 – REINSTATEMENT OF DENTAL HYGIENE LICENSE**  
4

5 **21 NCAC 16C .0601 APPLICATION FOR REINSTATEMENT AND PROOF OF COMPETENCY**

6 (a) Any person desiring to practice dental hygiene in North Carolina whose North Carolina dental hygiene license  
7 has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All  
8 applications for reinstatement of a dental hygiene license shall be made on the forms furnished by the Board at  
9 www.ncdentalboard.org and no application shall be deemed complete that does not set forth all the information  
10 required relative to the applicant. Incomplete applications shall be returned to the applicant. Any applicant who  
11 changes his or her address shall notify the Board office within 10 business days. shall include:

- 12 (1) original dental hygiene license number and date of issuance;  
13 (2) full name;  
14 (3) street address as of the date of the application;  
15 (4) telephone number;  
16 (5) email address;  
17 (6) citizenship or immigration status, with verifying documentation;  
18 (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the  
19 applicant has ever:  
20 (A) been summoned to court or before a magistrate for the violation of any law or ordinance or  
21 for the commission of any felony or misdemeanor;  
22 (B) been arrested for the violation of any law or ordinance or for the commission of any felony  
23 or misdemeanor;  
24 (C) been taken into custody for the violation of any law or ordinance or for the commission of  
25 any felony or misdemeanor;  
26 (D) been indicted for the violation of any law or ordinance or for the commission of any felony  
27 or misdemeanor;  
28 (E) been convicted or tried for the violation of any law or ordinance or for the commission of  
29 any felony or misdemeanor;  
30 (F) been charged with the violation of any law or ordinance or for the commission of any  
31 felony or misdemeanor; or  
32 (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony  
33 or misdemeanor;  
34 (8) whether the applicant is under investigation as of the date of the application or has ever been  
35 investigated by the Board or any other licensing board;  
36 (9) whether the applicant has ever had a civil lawsuit related to the practice of dentistry settled;



1           (10) all dental hygiene licenses from other jurisdictions ever held by the applicant, including dates of  
2           licensure;

3           (11) a statement disclosing all the applicant's dental hygiene practices, including:

4               (A) the dates during which the applicant was employed as a dental hygienist;

5               (B) the name and address of each employer; and

6               (C) the reason for the termination of each employment;

7           (12) a statement disclosing and explaining any current condition or impairment, including substance  
8           abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way  
9           affects the ability to practice dental hygiene. For purposes of this Rule, "current" means recently  
10           enough that the condition or impairment may affect the applicant's ability to function as a dental  
11           hygienist as set out in G.S. 90-229(a)(4) and (13). If the applicant contends that the condition or  
12           impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or  
13           participating in a monitoring or support program, the applicant may provide information regarding  
14           the treatment or program, and may include any verification demonstrating that the applicant has  
15           complied with all provisions and terms of any drug treatment program, or impaired dental hygienists  
16           or other impaired professionals program;

17           (13) two letters of character reference from non-family members;

18           (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within  
19           six months prior to the date the report is submitted to the Board;

20           (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC  
21           16I, in amounts equal to the number of hours required for renewal of a dental hygiene license; and

22           (16) a copy of an unexpired CPR certificate.

23 (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information  
24 and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set  
25 forth in 21 NCAC 16M .0102(a)(3) and the renewal fees set forth in 21 NCAC 16M .0102(a)(2) and (b). shall  
26 accompany the application.

27 (c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for  
28 more than five years must successfully pass the clinical examination given to first-time applicants before seeking  
29 reinstatement. In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever  
30 been licensed in other states, the applicant shall request the dental regulatory authority or other occupational or  
31 professional regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental  
32 hygiene license to send to the Board office, in an unopened envelope sealed by the authority, a certificate of the  
33 applicant's licensure status accompanied by a disclosure of any disciplinary action taken or investigation pending.

34 (d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one  
35 year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing  
36 the Board to request a fingerprint-based criminal history check from the North Carolina State Bureau of Investigation.

1 ~~(d)~~(e) ~~Applicants~~ An applicant for reinstatement whose North Carolina dental hygiene license has been revoked,  
2 suspended, ~~inactive or lapsed-retired, or expired~~ for two to five years ~~may, at the Board's discretion, be required to~~  
3 shall take refresher courses as specified by the Board. ~~Refresher courses may be required~~ Board if the Board  
4 ~~determines, based upon the facts of the case, determines~~ that the applicant ~~may lack~~ lacks skills or knowledge to  
5 practice dental hygiene. ~~hygiene competently~~. Refresher courses for ~~individuals~~ an applicant whose ~~licenses have been~~  
6 license was revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher  
7 courses for ~~individuals~~ an applicant whose ~~licenses have~~ license has been ~~inactive or lapsed-retired or expired~~ shall be  
8 specified by the Board taking ~~take~~ into account the amount of time the license has been ~~inactive or lapsed-retired or~~  
9 expired and the ~~individual's~~ applicant's level of experience.

10 (e) ~~Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the~~  
11 ~~board of each state in which they are licensed.~~

12 (f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year  
13 shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required  
14 to perform a criminal history check at the time of the application for reinstatement. The form and card are available  
15 ~~from the Board office.~~ An applicant for reinstatement whose North Carolina dental hygiene license has been revoked,  
16 suspended, retired, or expired for more than five years shall pass the American Board of Dental Examiners dental  
17 hygiene licensure clinical examinations before seeking reinstatement.

18 (g) ~~Applicants shall provide proof of continuing education in clinical patient care, by Board-approved sponsors, equal~~  
19 ~~to the number of hours currently required for the renewal of a dental hygiene license and current CPR certification.~~  
20 The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and the  
21 applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be  
22 complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded  
23 as expired without a refund of the application fees.

24 (h) ~~Two letters of character reference from non-family members.~~ Any applicant who changes his or her address shall  
25 notify the Board office in writing within 10 business days.

26 (i) ~~A report from the National Practitioner Databank.~~ Any license obtained through fraud or by any false representation  
27 shall be revoked.

28  
29 *History Note: Authority G.S. 90-223; 90-224; 90-229;*

30 *Eff. September 1, 2014;*

31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
32 *2018-2018;*

33 *Amended Eff. \_\_\_\_\_.*  
34

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

2  
3 **21 NCAC 16G .0103 PROCEDURES PROHIBITED**

4 Those procedures that require the professional education and skill of a dentist and ~~may~~shall not be delegated to a  
5 dental hygienist ~~shall~~-include:

- 6 (1) performing comprehensive examination, diagnosis, and treatment planning;
- 7 (2) performing surgical or cutting procedures on hard or soft tissues, including laser, air abrasion, or  
8 micro-abrasion procedures;
- 9 (3) placing or removing therapeutic sulcular nonresorbable agents;
- 10 (4) issuing prescription drugs, medications, or work authorizations;
- 11 (5) performing the final placement or intraoral adjustment of a fixed or removable appliance;
- 12 (6) performing intraoral occlusal adjustments that affect function, fit, or occlusion of any temporary or  
13 permanent restoration or appliance;
- 14 (7) performing direct pulp capping or pulpotomy;
- 15 (8) placing sutures;
- 16 (9) performing final placement or cementation of orthodontic bands or brackets;
- 17 (10) performing the placement or cementation of final restorations;
- 18 (11) administering any anesthetic by any route except administering topically-applied agents intended to  
19 anesthetize only cutaneous tissue;
- 20 (12) using a high-speed handpiece intraorally;
- 21 (13) performing cementation of endodontic posts;
- 22 (14) condensing Amalgam;
- 23 (15) using a transcutaneous electrical nerve stimulation (TENS) unit;
- 24 (16) applying formocresol;
- 25 (17) placing stainless steel crown on permanent or primary teeth;
- 26 (18) performing pulp vitality testing;
- 27 (19) performing curettage;
- 28 (20) placing periodontal or surgical dressing;
- 29 (21) performing oral brush biopsy;
- 30 (22) taking bite registration or Elastometrics;
- 31 (23) placing eugenol wick in dry socket;
- 32 (24) fabricating or delivering sleep apnea appliance; ~~and~~
- 33 (25) removing, replacing, or torquing either impression or prosthetic implant ~~abutments-abutments; and~~
- 34 (26) administering any sedation or general anesthesia pharmacological agents, including drawing a  
35 dosage into a syringe.

36  
37 *History Note: Authority G.S. 90-221(a); 90-223(b);*

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8

*Eff. September 3, 1976;*  
*Readopted Eff. September 26, 1977;*  
*Amended Eff. August 1, 2016; August 1, 2008; August 1, 2000; May 1, 1989; 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.*

1 21 NCAC 16H .0104 is proposed for amendment as follows:

2  
3 **21 NCAC 16H .0104 APPROVED EDUCATION AND TRAINING PROGRAMS**

4 (a) To be classified as a Dental Assistant II, an assistant shall have and maintain an unexpired CPR certification and  
5 also shall meet one of the following criteria:

6 (1) completion of:

7 (A) an ADA-accredited dental assisting program; or

8 (B) one academic year or longer in an ADA-accredited dental hygiene program; or

9 (2) completion of the Dental Assistant certification examination(s) administered by the Dental Assisting  
10 National Board; or

11 (3) completion of:

12 (A) ~~full-time~~ employment as a Dental Assistant I for two years of the preceding five, consisting  
13 of at least 3,000 hours total;

14 (B) a 3-hour course in sterilization and infection control; and

15 (C) a 3-hour course in dental office emergencies.

16 (b) A Dental Assistant I who has completed the requirements of ~~sections Parts (a)(3)(B)-(C) of this Rule~~ but not  
17 completed the training pursuant to ~~section (a)(3)(A) may~~ Part (a)(3)(A) may be trained ~~in any dental delivery setting~~  
18 by a licensed dentist and allowed to perform the functions of a Dental Assistant II, as specified in ~~21 NCAC 16H~~  
19 ~~.0203, under Rule .0203 of this Subchapter, under the direct control and supervision of a licensed dentist.~~ dentist,  
20 except that a Dental Assistant I performing the functions of a Dental Assistant II pursuant to this Paragraph shall not  
21 perform the coronal polishing function set out in Rule .0203(a)(21) of this Subchapter.

22 (c) ~~An~~ For purposes of this Rule, an unexpired CPR certification as used herein is one that is in effect and valid at the  
23 time of classification as a Dental Assistant II and remains so at all times while employed as a Dental Assistant II or  
24 while performing any of the permitted functions under ~~21 NCAC 16H .0203~~ Rule .0203 of this Subchapter.

25 (d) ~~No~~ A Dental Assistant may ~~may~~ shall not take radiographs before completing radiology training consistent with G.S.  
26 90-29(c)(12).

27  
28 *History Note: Authority G.S. 90-29(c)(9);*

29 *Eff. September 3, 1976;*

30 *Readopted Eff. September 26, 1977;*

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

33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
34 *2018-2018;*

35 *Amended Eff. \_\_\_\_\_.*