



## 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: [21 NCAC 16B .0502](#)

AMENDMENT: [21 NCAC 16B .0101, .0501; 16C .0501; 16R .0204](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [07/01/2023](#)

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

If yes:

Date	Time	Location
<a href="#">04/13/2023</a>	<a href="#">6:30 p.m.</a>	<a href="#">2000 Perimeter Park Drive, #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 .0101 is proposed for amendment to incorporate a new exception for instructors applying for dental licenses and clarify the existing exceptions to the general examination requirement.  
21 NCAC 16B .0501 is proposed for amendment to clarify requirements related to educational credentials and examinations, add provisions consistent with legislative changes, and allow for electronic transmission of documentation.  
21 NCAC 16B .0502 is proposed for adoption to govern dental licenses for applicants holding an instructor's license.  
21 NCAC 16C .0501 is proposed for amendment to allow for secure electronic transmission of documents and clarify requirements related to educational credentials and examinations.  
21 NCAC 16R .0204 is proposed for amendment to clarify continuing education requirements and exemptions, and eliminate unnecessary provisions.

**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: 04/17/2023**

**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:** 12/16/2022

1 21 NCAC 16B .0101 is proposed for amendment as follows:

2  
3 **SUBCHAPTER 16B - LICENSURE DENTISTS**

4  
5 **SECTION .0100 - GENERAL PROVISIONS**

6  
7 **21 NCAC 16B .0101 EXAMINATION REQUIRED; EXEMPTIONS**

8 (a) ~~All persons desiring~~ Persons seeking a license to practice dentistry in North Carolina shall pass Board approved  
9 written and clinical examinations, as set forth in Rule .0303 of this ~~Subchapter~~ Subchapter, before receiving a license.

10 (b) The examination requirement in Paragraph (a) of this Rule shall not apply to persons who do not hold a North  
11 Carolina dental license and who ~~are seeking volunteer licenses pursuant to G.S. 90-21.107, licensure by~~  
12 ~~endorsement pursuant to Rules .1001 and .1002 of this Subchapter, or licensure by credentials pursuant to Rule .0501~~  
13 ~~of this Subchapter.~~

14 (1) volunteers pursuant to G.S. 90-21.107;

15 (2) persons holding an unexpired instructor's license issued by the Board and seeking a dental license  
16 pursuant to Rule .0502 of this Subchapter; or

17 (3) persons seeking a dental license pursuant to a Board rule setting forth a different examination  
18 requirement, such as:

19 (A) by military endorsement pursuant to Rules .1001 and .1002 of this Subchapter; or

20 (B) by credentials pursuant to Rule .0501 of this Subchapter.

21 (c) All persons practicing dentistry in North Carolina shall maintain an unexpired CPR certification at all times.

22  
23 *History Note: Authority G.S. 90-21.107; 90-28; 90-30; 90-36; 90-48;*

24 *Eff. September 3, 1976;*

25 *Readopted Eff. September 26, 1977;*

26 *Amended Eff. September 1, 2014; September 1, 2013; March 1, 2006; May 1, 1991; May 1, 1989;*

27 *January 1, 1983;*

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

29 *2018;*

30 *Amended Eff. \_\_\_\_\_; October 1, 2019.*

1 21 NCAC 16B .0501 is proposed for amendment as follows:

2  
3 **SECTION .0500 – LICENSURE BY CREDENTIALS**

4  
5 **21 NCAC 16B .0501 DENTAL LICENSURE BY CREDENTIALS**

6 (a) ~~An~~ Except for instructors applying under Rule .0502 of this Section, an applicant for a dental license by credentials  
7 shall submit to the Board:

- 8 (1) a notarized application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) that includes the  
9 information and materials required by Rule .0301(a) of this Subchapter;
- 10 (2) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101;
- 11 (3) an affidavit from the applicant stating for the five year period set out in G.S. 90-36(c)(1):
- 12 (A) the dates that and locations where the applicant has practiced dentistry;
- 13 (B) that the applicant has provided at least 5,000 hours of clinical care to patients, not including  
14 ~~post-graduate~~ postgraduate training, residency ~~programs~~ programs, or an internship; and
- 15 (C) that the applicant has held an active, unrestricted dental license issued by another U.S. state  
16 or U.S. territory, without any period of interruption; and
- 17 (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal  
18 agency complaints, judgments, or settlements that are related to licensure and are not disclosed  
19 elsewhere in the application.

20 (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental license by credentials shall  
21 request the applicable entity to send the following required information or ~~documents~~ documents, in a sealed envelope  
22 or via secure electronic transmission, directly from the entity to the Board ~~office~~ office, with each document in an  
23 ~~unopened envelope sealed by the entity involved~~:

- 24 (1) the applicant's official transcripts from a dental school or college accredited by the Commission on  
25 Dental Accreditation of the American Dental Association, ~~Association~~ ("CODA") showing the  
26 applicant graduated with a DDS or DMD degree;
- 27 (2) a certificate of the applicant's licensure status from the dental regulatory authority or other  
28 occupational or professional regulatory authority and a disclosure of any disciplinary action taken  
29 or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held  
30 a dental license or other occupational or professional license;
- 31 (3) ~~examination scores from~~ required by Rule .0303(b) of this Subchapter;
- 32 (A) the National Board Dental Examination administered by the Joint Commission on National  
33 Dental Examinations; and
- 34 (B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d)  
35 of this Subchapter;
- 36 (4) a report of any pending or final malpractice actions against the applicant verified by ~~the~~ any  
37 malpractice insurance carrier covering the applicant; and

1 (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering  
2 the applicant.

3 ~~(c) The Board shall receive~~ An application shall be complete when the Board receives all information and  
4 documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations  
5 required by this Rule. Rule .0303 of this Subchapter for the application to be complete. Applications ~~Partial~~  
6 applications that are not completed within one year of the date the first document is being submitted to the Board shall  
7 be disregarded as expired without a refund of the application fee.

8 (d) An applicant for dental licensure by credentials shall pass the Board's written examinations in sterilization and  
9 jurisprudence as set out in Rule .0303(a) of this Subchapter. Individuals who do not pass ~~the either~~ written examination  
10 after three attempts within one year in accordance with Rule .0317(b) of this Subchapter shall not be eligible for  
11 reexamination under Rule .0317(c) of this Subchapter and may not reapply for licensure by credentials.

12 (e) If an applicant graduated with a certificate or a degree from a CODA-accredited advanced dental education  
13 program, the applicant shall be subject to all the requirements of this Rule, except:

14 (1) the applicant is not required to hold a dental license issued by any U.S. state or territory; and

15 (2) the applicant shall satisfy the educational credentials requirement set out in Subparagraph (b)(1) of  
16 this Rule by requesting the applicable entity to send directly to the Board office, in a sealed envelope  
17 or via secure electronic transmission:

18 (A) official transcripts from any school or college showing the applicant graduated with a  
19 general dental degree; and

20 (B) official transcripts from a school or college showing the applicant graduated with a  
21 certificate or a degree from a CODA-accredited advanced dental education program in the  
22 school.

23 ~~(e)(f)~~ Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

24 ~~(f)(g)~~ Any license obtained through fraud or by any false representation shall be revoked.

25  
26 *History Note: Authority G.S. 90-28; 90-36; 90-41;*

27 *Temporary Adoption Eff. January 1, 2003;*

28 *Eff. January 1, 2004;*

29 *Recodified from 21 NCAC 16B .0401 Eff. March 1, 2006;*

30 *Amended Eff. September 1, 2014; February 1, 2010;*

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

33 *Amended Eff. \_\_\_\_\_; March 1, 2020.*

1 21 NCAC 16B .0502 is proposed for adoption as follows:

2

3 **21 NCAC 16B .0502 DENTAL LICENSURE VIA INSTRUCTOR'S LICENSE**

4 (a) An applicant for license by credentials who holds an unexpired instructor's license issued by the Board shall submit  
5 to the Board:

6 (1) a notarized application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) that includes  
7 information and materials required by Rule .0301(a) of this Subchapter;

8 (2) a letter of recommendation from the applicant's employing dental school or academic medical  
9 center; and

10 (3) the non-refundable licensure by credentials fee set forth in 21 NCAC 16M .0101.

11 (b) An application shall be complete when the Board receives all information and documentation required by this  
12 Rule. Partial applications that are not completed within one year of the date the first document is submitted to the  
13 Board shall be disregarded as expired without a refund of the application fee.

14 (c) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

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

16

17 History Note: Authority G.S. 90-28; 90-36; 90-41;

18 Eff. \_\_\_\_\_.

1 21 NCAC 16C .0501 is proposed for amendment as follows:

2  
3 **SECTION .0500 – LICENSURE BY CREDENTIALS**

4  
5 **21 NCAC 16C .0501 DENTAL HYGIENE LICENSURE BY CREDENTIALS**

6 (a) An applicant for a dental hygiene license by credentials shall submit to the Board:

- 7 (1) a notarized application form provided by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) that includes the  
8 information and materials required by Rule .0301(a) of this Subchapter;
- 9 (2) the nonrefundable licensure by credentials fee set forth in 21 NCAC 16M .0102;
- 10 (3) an affidavit from the applicant stating for the two year period set out in G.S. 90-224.1(c)(1):
- 11 (A) the dates that and locations where the applicant has practiced dental hygiene;
- 12 (B) that the applicant has provided at least 2,000 hours of clinical care to patients; and
- 13 (C) that the applicant holds an active, unrestricted dental hygiene license issued by another  
14 U.S. state or any U.S. territory, and has done so without any period of interruption; and
- 15 (4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal  
16 agency complaints, judgments, or settlements that are related to licensure and are not disclosed  
17 elsewhere in the application.

18 (b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by credentials  
19 shall request the applicable entity to send the following required information or ~~documents~~ documents, in a sealed  
20 envelope or via secure electronic transmission, directly from the entity to the Board office: office, with each document  
21 in an unopened envelope sealed by the entity involved:

- 22 (1) the applicant's official transcripts from a dental hygiene program accredited by the Commission on  
23 Dental Accreditation of the American Dental Association;
- 24 (2) a certificate of the applicant's licensure status from the regulatory authority or other occupational or  
25 professional regulatory authority and a disclosure of all disciplinary actions taken or investigations  
26 pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene  
27 license or other occupational or professional license;
- 28 (3) ~~examination scores from: required by Rule .0303(b) of this Subchapter;~~
- 29 (A) the National Board Dental Hygiene Examination administered by the Joint Commission on  
30 National Dental Examinations; and
- 31 (B) a clinical examination accepted by the Board based on the criteria set out in Rule .0303(d)  
32 of this Subchapter;
- 33 (4) a report of any pending or final malpractice actions against the applicant verified by ~~the~~ any  
34 malpractice insurance carrier covering the applicant; and
- 35 (5) a letter of coverage history from all current and all previous malpractice insurance carriers covering  
36 the applicant.

1 ~~The Board shall receive~~ An application shall be complete when the Board receives all information and  
2 documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations  
3 required by this Rule. Rule .0303 of this Subchapter for the application to be complete. Applications-Partial  
4 applications that are not completed within one year of the date the first document is being submitted to the Board shall  
5 be disregarded as expired without a refund of the application fee.

6 (d) An applicant for dental hygiene licensure by credentials shall pass the Board's written examinations in sterilization  
7 and jurisprudence as set out in Rule .0303(a) of this Subchapter. Applicants who do not pass ~~the either~~ written  
8 examination after three attempts within one year in accordance with Rule .0311(b) of this Subchapter shall not be  
9 eligible for reexamination under Rule .0311(c) of this Subchapter and may not reapply for licensure by credentials.

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

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

12  
13 *History Note: Authority G.S. 90-223; 90-224.1; 90-229;*  
14 *Temporary Adoption Eff. January 1, 2003;*  
15 *Eff. January 1, 2004;*  
16 *Recodified from Rule .0401 Eff. June 1, 2006;*  
17 *Amended Eff. September 1, 2014; February 1, 2010;*  
18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
19 *2018;*  
20 *Amended Eff. \_\_\_\_\_; March 1, 2020.*



1 21 NCAC 16R .0204 is proposed for amendment as follows:

2  
3 **21 NCAC 16R .0204 VARIANCES AND EXEMPTION FROM AND CREDIT FOR CONTINUING**  
4 **EDUCATION**

5 (a) Upon receipt of written evidence, the Board ~~may~~will grant exemptions from the mandatory continuing education  
6 requirements set out in ~~Rule~~Rules .0201 and .0206 of this Section as follows:

7 (1) A dentist who practices not more than 250 clock hours in a calendar year shall be classified as a  
8 semi-retired Class I dentist, and shall: exempt from all continuing education requirements. Such  
9 dentists, who shall be known as semi-retired Class I dentists, shall maintain current CPR  
10 certification.

11 (A) be exempt from the requirement set out in Rule .0201(a) of this Section to complete 15  
12 clock hours of continuing education each calendar year;

13 (B) complete the course required in Rule .0201(b) of this Section if the dentist prescribes  
14 controlled substances; and

15 (C) maintain an unexpired CPR certification.

16 (2) A dentist who practices not more than 1,000 clock hours in a calendar year shall be classified as a  
17 semi-retired Class II dentist, and shall: exempt from one half of the continuing education courses  
18 required of dentists who practice full time. Such dentists, who shall be known as semi-retired Class  
19 II dentists, shall maintain current CPR certification.

20 (A) be exempt from one half of the total continuing education hours required in Rule .0201(a)  
21 of this Section;

22 (B) complete the course required in Rule .0201(b) of this Section if the dentist prescribes  
23 controlled substances;

24 (C) complete the continuing education requirement on substance abuse and mental health set  
25 out in Rule .0206 of this Section; and

26 (D) maintain an unexpired CPR certification.

27 (3) A retired dentist who does not practice any dentistry shall be exempt from all continuing education  
28 and CPR certification requirements.

29 (4) ~~A dentist who is unable to practice dentistry because of a physical or mental illness may request a~~  
30 ~~variance in continuing education hours during the period of the disability. The Board may grant or~~  
31 ~~deny requests for variance in continuing education hours based on a disabling condition on a case~~  
32 ~~by case basis, taking into consideration the particular disabling condition involved and its effect on~~  
33 ~~the dentist's ability to complete the required hours. In considering the request, the Board may require~~  
34 ~~additional documentation substantiating any specified disability.~~

35 (b) ~~In those instances where~~ If a dentist who has been exempted from continuing education requirements is waived  
36 and the exempt individual wishes to resume practice, the Board shall require continuing education courses for the  
37 calendar year in which he or she resumes practice in accordance with Paragraph (a) of this Rule and Rules .0201 and

1 .0206 of this Section when reclassifying the ~~licensee-dentist~~. A dentist who has been classified as retired and wishes  
2 to resume practice shall satisfy the reinstatement requirements of 21 NCAC 16B .1101. ~~The Board may require those~~  
3 licensees who have not practiced dentistry for a year or more to undergo a bench test before allowing the licensee to  
4 resume practice if there is evidence that the licensee is unable to practice dentistry competently, such as a failing score  
5 on a dental licensing examination, a written report of a licensed physician, evaluation conducted by a substance abuse  
6 treatment facility, appointment of a guardian for the dentist or adjudication of incompetence by a court.

7 (c) Dentists shall receive 10 hours credit per year for continuing education when engaged in any of the following:

8 (1) service on a full-time basis on the faculty of an educational institution with involvement in  
9 education, training, or research in dental or dental ~~auxiliary-hygiene~~ programs; or

10 (2) service on a ~~full-time~~ full-time basis with a federal, ~~state,~~ State, or county government agency whose  
11 operation is related to ~~dentistry, dentistry or dental auxiliaries~~. Verification of credit hours shall be  
12 maintained in the manner specified in Rule .0203 of this Section.

13 (d) Dentists who do not work on a full-time basis but work at least 20 hours per week in an institution or entity  
14 described in Subparagraph (c)(1) or (2) of this Rule shall receive five hours credit per year for continuing education.

15 (e) Dentists shall receive up to two hours of continuing education credits per year for providing dental services on a  
16 volunteer basis at any ~~state,~~ State, city, or county operated site. Credit will be given at ratio of 1:5, with one hour credit  
17 given for every five hours of volunteer work.

18 (f) Eligible licensees as defined by 21 NCAC 16B .0901 shall be granted a waiver of their mandatory continuing  
19 education requirements.

20  
21 *History Note: Authority G.S. 90-31.1; 90-38;*

22 *Eff. July 1, 2015;*

23 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
24 *2018;*

25 *Amended Eff. \_\_\_\_\_; December 1, 2020.*