WHEREAS, COVID-19 is an infectious disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can be spread from person-to-person; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19; and

WHEREAS, on March 10, 2020, in Executive Order No. 116, North Carolina Governor Roy Cooper declared a state of emergency for the entire state of North Carolina based on the public health emergency posed by COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, as of June 17, 2020, the North Carolina Department of Health and Human Services reported 46,855 laboratory confirmed cases, 667,422 completed tests, and 846 patients currently hospitalized with COVID-19 spanning all 100 counties in North Carolina; and

WHEREAS, the North Carolina State Board of Dental Examiners (Board) is an agency of the State of North Carolina organized under Chapter 90 of the North Carolina General Statutes and is charged with the responsibility for licensing dentists and dental hygienists to practice in North Carolina and regulating such practice in the interests of the public health, safety, and welfare of the citizens of the State; and

WHEREAS, as part of the standard licensure process for dentists, dental hygienists, and interns, the following Board regulations (hereafter collectively, "Licensure Regulations") require a background check through the North Carolina State Bureau of Investigation ("SBI").

21 NCAC 16B .0301(a) (Dental licensure)
21 NCAC 16B .0501(a) (Dental licensure by credentials)
21 NCAC 16B .0601(a) (Limited volunteer dental licensure)
21 NCAC 16B .0701(a) (Instructor's licensure)
21 NCAC 16B .0801(a) (Temporary volunteer dental permit)
21 NCAC 16B .1001(a) (Dental licensure by endorsement based on military service)
21 NCAC 16B .1002(a) (Dental licensure by endorsement based on status as military spouse)
21 NCAC 16B .1101(d) (Reinstatement of dental license)
21 NCAC 16C .0301(a) (Dental hygiene licensure)
21 NCAC 16C .0601(a) (Dental hygiene licensure by credentials)
21 NCAC 16C .0601(f) (Reinstatement of dental hygiene license)
21 NCAC 16D .0104(a) (Provisional dental licensure)
21 NCAC 16E .0103(a) (Provisional dental hygiene licensure)
21 NCAC 16G .0107(a) (Dental hygiene licensure by endorsement based on military service)
21 NCAC 16G .0108(a) (Dental hygiene licensure by endorsement based on status as military spouse)
21 NCAC 16Y .0102(a) (Intern permit)

WHEREAS, due to the COVID-19 pandemic, the SBI and certain other agencies and organizations that customarily perform services in association with background checks have temporarily ceased or had to significantly delay certain operations, including preparation and processing of fingerprint cards and use of Live Scan.

WHEREAS, the Board has received inquiries from dental and dental hygiene applicants and others stating that they are unable to obtain an SBI fingerprint card; and

WHEREAS, as a result, applicants have requested that the Board temporarily waive the requirement in its Licensure Regulations that applicants submit fingerprint cards for a background check through the SBI.

WHEREAS, to perform its public protection aspect of evaluating licensure applications during the state of emergency, the Board intends to conduct the required background check through Castle Branch, Inc. if an applicant does not provide SBI fingerprint cards.

WHEREAS, during this time frame, applicants will not be required to submit fingerprint cards as part of their applications but may have to submit a signed release of information form authorizing the Board to request a criminal history record check from Castle Branch, Inc.

WHEREAS, the Board will not charge applicants any additional fee as a result of this modification.

WHEREAS, on May 4, 2020, Governor Cooper signed into law Session Law 2020-3 Senate Bill 704 (COVID-19 Relief Act); and

WHEREAS, the COVID-19 Relief Act included a new provision of the DPA authorizing the Board to waive requirements under the DPA and DHA to permit the provision of dental and dental hygiene services to the public during a state of emergency, N.C. Gen. Stat. § 90-28.5, Disasters and Emergencies; and
WHEREAS, the COVID-19 Relief Act also included Section 4.23 that authorizes and encourages state agencies, such as the Board, to modify educational or examination requirements implemented pursuant to its statutes if the agency determines that doing so is in the public interest due to the impacts of the coronavirus, including protecting the public health, safety, and welfare of the citizens of North Carolina.

NOW, THEREFORE, it is ORDERED that:

In the public interest due to the impacts of the coronavirus and as authorized by the above provisions of the recently enacted COVID-19 Relief Act, the Board temporarily modifies its requirements and procedures to conduct a background check on applicants to the following limited extent:

1. The Board temporarily is waiving the requirement in its Licensure Regulations that applicants submit fingerprint cards for a background check through the SBI.

2. The Board will conduct the required background check through Castle Branch, Inc. to perform its public protection aspect of evaluating licensure applications during the state of emergency.

3. Although applicants will not be required to submit SBI fingerprint cards as part of their applications, they may have to submit a signed release of information form authorizing the Board to request a criminal history record check from Castle Branch, Inc. for their applications to proceed.

4. The Board’s waiver of its requirement that applicants submit fingerprint cards for a background check through the SBI shall remain in effect during the declared state of emergency in North Carolina, unless the Board enters a subsequent order determining that such waiver is no longer necessary to protect the public health, safety, and welfare of the citizens of North Carolina.

This the 10th day of July 2020

North Carolina State Board of Dental Examiners

[Signature]

By: ____________________________

Merlin W. Young, DDS

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