NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS AMENDED ORDER CONTINUING TO WAIVE HUMAN SUBJECT REQUIREMENT AND ACCEPTING MANIKIN CLINICAL EXAMINATIONS DURING STATE OF EMERGENCY

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, the North Carolina Dental Practice Act (DPA) requires that an applicant for dental licensure pass a clinical licensing examination through standards determined by the Board to assess the applicant's proficiency in the knowledge and practice of dentistry; and

WHEREAS, the DPA further provides that the Board is authorized to accept the results of Board-approved “clinical examinations that shall include procedures performed on human subjects as part of the assessment of restorative clinical competencies and that are determined by the Board to be of such character as to thoroughly test the qualifications of the applicant,” N.C. Gen. Stat. § 90-30(a); and

WHEREAS, Board Rule 21 NCAC 16B .0303 requires that all applicants for dental licensure achieve passing scores on clinical examinations administered by a Board-approved testing agency, and further provides that to qualify as a Board-approved testing agency, the clinical exam administered by the testing agency must “include procedures performed on human subjects as part of the assessment of restorative clinical competencies,” and “include evaluations in clinical periodontics,” among other requirements; and

WHEREAS, the North Carolina Dental Hygiene Act (DHA) requires that an applicant for dental hygiene licensure pass a clinical licensing examination through standards determined by the Board to assess the applicant’s proficiency in the knowledge and practice of dental hygiene; and

WHEREAS, Board Rule 21 NCAC 16C .0303 requires that all applicants for dental hygiene licensure achieve passing scores on clinical examinations administered by a Board-approved testing agency, and further provides that to qualify as a Board-approved testing agency, the clinical exam administered by the testing agency must “include procedures performed on human subjects as part of the assessment of clinical competencies,” among other requirements; and

WHEREAS, in determining proficiency in the knowledge and practice of dentistry and dental hygiene as required by the DPA and DHA, it is essential that the Board
assess each applicant’s clinical hand skills in a manner that accurately reflects his or her ability to perform clinical procedures on patients; and

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 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, which remains in effect through the future date the Governor signs an executive order rescinding Executive Order No. 116; and

WHEREAS, the Board has approved the Council of Interstate Testing Agencies (CITA) and the Commission on Dental Competency Assessments (CDCA) to administer the clinical examination provided by the American Board of Dental Examiners, Inc. (ADEX); and

WHEREAS, by letter dated April 29, 2020, ADEX informed the Board that ADEX had evaluated and approved a new manikin examination using the CompeDont™ tooth to satisfy the restorative procedures component of its clinical examinations; and

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 4.38 that authorizes and encourages state agencies, such as the Board, to modify 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; and

WHEREAS, the Board received inquiries from dental and dental hygiene schools, applicants, and others requesting that, during the pandemic and declared state of emergency, the Board accept clinical examinations that are not performed on human subjects; and

WHEREAS, on May 13, 2020, the Board entered an Order temporarily modifying its examinations requirements and waiving the human subject requirement in the DPA and its regulations and accepting the administration of the ADEX clinical
examination utilizing the CompeDont™ tooth to satisfy the restorative procedures component of its clinical examinations during the declared state of emergency, absent further Board order; and

WHEREAS, on May 18, 2020, ADEX announced that it had evaluated and approved the use and offering of a selected typodont as an option in the periodontal scaling procedures component for both dental and dental hygiene clinical licensure examinations; and

WHEREAS, the evaluation performed for ADEX on the selected typodont concluded: “The collection of evidence supports use of this typodont in ADEX examination exercises for jurisdictions that may want to offer both a psychomotor performance examination and a fully nonpatient licensure pathway. Notwithstanding this conclusion, the data also suggest that a patient-based demonstration of clinical skills remains a superior comparative option;” and

WHEREAS, after reviewing the results of the evaluation, ADEX member dental boards voted to allow the periodontal scaling procedures component of its clinical licensure examination process to be completed either on a live human subject patient or utilizing the approved typodont for both the dental and dental hygiene clinical licensure examination; and

WHEREAS, on June 19, 2020, the Board entered another Order temporarily modifying its examinations requirements and waiving any human subject requirement in its statutes and regulations by temporarily accepting the administration of the ADEX clinical examination utilizing the approved typodont to satisfy the periodontal scaling procedures component for both dental and dental hygiene applicants during the declared state of emergency, absent further Board order; and

WHEREAS, by temporarily accepting the ADEX clinical examination utilizing both the CompeDont™ for restorative procedures for dental applicants and the approved typodont administration for periodontal scaling procedures to satisfy the periodontal scaling procedures component for both dental and dental hygiene applicants (hereafter referred to separately as, “ADEX manikin examination” or collectively as, “ADEX manikin examinations”), the Board accepted administration of clinical licensure examinations for both dental and dental hygiene applicants without any human subject during the declared state of emergency; and

WHEREAS, temporarily accepting the ADEX manikin examinations during the state of emergency preserves use of personal protective equipment (PPE), eliminates producing potentially infectious aerosol during the examinations, and thereby reduces the risks of infection and preserves PPE for other essential uses during the COVID-19 pandemic; and
WHEREAS, the Board received additional inquiries from dental and dental hygiene schools, applicants, and others requesting that the Board continue to accept for a limited time the results of clinical examinations that are not performed on human subjects that had been scheduled prior to the declared end of the state of emergency; and

WHEREAS, as noted in these inquiries, planning and preparing to take clinical examinations by dental and dental hygiene schools, applicants, and others must begin up to 120 days in advance of those examinations; and

WHEREAS, planning and preparing to take clinical examinations by dental and dental hygiene schools, applicants, and others is different for ADEX manikin examinations than for an examination administered utilizing human subjects; and

WHEREAS, dental and dental hygiene schools, applicants, and others involved in planning and preparing for clinical examinations would likely incur significant time and cost expenditures upon losing the benefit of preparations for ADEX manikin examinations and being required instead to take an examination using human subjects on short notice as of the future date the Governor declares the end of the state of emergency; and

WHEREAS, administering an examination for which applicants have been able to prepare in advance likely results in more accurately determining the proficiency in the knowledge and practice of dentistry and dental hygiene as required by the DPA and DHA; and

WHEREAS, it is in the interests of the citizens of North Carolina for the Board to accurately determine the proficiency in the knowledge and practice of dentistry and dental hygiene as required by the DPA and DHA; and

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 COVID-19 Relief Act, the Board further modifies its examinations requirements and waives any human subject requirement in its statutes and regulations to the following limited extent:

1. To satisfy its examination requirements for licensure, the Board will accept the results of an ADEX manikin examination administered up to 120 days after the state of emergency in North Carolina ends and successfully completed by a dental applicant or dental hygiene applicant.

2. The Board will not accept the results of an ADEX manikin examination administered more than 120 days after the state of emergency in North
Carolina ends to satisfy its examination requirements for licensure for either a dental applicant or dental hygiene applicant.

3. The Board will continue to accept the results of ADEX examinations administered using human subjects to satisfy its examination licensure requirements for dental applicants and dental hygiene applicants both during the declared state of emergency and after it ends.

4. The provisions of the Board’s May 13, 2020 and June 19, 2020 Orders remain in effect, except as expressly amended in this Order.

This the 21st day of January 2021

North Carolina State Board of Dental Examiners

By: ________________________________

Edward J. Clemons, Jr., DDS
Secretary/Treasurer