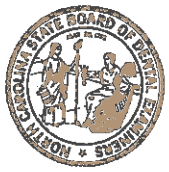
NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS

WILLIAM M. LITAKER, JR., D.D.S., President
MERLIN W. YOUNG, D.D.S, Secretary-Treasurer
CLIFFORD O. FEINGOLD, D.D.S, Past President
E. CLARK JENKINS, Consumer Member



KENNETH M. SADLER, D.D.S..
STANLEY L. ALLEN, D.D.S.
MILLARD W. WESTER III, D.D.S.
CARLA J. STACK, R.D.H.

BOBBY D. WHITE, Chief Operations Officer

September 21, 2016

Ms. Amber Cronk May, Esq.
N.C. Office of Administrative Hearings
6714 Mail Service Center
Raleigh NC 27699-6714

Dear Ms. May:

You will please find enclosed the Dental Board's Notice of Text for 21 NCAC 16G .0101 for publication in the next Register.

Please advise if you have questions or require additional information. Thank you.

Very truly yours,

Casie S. Goode

Casie S. Goode

Enclosure

2000 PERIMETER PARK DRIVE, SUITE 160 • MORRISVILLE, NORTH CAROLINA 27560
TELEPHONE (919) 678-8223 • FAX (919) 678-8472 • EMAIL: info@ncdentalboard.org • www.ncdentalboard.org

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: The North Carolina State Board of Dental Examiners

2. Link to agency website pursuant to G.S. 150B-19.1(c): www.ncdentalboard.org

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ **ADOPTION:**

☐ **READOPTION with substantive changes:**

☐ **READOPTION without substantive changes:**

☒ **AMENDMENT:** 21 NCAC 16G .0101

☐ **REPEAL:**

4. Proposed effective date: February 1, 2017

5. Is a public hearing planned? ☒ Yes ☐ No

If yes: Public Hearing date: November 17, 2016
Public Hearing time: 6:30 p.m.
Public Hearing location: 2000 Perimeter Park Dr., Suite 160, Morrisville, NC 27560

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 16G .0101 is proposed for amendment to allow dental hygienists to make adjustments to any restoration or appliance.

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 facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ **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 D. White, Esq.
Address: 2000 Perimeter Park Dr., Suite 160, Morrisville, NC 27560

Phone (optional):
Fax (optional):
E-Mail (optional):

10. Comment Period Ends: December 16, 2016

11. Fiscal impact (check all that apply).
If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
  Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (≥$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Brooke Ottesen, Esq.

Address: 2000 Perimeter Park Dr., Suite 160, Morrisville, NC 27560

Phone: (919) 434-4569
E-Mail: brooke@brockerlawfirm.com

Agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: September 9, 2016

14. Signature of Agency Head* or Rule-making Coordinator:

Brooke Ottesen

***If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Brooke Ottesen, Esq.

Title: Rule Making Coordinator

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

21 NCAC 16G .0101 FUNCTIONS THAT MAY BE DELEGATED

A dental hygienist may be delegated functions to be performed under the direct control and supervision of a dentist who shall be personally and professionally responsible and liable for any and all consequences or results arising from performance of such acts and functions. In addition to the functions set out in G.S. 90-221(a) and 21 NCAC 16H .0203, functions that may be delegated to a dental hygienist provided that a dentist has examined the patient and prescribed the procedure include:

(1) Taking impressions for study models and opposing casts that may be used for the construction of temporary or permanent dental appliances, adjustable orthodontic appliances, nightguards and the repair of dentures or partials;

(2) Applying sealants to teeth that do not require mechanical alteration prior to the application of such sealants;

(3) Inserting matrix bands and wedges;

(4) Placing cavity bases and liners;

(5) Placing and removing rubber dams;

(6) Cementing temporary restorations using temporary cement;

(7) Applying acid etch materials and rinses;

(8) Applying bonding agents;

(9) Removing periodontal dressings;

(10) Removing sutures;

(11) Placing and removing gingival retraction cord;

(12) Removing excess cement;

(13) Flushing, drying and temporarily closing root canals;

(14) Placing and removing temporary restorations;

(15) Placing and tying in or untying and removing orthodontic arch wires;

(16) Inserting interdental spacers;

(17) Fitting (sizing) orthodontic bands or brackets;

(18) Applying dentin desensitizing solutions;

(19) Performing periodontal screening;

(20) Performing periodontal probing;

(21) Performing subgingival exploration for or removal of hard or soft deposits;

(22) Performing sulcular irrigation;

(23) Applying resorbable sulcular antimicrobial or antibiotic agents;

(24) Performing extra-oral adjustments that affect function, fit, or occlusion of any ~~temporary~~ restoration or appliance; and

(25) Initially forming and sizing orthodontic arch wires and placing arch wires after final adjustment and approval by the dentist.

1 *History Note:* *Authority G.S. 90-41; 90-221; 90-223(b); 90-233;*
2 *Eff. September 3, 1976;*
3 *Readopted Eff. September 26, 1977;*
4 *Amended Eff. _____; August 1, 2016; April 1, 2015; August 1, 2008; August 1, 2000; May*
5 *1, 1989; October 1, 1985; March 1, 1985.*