



## 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 16J .0101, .0103](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [04/01/2021](#)

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

If yes:

Date	Time	Location
<a href="#">02/11/2021</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 16J .0101 and 21 NCAC 16J .0103 are proposed for amendment to clarify terms and requirements and to ensure consistent interpretation and application of the 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: 02/15/2021**

**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: 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: 11/06/2020**

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

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3 **SUBCHAPTER 16J - ~~SANITATION~~SANITATION, STERILIZATION, AND INFECTION CONTROL**

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5 **21 NCAC 16J .0101 PREMISES**

6 (a) The premises of a dental facility shall be kept ~~neat and clean and free of accumulated~~ rubbish and any substances  
7 that create a ~~public health or safety hazard~~hazard, as follows:

8 (1) all floors shall be free of obstacles to cleaning;

9 (2) reception areas, hallways, treatment areas, office facilities, and other walking surfaces shall be free  
10 of obstruction;

11 (3) all equipment and instruments that have been used for patient dental care shall be handled in  
12 accordance with Rule .0103 of this Subchapter; and

13 (4) solid wastes and medical wastes shall be handled and disposed of in accordance with 15A NCAC  
14 18A .1300 which is incorporated by reference, including subsequent amendments.

15 (b) The premises shall be kept free of all insects and vermin.

16 (c) Water of a ~~safe, sanitary quality~~ shall be piped under ~~pressure~~pressure to all equipment and fixtures where the  
17 use of water is required. The water supply shall meet the requirements in 15A NCAC 18A .1700 or 15A NCAC 18C  
18 which are incorporated by reference, including subsequent amendments.

19 (d) All plumbing shall ~~be in accordance~~comply with ~~the applicable local plumbing ordinances~~ordinances and with  
20 the North Carolina State Plumbing Code which is incorporated by reference, including subsequent amendments and  
21 editions, and is available at no cost online at <https://www.ncosfm.gov/codes/codes-current-and-past>.

22 (e) Comfortable and sanitary conditions for patients and employees shall be maintained at all ~~times~~times, as follows:

23 (1) floors, including carpeted areas, shall be kept clean, dry, odor free, and in good repair;

24 (2) walls and ceilings shall be kept clean and in good repair;

25 (3) doors, windows, and window treatments shall be kept clean and in good repair;

26 (4) equipment, furniture, and light fixtures, including in reception areas, shall be kept clean and in good  
27 repair;

28 (5) rooms shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and  
29 85°F (30°C), and ventilation equipment shall be kept clean and in good repair; and

30 (6) moisture shall be controlled such that there is no evidence of microbial growth on interior surfaces  
31 and objects.

32 (f) All liquid and human waste, including floor wash water, shall be disposed of through trapped drains into a public  
33 sanitary sewer system in localities where such system is available. In localities where a public sanitary system is not  
34 available, liquid and human waste shall be disposed of in a ~~manner approved by the state Department of Environment~~  
35 ~~and Natural Resources~~accordance with 15A NCAC 18A .1300 and 15A NCAC 18C.

1 (g) There shall be functioning toilet facilities on the premises of every dental office. ~~They~~The toilet facilities and  
2 fixtures shall be kept clean and in good repair, and shall conform to standards of the state Department of Environment  
3 and Natural Resources set out in 15A NCAC 18A .1300.

4 (h) No ~~animals, except certified assistance animals required to assist disabled individuals,~~animals shall be allowed  
5 in any area of a dental office where clinical work is being ~~performed~~performed, except service animals in accordance  
6 with GS 168-4.2 and the Americans with Disabilities Act.

7 (i) For purposes of this Rule, "clean" means washed and free from dirt, grime, bodily fluids or tissue, foreign material,  
8 or unwanted matter. "Good repair" means capable of being cleaned and used for its intended purpose in a safe manner.

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10 *History Note: Authority G.S. 90-41(a)(23); 90-48;*  
11 *Eff. September 3, 1976;*  
12 *Readopted Eff. September 26, 1977;*  
13 *Amended Eff. April 1, 2015; May 1, 1989;*  
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
15 *2018-2018;*  
16 *Amended Eff.\_\_\_\_\_.*  
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1 21 NCAC 16J .0103 is proposed for amendment as follows:

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**21 NCAC 16J .0103      STERILIZATION AND INFECTION CONTROL**

~~(a) All instruments or equipment used in the treatment of dental patients shall be sterilized according to manufacturer specifications usage. All dental health care settings shall follow the most current guidelines on infection control for the dental office and the dental laboratory adopted by the American Dental Association. Effective control techniques and precautions to prevent the cross contamination and transmission of infection to all persons is the professional responsibility of all dentists. All licensees are required to maintain and provide a safe, therapeutic environment for patients and employees and to follow a comprehensive and practical infection control program at all times.~~

(b) All settings in which licensees engage in the practice of dentistry or dental hygiene ("dental settings") shall comply with the recommendations and guidelines of the Centers for Disease Control and Prevention ("CDC") for infection prevention and control directed at or applicable to dental settings. The CDC recommendations and guidelines are incorporated by reference, including subsequent amendments and editions, and are available at no cost online at <https://www.cdc.gov>.

(c) All licensees are responsible for utilizing and maintaining sterilization and infection control techniques and precautions as required by this Rule to prevent the cross contamination and transmission of infection to all persons.

*History Note:      Authority G.S. ~~90-28; 90-41(a)(23); 90-48; 90-233(a5)~~;  
   Eff. September 3, 1976;  
   Readopted Eff. September 26, 1977;  
   Amended Eff. February 1, 2008; May 1, 1991;  
   Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,  
   ~~2018-2018~~;  
   Amended Eff. \_\_\_\_\_.*