



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 16Y .0104

REPEAL:

4. Proposed effective date: September 1, 2017

5. Is a public hearing planned? Yes No

If yes: Public Hearing date: June 15, 2017

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 16Y .0104 is proposed for amendment to allow an intern permit holder who is required to be on-call to practice under the direction of a licensed dentist.

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: July 14, 2017

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 (\geq \$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: Whitney Waldenberg, Esq.

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

Phone: (919) 610-0573

E-Mail: whitney@brockerlawfirm.com

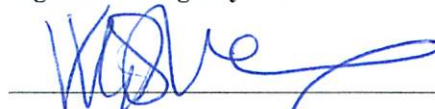
Agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: April 24, 2017

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



*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: Whitney Waldenberg, Esq.

Title: Rule Making Coordinator

1 21 NCAC 16Y .0104 is proposed for amendment as follows:

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3 **21 NCAC 16Y .0104 DIRECTION AND SUPERVISION**

4 (a) Holders of a valid intern permit who are currently licensed in Canada, or a U.S. territory or state may practice
5 under direction of one or more dentists with a current and valid North Carolina license. ~~Such~~ The directing dentist
6 shall be responsible for all consequences or results arising from the permit holder's practice of dentistry.

7 (b) Holders of a valid intern permit who are not currently licensed in Canada, or a U.S. territory or state may work
8 only under supervision of one or more dentists with a current and valid North Carolina license. ~~Such~~ The
9 supervising dentist shall be responsible for all consequences or results arising from the permit holder's practice of
10 dentistry.

11 (c) Holders of any valid intern permit under this Rule who are required to be on-call, either in-person or by
12 electronic means, in an emergency setting may practice under the direction of a dentist following the accrediting
13 standard of the Commission on Dental Accreditation (CODA).

14 ~~(d)~~ (d) For purposes of this Rule, ~~Section~~, the acts of a permit holder are deemed to be under the direction of a
15 licensed dentist when performed in a locale where a licensed dentist is not always required to be physically present
16 during the performance of ~~such~~ the acts that ~~and such acts~~ are being performed pursuant to the dentist's order,
17 control, and approval.

18 ~~(e)~~ (e) For purposes of this Rule, ~~Section~~, the acts of a permit holder are deemed to be under the supervision of a
19 licensed dentist when performed in a locale where a licensed dentist is physically present during the performance of
20 ~~such~~ the acts that ~~and such acts~~ are being performed pursuant to the dentist's order, control, and approval.

21 (f) The CODA accrediting standard and its subsequent amendments and editions, which are incorporated herein by
22 reference, are published on the American Dental Association's website located at
23 <http://www.ada.org/en/coda/policies-and-guidelines/policy-and-procedure-manual>, and are available at no cost.

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25 *History Note: Authority G.S. 90-28; 90-29.4;*
26 *Eff. August 1, 2002;*
27 *Amended Eff. September 1, 2017, July 1, 2015.*
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