



**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](http://www.ncdentalboard.org)

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

**ADOPTION:** 21 NCAC 16H .0208

**AMENDMENT:**

**REPEAL:**

**READOPTION with substantive changes:**

**READOPTION without substantive changes:**

**REPEAL through READOPTION:**

**4. Proposed effective date:** October 1, 2019

**5. Is a public hearing planned?**  Yes  No

**If yes: Public Hearing date:** July 11, 2019

**Public Hearing time:** 6:30 p.m.

**Public Hearing location:** 2000 Perimeter Park Drive, 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 16H .0208 is proposed to provide limited exception for a Dental Assistant II to assist a Limited Supervision Hygienist at the request of the Dean of the ECU School of Dental Medicine.

**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 White

Address: 2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560

Phone (optional):

Fax (optional):

E-Mail (optional):

**10. Comment Period Ends: August 16, 2019**

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$ \$1,000,000)
- Approved by OSBM
- No fiscal note required

**12. Rule-making Coordinator:** Douglas J. Brocker, Esq.

Phone: 919-424-6334

E-Mail: doug@brockerlawfirm.com

Additional agency contact, if any:

Phone:

E-mail:

**13. The Agency formally proposed the text of this rule(s) on**  
Date: May 15, 2019

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



Typed Name: Douglas J. Brocker, Esq.

Title: 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.*

1 21 NCAC 16H .0208 is proposed for adoption as follows:

2

3 **21 NCAC 16H .0208 LIMITED EXCEPTION FOR ASSISTING HYGIENISTS**

4 A Dental Assistant II may assist a Limited Supervision Hygienist, who is qualified and practicing pursuant to 21  
5 NCAC 16Z .0101-.0103, in providing oral hygiene instruction, applying sealants, applying topical fluorides, applying  
6 fluoride varnishes, and while the Hygienist is performing prophylaxis, provided:

7 (1) The treatment is provided to children in school-based oral health programs under a School-Based  
8 Oral Health Initiative of the Carolinas grant; and

9 (2) Prior to any treatment being provided, a licensed North Carolina dentist has:

10 (a) examined the patient;

11 (b) ordered the treatment provided to the patient; and

12 (c) agreed to provide the patient with any necessary additional treatment resulting from the  
13 treatment rendered in accordance with this Rule.

14

15 *History Note:* Authority G.S. 90-29(c)(9); 90-48; 90-233;

16 *Eff.* \_\_\_\_\_

17

18