



## 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 16H .0105](#)

AMENDMENT: [21 NCAC 16I .0201](#)

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, #200, 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 16H .0105 is proposed for adoption to establish dental radiography course requirements.

21 NCAC 16I .0201 is proposed for amendment to clarify continuing education requirements and exemptions, establish retirement classifications, 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:** 01/20/2023

1 21 NCAC 16H .0105 is proposed for adoption as follows:

2  
3 **21 NCAC 16H .0105 DENTAL RADIOLOGY COURSE AND EXAMINATION REQUIREMENTS**  
4

5 (a) The Board will recognize a dental radiology course meeting the requirements of this Rule and the course's final  
6 examination as satisfying the dental radiology training and equivalency examination requirements set out in G.S. 90-  
7 29(c)(12).

8 (b) For the Board to recognize a dental radiology course and its final examination:

9 (1) The course shall include at least 7 hours of didactic, lecture-based instruction and at least 14 hours  
10 of laboratory instruction.

11 (2) The course curriculum shall include instruction and training in clinical dental radiology, in the  
12 production and use of dental x-rays, and on digital x-ray equipment. The course shall enable the  
13 student to:

14 (A) identify in sequence the steps necessary for operating dental x-ray equipment;

15 (B) identify the requirements of a diagnostic digital image;

16 (C) differentiate the effect of variations in amperage, kilo-voltage, distance, and exposure time  
17 on the resulting digital images;

18 (D) identify the terms used to measure radiation;

19 (E) establish guidelines for maintaining radiation safety and the ALARA ("as low as  
20 reasonably achievable") principle;

21 (F) follow principles of radiologic health practices and radiation biology;

22 (G) identify radiation safety techniques and monitoring devices;

23 (H) identify the parts and identification marks on dental x-ray sensors;

24 (I) identify and compare intraoral sensors according to size and customary usage;

25 (J) identify methods of sensor handling and storage;

26 (K) identify and perform in sequence the steps in processing digital images;

27 (L) differentiate between preliminary interpretation and diagnosis of the digital images;

28 (M) identify the anatomical landmarks of the face and skull;

29 (N) identify any dental radiograph according to its location in the maxilla or mandible, and  
30 position it on a digital image mount;

31 (O) identify the types of radiographic errors caused by faulty exposure techniques;

32 (P) identify the types of radiographic errors caused by incorrect digital mount positioning and  
33 angulation of the central ray;

34 (Q) identify the types of radiographic errors caused by faulty digital processing techniques;

35 (R) identify the conditions that cause digital images to be fogged;

36 (S) identify the advance preparations necessary before exposing digital images;

37 (T) carry out the task of digital image exposure to completion;

- 1           (U) use the paralleling technique to produce digital images of diagnostic quality addressing  
2           contrast, density, and definition;
- 3           (V) explain the principles of digital imaging and quality assurance;
- 4           (W) identify errors when using digital imaging in technique and processing;
- 5           (X) explain the utilization of beam aligning devices; and
- 6           (Y) describe the use of hand-held radiation exposure devices following guidelines from the  
7           Radiation Protection Section of the Department of Health and Human Services, Radiology  
8           Compliance Branch ("Radiation Protection Section"), which are incorporated by reference,  
9           including subsequent amendments and editions, and are available at no cost online at  
10           www.ncradiation.net/Xray/dentdose.htm.
- 11        (3) The laboratory portion of the course shall have no more than six students per instructor, and shall  
12        include practice on dental radiography manikins. Students shall not practice on peer students unless  
13        the unit is turned off and all requirements of the Board's sterilization and infection control rule, 21  
14        NCAC 16J .0103, are satisfied.
- 15        (4) To complete the course, students shall be required to achieve a passing score of at least 80 percent  
16        on a written examination upon completion of the didactic, lecture-based portion of the course before  
17        beginning the laboratory portion, and to achieve a passing score of at least 80 percent on a final  
18        laboratory examination. The final laboratory examination shall be conducted on a manikin.
- 19        (5) The facility used as the training location for the course shall:
- 20           (A) assume all overhead costs involved in offering the course;
- 21           (B) comply with the Board's rules regarding sanitation, sterilization, and infection control set  
22           out in 21 NCAC 16J, the applicable guidelines of the Radiation Protection Section, and the  
23           OSHA guidelines and standards related to dentistry, which are incorporated by reference,  
24           including subsequent amendments and editions, and are available at no cost online at  
25           www.osha.gov/dentistry/standards;
- 26           (C) provide access to a room large enough to accommodate the number of participants for  
27           lecture purposes;
- 28           (D) have the number of x-ray machines necessary based on the course curriculum and  
29           enrollment to ensure there are no more than two students per machine; and
- 30           (E) have facilities for use of photostimulable phosphor plates for indirect digital radiography.
- 31        (6) The didactic and laboratory portions of the course shall be taught by:
- 32           (A) an instructor of dental radiography at an institution accredited by the Commission on  
33           Dental Accreditation ("CODA"), a list of which is available at no cost at www.ada.org/coda  
34           and is incorporated by reference, including subsequent amendments and editions; or
- 35           (B) an instructor who has taken and passed a radiology instructor's certification course taught  
36           by an instructor of dental radiography at a CODA-accredited institution, and has completed  
37           three hours of continuing education in the area of radiology every other year.

1           (7) The course sponsor shall provide students with all supplies.

2           (8) Course advertising shall comply with the Board's rules regarding advertisement of dental services  
3           set out in 21 NCAC 16P.

4 (c) A course sponsor seeking Board recognition of a dental radiology course shall submit to the Board office:

5           (1) the course outline, syllabus, and handouts;

6           (2) slides and other lecture materials;

7           (3) examinations and grading criteria; and

8           (4) the name, resume, and verification of credentials satisfying Subparagraph (b)(6) of this Rule for all  
9           course instructors.

10 (d) After the course sponsor submits all the information and documents required by Paragraph (c) of this Rule, the  
11 course will be reviewed by the Board for compliance with this Rule at the next scheduled Board meeting. The Board  
12 may delay reviewing a course until a later meeting if the Board's workload makes the review impracticable. If the  
13 Board delays reviewing a course, it shall notify the course sponsor. A course shall be recognized by a majority vote  
14 of the Board. A list of recognized courses is available on the Board's website at [www.ncdentalboard.org](http://www.ncdentalboard.org).

15 (e) Upon receipt of evidence that a previously recognized course is not in compliance with this Rule, the Board will  
16 notify the course sponsor in writing of each item of noncompliance. Within 30 days from the date of the notice of  
17 noncompliance, the course sponsor shall provide a written response to the Board office which shall respond to each  
18 item of noncompliance. The response shall provide documentation of corrections made, and shall show each item is  
19 in compliance with this Rule. If the course sponsor fails to respond or correct noncompliance, the Board's recognition  
20 of the course shall be withdrawn. As of the date recognition is withdrawn, the course and its examination shall not  
21 satisfy the dental radiology training and equivalency examination requirements set out in G.S. 90-29(c)(12).

22  
23 *History Note:*     *Authority G.S. 90-29(c)(12); 90-48;*

24           *Eff. \_\_\_\_\_.*

1 21 NCAC 16I .0201 is proposed for amendment as follows:

2  
3 **SECTION .0200 – CONTINUING EDUCATION**

4  
5 **21 NCAC 16I .0201 CONTINUING EDUCATION REQUIRED**

6 (a) As a condition of license renewal, each dental hygienist shall complete six clock hours of continuing education  
7 each calendar year. ~~Any or all the~~ The hours may be acquired through self-study self-study courses. To count toward  
8 the mandatory continuing education requirement, self-study self-study courses shall be related to clinical patient care  
9 and offered by a ~~board approved~~ Board-approved sponsor. sponsor listed in Rule .0202 of this Section. The dental  
10 hygienist shall pass a test ~~following the course administered by the course sponsor~~ and obtain a certificate of  
11 ~~completion~~ completion from the sponsor.

12 (b) ~~Current~~ An unexpired certification in CPR is required in addition to the mandatory continuing education hours.

13 (c) ~~A dental hygienist who can demonstrate a disabling condition may request a variance in required continuing~~  
14 ~~education hours during a particular period. Written documentation of a disabling condition that interferes with the~~  
15 ~~hygienist's ability to complete the required hours shall be provided to the Board. The Board may grant or deny such~~  
16 ~~requests on a case by case basis, depending upon the nature of the disabling condition, its impact on the hygienist's~~  
17 ~~ability to complete continuing education, and the likely duration of the disability. Upon receipt of a written request~~  
18 from the dental hygienist, the Board will grant exemptions from the requirements set out in this Rule and in Rule .0206  
19 of this Section as follows:

20 (1) A dental hygienist who practices not more than 250 clock hours in a calendar year shall be classified  
21 as a semi-retired dental hygienist, and shall:

22 (A) be exempt from the requirement set out in Paragraph (a) of this Rule to complete six clock  
23 hours of continuing education each calendar year; and

24 (B) maintain an unexpired CPR certification.

25 (2) A retired dental hygienist who does not practice any dental hygiene shall be exempt from all  
26 continuing education and CPR certification requirements.

27 (d) ~~If a licensee dental hygienist who has been exempted from continuing education requirements wishes to resume~~  
28 ~~practice, the licensee shall complete~~ Board shall require an unexpired CPR certification and continuing education  
29 courses for the calendar year in which he or she resumes practice in accordance with this Rule. Rule and Rule .0206  
30 of this Section when reclassifying the dental hygienist. A dental hygienist who has been classified as retired and wishes  
31 to resume practice shall satisfy the reinstatement requirements of 21 NCAC 16C .0601. The Board may require  
32 licensees who have not practiced dental hygiene for more than a year to undergo a clinical test before allowing the  
33 licensee to resume practice if there is evidence that the licensee suffers from addiction or a mental or physical condition  
34 that impairs the licensee's ability to practice hygiene competently.

35  
36 *History Note: Authority G.S. 90-225.1; 90-229;*

37 *Eff. May 1, 1994;*

1 *Amended Eff. April 1, 2015; November 1, 2008; April 1, 2001; August 1, 1998;*  
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
3 *2018;*  
4 *Recodified from 21 NCAC 16I .0102 Eff. January 1, ~~2020~~2020;*  
5 *Amended Eff. \_\_\_\_\_.*