



## 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: [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 16T .0104](#)

AMENDMENT: [21 NCAC 16B .1101](#); [16C .0601](#); [16H .0205](#); [16Q .0701](#); [16W .0101](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [05/01/2025](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">03/13/2025</a>	<a href="#">6:30 pm</a>	<a href="#">2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560</a>

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 16B .1101, 21 NCAC 16C .0601, and 21 NCAC 16Q .0701 are proposed for amendment to add a default minimum time period for seeking reinstatement of a revoked license or permit, as well as for re-applying after denial of reinstatement.  
21 NCAC 16H .0205 is proposed for amendment to clarify that dental assistants are not permitted to perform scaling for deposits either above or below the gum line.  
21 NCAC 16W .0101 is proposed for amendment to incorporate a provision requiring the availability of a licensed dentist while the public health hygienist is performing procedures.  
21 NCAC 16T .0104 is proposed to address requirements of winding down a dental practice, including issues such as notification of patients of practice closure and license suspension or revocation, abandonment of records, and appointment of trustees.

**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 email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**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):  
EMail (optional)

**10. Comment Period Ends: 03/17/2025**

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

No fiscal note required

**12. Rule-making Coordinator:**

Name: Whitney S. Waldenberg  
919-610-0573  
whitney@brokerlawfirm.com

**Agency contact, if any:**

Name:  
Phone:  
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 10/18/2024

1 21 NCAC 16B .1101 is proposed for amendment as follows:  
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3 **SECTION .1100 - REINSTATEMENT**  
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5 **21 NCAC 16B .1101 APPLICATION FOR REINSTATEMENT ~~AND PROOF OF COMPETENCY~~**

6 (a) Any person desiring to practice dentistry in North Carolina whose North Carolina dental license has been revoked,  
7 suspended, retired, or expired shall submit to the Board an application for reinstatement. All applications for  
8 reinstatement of a dental license shall be submitted on forms furnished by the Board at [www.ncdentalboard.org](http://www.ncdentalboard.org) and  
9 shall include:

- 10 (1) original dental license number and date of issuance;
- 11 (2) full name;
- 12 (3) street address as of the date of the application;
- 13 (4) telephone number;
- 14 (5) email address;
- 15 (6) citizenship or immigration status, with verifying documentation;
- 16 (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the  
17 applicant has ever:
  - 18 (A) been summoned to court or before a magistrate for the violation of any law or ordinance or  
19 for the commission of any felony or misdemeanor;
  - 20 (B) been arrested for the violation of any law or ordinance or for the commission of any felony  
21 or misdemeanor;
  - 22 (C) been taken into custody for the violation of any law or ordinance or for the commission of  
23 any felony or misdemeanor;
  - 24 (D) been indicted for the violation of any law or ordinance or for the commission of any felony  
25 or misdemeanor;
  - 26 (E) been convicted or tried for the violation of any law or ordinance or for the commission of  
27 any felony or misdemeanor;
  - 28 (F) been charged with the violation of any law or ordinance or for the commission of any  
29 felony or misdemeanor; or
  - 30 (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony  
31 or misdemeanor;
- 32 (8) whether the applicant is under investigation as of the date of the application or has ever been  
33 investigated by the Board or any other licensing board;
- 34 (9) whether the applicant has ever had a civil lawsuit related to the practice of dentistry settled;
- 35 (10) all dental licenses from other jurisdictions ever held by the applicant, including dates of licensure;
- 36 (11) a statement disclosing all the applicant's dental practices from dental school graduation to the date  
37 of the application, including:

- 1 (A) the dates during which the applicant was engaged in practice as a dentist;
- 2 (B) the addresses of the offices or places at which the applicant was employed or practicing,
- 3 and the names and addresses of all employers, partners, associates, or persons sharing
- 4 office space;
- 5 (C) whether the applicant was practicing general dentistry or a specialty; and
- 6 (D) the reason for the termination of each employment or period of private practice;
- 7 (12) a statement disclosing and explaining any current condition or impairment, including a substance
- 8 use disorder, abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in
- 9 any way affects the ability to practice dentistry. For purposes of this Rule, "current" means recently
- 10 enough that the condition or impairment may affect the applicant's ability to function as a dentist as
- 11 set out in G.S. 90-41(a)(2) and (7). If the applicant contends that the condition or impairment is
- 12 reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a
- 13 monitoring or support program, the applicant may provide information regarding the treatment or
- 14 program, and may include any verification demonstrating that the applicant has complied with all
- 15 provisions and terms of any drug treatment program, or impaired dentists or other impaired
- 16 professionals program;
- 17 (13) two letters of character reference from non-family members;
- 18 (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within
- 19 six months prior to the date the report is submitted to the Board;
- 20 (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC
- 21 16R .0200, in amounts equal to the number of hours required for renewal of a dental license; and
- 22 (16) a copy of an unexpired CPR certificate.
- 23 (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information
- 24 and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set
- 25 forth in 21 NCAC 16M .0101(a)(8) and the renewal fees set forth in 21 NCAC 16M .0101(a)(2) and (b).
- 26 (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed
- 27 in other states, the applicant shall request the dental regulatory authority or other occupational or professional
- 28 regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental license to send
- 29 to the Board office, in ~~an unopened envelope sealed by the authority,~~ a sealed envelope or via secure electronic
- 30 transmission, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action
- 31 taken or investigation pending.
- 32 (d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one
- 33 year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing
- 34 the Board to request a fingerprint-based criminal history record check from the North Carolina State Bureau of
- 35 Investigation.
- 36 (e) An applicant ~~for reinstatement~~ whose North Carolina dental license has been revoked, suspended, retired, or
- 37 expired for two to five years shall ~~take~~ submit to the Board evidence of completion of refresher courses as specified

1 by the Board if the Board determines that the applicant lacks skills or knowledge to practice dentistry. Refresher  
2 courses for an applicant whose license was revoked or suspended shall relate to the deficiencies that led to the  
3 imposition of discipline. Refresher courses for an applicant whose license has been retired or expired shall be specified  
4 by the Board taking into account the amount of time the license has been retired or expired and the applicant's level  
5 of experience.

6 (f) An applicant ~~for reinstatement~~ whose North Carolina dental license has been revoked, suspended, retired, or  
7 expired for more than five years shall pass the American Board of Dental Examiners dental licensure clinical  
8 examinations before applying for reinstatement.

9 (g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and  
10 the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be  
11 complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded  
12 as expired without a refund of the application fees.

13 (h) Absent a Board order stating otherwise, an applicant whose North Carolina dental license has been revoked shall  
14 not be eligible to:

- 15 (1) apply for reinstatement for a period of one year after the effective date of the revocation; or  
16 (2) re-apply for reinstatement for a period of one year after the Board's denial of the applicant's previous  
17 application for reinstatement.

18 (i) An application for reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (h)  
19 of this Rule shall be disregarded without a refund of the application fees.

20 ~~(h)~~(j) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

21 ~~(i)~~(k) Any license obtained through fraud or by any false representation shall be revoked.

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23 *History Note: Authority G.S. 90-30; 90-41; 90-42;*  
24 *Eff. September 1, 2014;*  
25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
26 *2018;*  
27 *Amended Eff. \_\_\_\_\_; September 1, 2020.*

1 21 NCAC 16C .0601 is proposed for amendment as follows:  
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3 **SECTION .0600 – REINSTATEMENT OF DENTAL HYGIENE LICENSE**  
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5 **21 NCAC 16C .0601 APPLICATION FOR REINSTATEMENT ~~AND PROOF OF COMPETENCY~~**

6 (a) Any person desiring to practice dental hygiene in North Carolina whose North Carolina dental hygiene license  
7 has been revoked, suspended, retired, or expired shall submit to the Board an application for reinstatement. All  
8 applications for reinstatement of a dental hygiene license shall be made on the forms furnished by the Board at  
9 [www.ncdentalboard.org](http://www.ncdentalboard.org) and shall include:

- 10 (1) original dental hygiene license number and date of issuance;
- 11 (2) full name;
- 12 (3) street address as of the date of the application;
- 13 (4) telephone number;
- 14 (5) email address;
- 15 (6) citizenship or immigration status, with verifying documentation;
- 16 (7) a statement disclosing and explaining the nature, facts, and disposition of any matter where the  
17 applicant has ever:
  - 18 (A) been summoned to court or before a magistrate for the violation of any law or ordinance or  
19 for the commission of any felony or misdemeanor;
  - 20 (B) been arrested for the violation of any law or ordinance or for the commission of any felony  
21 or misdemeanor;
  - 22 (C) been taken into custody for the violation of any law or ordinance or for the commission of  
23 any felony or misdemeanor;
  - 24 (D) been indicted for the violation of any law or ordinance or for the commission of any felony  
25 or misdemeanor;
  - 26 (E) been convicted or tried for the violation of any law or ordinance or for the commission of  
27 any felony or misdemeanor;
  - 28 (F) been charged with the violation of any law or ordinance or for the commission of any  
29 felony or misdemeanor; or
  - 30 (G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony  
31 or misdemeanor;
- 32 (8) whether the applicant is under investigation as of the date of the application or has ever been  
33 investigated by the Board or any other licensing board;
- 34 (9) whether the applicant has ever had a civil lawsuit related to the practice of dental hygiene settled;
- 35 (10) all dental hygiene licenses from other jurisdictions ever held by the applicant, including dates of  
36 licensure;
- 37 (11) a statement disclosing all the applicant's dental hygiene practices, including:

- 1 (A) the dates during which the applicant was employed as a dental hygienist;
- 2 (B) the name and address of each employer; and
- 3 (C) the reason for the termination of each employment;
- 4 (12) a statement disclosing and explaining any current condition or impairment, including a substance  
5 use disorder, abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in  
6 any way affects the ability to practice dental hygiene. For purposes of this Rule, "current" means  
7 recently enough that the condition or impairment may affect the applicant's ability to function as a  
8 dental hygienist as set out in G.S. 90-229(a)(4) and (13). If the applicant contends that the condition  
9 or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or  
10 participating in a monitoring or support program, the applicant may provide information regarding  
11 the treatment or program, and may include any verification demonstrating that the applicant has  
12 complied with all provisions and terms of any drug treatment program, or impaired dental hygienists  
13 or other impaired professionals program;
- 14 (13) two letters of character reference from non-family members;
- 15 (14) a copy of a National Practitioner Data Bank report concerning the applicant that was obtained within  
16 six months prior to the date the report is submitted to the Board;
- 17 (15) documentation of the applicant's completion of continuing education courses, as set out in 21 NCAC  
18 16I, in amounts equal to the number of hours required for renewal of a dental hygiene license; and
- 19 (16) a copy of an unexpired CPR certificate.

20 (b) The applicant shall submit to the Board the notarized application form for reinstatement with all the information  
21 and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable reinstatement application fee set  
22 forth in 21 NCAC 16M .0102(a)(3) and the renewal fees set forth in 21 NCAC 16M .0102(a)(2) and (b).

23 (c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, if the applicant is or has ever been licensed  
24 in other states, the applicant shall request the dental regulatory authority or other occupational or professional  
25 regulatory authority of each licensing jurisdiction where the applicant holds or has ever held a dental hygiene license  
26 to send to the Board office, ~~in an unopened envelope sealed by the authority, a sealed envelope or via secure electronic~~  
27 transmission, a certificate of the applicant's licensure status accompanied by a disclosure of any disciplinary action  
28 taken or investigation pending.

29 (d) An applicant whose North Carolina license has been revoked, suspended, retired, or expired for more than one  
30 year shall submit to the Board a completed fingerprint record card and signed release of information form authorizing  
31 the Board to request a fingerprint-based criminal history check from the North Carolina State Bureau of Investigation.

32 (e) An applicant ~~for reinstatement~~ whose North Carolina dental hygiene license has been revoked, suspended, retired,  
33 or expired for two to five years shall ~~take~~ submit to the Board evidence of completion of refresher courses as specified  
34 by the Board if the Board determines that the applicant lacks skills or knowledge to practice dental hygiene. Refresher  
35 courses for an applicant whose license was revoked or suspended shall relate to the deficiencies that led to the  
36 imposition of discipline. Refresher courses for an applicant whose license has been retired or expired shall be specified

1 by the Board taking into account the amount of time the license has been retired or expired and the applicant's level  
2 of experience.

3 (f) An applicant ~~for reinstatement~~ whose North Carolina dental hygiene license has been revoked, suspended, retired,  
4 or expired for more than five years shall pass the American Board of Dental Examiners dental hygiene licensure  
5 clinical examinations before seeking reinstatement.

6 (g) The Board shall receive all information and documentation set forth in Paragraphs (a) through (e) of this Rule and  
7 the applicant's passing scores on any examinations required under Paragraph (f) of this Rule for the application to be  
8 complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded  
9 as expired without a refund of the application fees.

10 (h) Absent a Board order stating otherwise, an applicant whose North Carolina dental license has been revoked shall  
11 not be eligible to:

12 (1) apply for reinstatement for a period of one year after the effective date of the revocation; or

13 (2) re-apply for reinstatement for a period of one year after the Board's denial of the applicant's previous  
14 application for reinstatement.

15 (i) An application for reinstatement that is received before the applicant is eligible to apply pursuant to Paragraph (h)  
16 of this Rule shall be disregarded without a refund of the application fees.

17 ~~(h)(j)~~ Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

18 ~~(i)(k)~~ Any license obtained through fraud or by any false representation shall be revoked.

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20 *History Note: Authority G.S. 90-223; 90-224; 90-229;*

21 *Eff. September 1, 2014;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
23 *2018;*

24 *Amended Eff. \_\_\_\_\_; September 1, 2020.*



1 21 NCAC 16H .0205 is proposed for amendment as follows:

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**21 NCAC 16H .0205 SPECIFIC PROHIBITED FUNCTIONS OF DENTAL ASSISTANTS I AND II**

~~These~~ The specific functions that shall not be delegated to either a Dental Assistant I or a Dental Assistant II include ~~these~~ procedures prohibited in 21 NCAC 16G .0103 for ~~Dental Hygienists~~ dental hygienists. In addition, those procedures that require the professional education and skill of a ~~Dentist~~ dentist or ~~Dental Hygienist~~ dental hygienist and ~~may~~ shall not be delegated to a Dental Assistant I or Dental Assistant II ~~shall~~ include:

- (1) performing prophylaxis;
- (2) performing periodontal screening;
- (3) performing periodontal probing;
- (4) performing ~~subgingival~~ exploration for or removal of hard or soft ~~deposits~~, deposits, except as provided by Rule .0203 of this Section;
- (5) performing sulcular irrigation;
- (6) using ultrasonic ~~sealers for prophylaxis~~; scalers;
- (7) applying antibiotic-coated materials;
- (8) applying resorbable antimicrobial agents;
- (9) performing root planing;
- (10) applying oral cancer screening products; or
- (11) using laser fluorescence detectors in preparation for the dentist's examination and diagnosis of ~~eavities~~; or cavities;
- ~~(12) applying resin infiltration treatment for incipient smooth surface lesions, following the dentist's diagnosis that the lesion is non-penetrable.~~

*History Note: Authority G.S. 90-29(c)(9); 90-48;  
Eff. September 3, 1976;  
Readopted Eff. September 26, 1977;  
Amended Eff. August 1, 2000; January 1, 1994; May 1, 1989; March 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;  
Amended Eff. \_\_\_\_\_; April 1, 2018.*

1 21 NCAC 16Q .0701 is proposed for amendment as follows:

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**SECTION .0700 – COMPLIANCE AND REPORTING**

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**21 NCAC 16Q .0701 FAILURE TO COMPLY**

6 (a) Failure to comply with the provisions of this Subchapter may result in suspension or revocation of the permit  
7 ~~and/or and~~ the dentist's license to practice dentistry in accordance with G.S. 90-41.

8 (b) Absent a Board order stating otherwise, a dentist whose permit has been revoked shall not be eligible to:

9 (1) apply for reinstatement of the permit for a period of one year after the effective date of the  
10 revocation; or

11 (2) re-apply for reinstatement of the permit for a period of one year after the Board's denial of the  
12 applicant's previous application for reinstatement.

13 (c) An application for permit reinstatement that is received before the applicant is eligible to apply pursuant to  
14 Paragraph (b) of this Rule shall be disregarded without a refund of the application fees.

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16 *History Note: Authority G.S. 90-28; 90-30.1; 90-41; 90-48;*

17 *Eff. February 1, 1990;*

18 *Transferred and Recodified from 16Q .0601 to 16Q .0701;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
20 *2018-2018;*

21 *Amended Eff. \_\_\_\_\_.*

1 21 NCAC 16T .0104 is proposed for adoption as follows:

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3 **21 NCAC 16T. 0104 NOTICE AND TRANSFER OF RECORDS UPON CEASING PRACTICE**

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5 (a) Patient Notification Upon Closure of Practice – A dentist who is a sole practitioner and closes a dental practice for  
6 reasons other than disciplinary action by the Board shall notify all patients with a pending treatment plan or a scheduled  
7 appointment of the closure and consult with the patients on options for continued care and transferring of the patient  
8 record to another provider or returning it to the patient. Nothing in this Rule shall alter the dentist’s obligations under  
9 Rule .0101 of this Section to retain the patient record unless it is either transferred to another provider or returned to  
10 the patient. A dentist shall document the transfer or return of each patient record.

11 (b) Patient Notification Upon Revocation or Active Suspension of License- Unless an Order of the Board specifies  
12 otherwise, a dentist whose license is subject to active suspension for a period of 30 days or longer or is revoked by  
13 Order of the Board will notify all patients with a pending treatment plan or a scheduled appointment of the suspension  
14 or revocation in not more than 10 days after the effective date of the active suspension or revocation, the reasons for  
15 the suspension or revocation, and consequent inability of the licensee to continue treatment after the effective date of  
16 suspension or revocation. The dentist shall advise such patients that the patients may seek treatment from another  
17 licensed provider if further treatment is required during the period of active suspension or after the revocation. The  
18 dentist shall document the notice in the patient record.

19 (c) Transfer of Patient Records Upon Revocation or Active Suspension of License– A dentist shall not abandon patient  
20 records. Unless otherwise specified by Board Order, in not more than 30 days after the effective date of an active  
21 suspension or revocation of a license, the dentist shall deliver all patient records in his or her possession for each  
22 patient with an ongoing treatment plan or a scheduled appointment either to the patient or to another treatment  
23 provider as directed by the patient, or document good faith efforts to do so. A dentist shall not transfer patient records  
24 containing confidential information to another treatment provider in a different practice without prior consent from  
25 the patient. The dentist shall document the consent to transfer in the patient record and the transfer or return of each  
26 patient record.

27 (d) Transfer of Patient Records to Trustee – If the Board determines that patient records have been abandoned by a  
28 dentist, including upon the suspension or revocation of a license or the death or disability of a sole practitioner, the  
29 Board may seek a judicial order appointing a licensed dentist to act as trustee of the abandoned patient records. The  
30 trustee shall take steps to contact each patient for return or transfer of the patient record. The trustee shall not transfer  
31 patient records containing confidential information to another treatment provider without prior consent from the  
32 patient, documented in the record. Upon the death of a dentist who is not a sole practitioner, a dentist who is an owner  
33 or employed in the same practice as the deceased dentist shall take custody of the deceased dentist’s patient records  
34 and notify the patients to arrange for continued care either within the practice or by transferring the patient record to  
35 another dentist.

36 (e) Proof of Compliance - A licensee whose license is subject to active suspension or revoked by Order of the Board  
37 shall keep and maintain records of the steps taken under subsections (b) and (c) of this Rule so that, upon any

1 subsequent proceeding, proof of compliance with this Rule and any Order of the Board shall be available for the Board  
2 to review. Proof of compliance with subsections (b) and (c) shall be a condition precedent to consideration of any  
3 petition for reinstatement or stay of active suspension. If a trustee was appointed for custody of the licensee's patient  
4 records in accordance with subsection (d) of this Rule, the petitioner must demonstrate, as conditions precedent to  
5 consideration for any petition for reinstatement or stay of active suspension, that there was just cause for the  
6 abandonment of the patient records and that the petitioner has paid the trustee or Board for documented expenses  
7 incurred in connection with the custody of the abandoned patient records, even when just cause is demonstrated.

8  
9 *History Note: Authority G.S. 90-28; 90-41; 90-48; 90-48.1;*

10 *Eff.*

1 21 NCAC 16W .0101 is proposed for amendment as follows:  
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3 **SUBCHAPTER 16W – PUBLIC HEALTH HYGIENISTS**  
4

5 **SECTION .0100 - PUBLIC HEALTH HYGIENISTS**  
6

7 **21 NCAC 16W .0101 DIRECTION DEFINED**

8 (a) A public health hygienist may perform clinical procedures under the direction of a licensed dentist, as defined by  
9 21 NCAC 16A .0101(9), and in accordance with G.S. ~~90-233(a)-90-233(a)~~, provided the dentist ordering the  
10 procedure, or another dentist designated by the ordering dentist, is accessible, either in person or via synchronous  
11 teledentistry, for consultation while the hygienist is performing clinical procedures, and to provide any follow-up care  
12 the dentist determines to be clinically necessary.

13 (b) The specific clinical procedures delegated to the hygienist shall be completed, in accordance with a written order  
14 from the dentist, within 270 days of the dentist's in-person evaluation of the patient.

15 (c) The dentist's evaluation of the patient shall include a comprehensive oral examination, medical and dental health  
16 history, and diagnosis of the patient's condition.

17 (d) A public health hygienist may provide educational information, such as instruction in brushing and flossing,  
18 without the direction of a licensed dentist.  
19

20 *History Note: Authority G.S. 90-223; 90-233(a);*  
21 *Temporary Adoption Eff. October 1, 1999;*  
22 *Eff. April 1, 2001;*  
23 *Amended Eff. April 1, 2016; July 1, 2015;*  
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
25 *2018;*  
26 *Amended Eff. \_\_\_\_\_; February 1, 2020.*



## 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: [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:

AMENDMENT: [21 NCAC 16I .0206; 16R .0206](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [05/01/2025](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">03/13/2025</a>	<a href="#">6:30pm</a>	<a href="#">2000 Perimeter Park Drive, Suite 160, Morrisville, NC 27560</a>

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 16I .0206 and 21 NCAC 16R .0206 are proposed for amendment to update the rules with the correct terminology for substance use disorders and to provide more flexibility on the type of classes that may satisfy the mental health education requirement.

**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 email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**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):  
EMail (optional)

**10. Comment Period Ends:** 03/17/2025

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

No fiscal note required

**12. Rule-making Coordinator:**

Name: Whitney S. Waldenberg  
919-610-0573  
whitney@brokerlawfirm.com

**Agency contact, if any:**

Name:  
Phone:  
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 12/13/2024

1 21 NCAC 16I .0206 is proposed for amendment as follows:

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**21 NCAC 16I .0206 CONTINUING EDUCATION ON ~~SUBSTANCE ABUSE AND MENTAL HEALTH~~**

(a) Every two calendar years, each dental hygienist shall complete one clock hour of continuing education on ~~substance abuse and~~ mental health. To count toward this requirement, the course shall be:

(1) designed to address relevant mental health issues for dental professionals, including substance ~~abuse~~ use disorders, chemical dependency, impairment, ~~and~~ or mental health disorders; and

(2) offered by a Board-approved sponsor as set out in Rule .0202(b) of this Section.

(b) The continuing education requirement set out in Paragraph (a) of this Rule may be completed through a self-study course that satisfies Subparagraphs (a)(1) and (2) of this Rule. The dental hygienist shall pass a test administered by the self-study course sponsor and obtain a certificate of completion from the sponsor.

(c) Every two calendar years, a dental hygienist may apply one clock hour of a course meeting the requirements of this Rule toward the total number of continuing education hours required pursuant to Rule .0201(a) of this Section.

*History Note: Authority G.S. 90-223; 90-225.1;*  
*Eff. October 1, ~~2022~~.2022;*  
*Amended Eff. \_\_\_\_\_.*



1 21 NCAC 16R .0206 is proposed for amendment as follows:

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**21 NCAC 16R .0206 CONTINUING EDUCATION ON ~~SUBSTANCE ABUSE AND MENTAL HEALTH~~**

(a) Every two calendar years, each dentist shall complete one clock hour of continuing education on ~~substance abuse and~~ mental health. To count toward this requirement, the course shall be:

- (1) designed to address relevant mental health issues for dental professionals, including substance ~~abuse use disorders~~, chemical dependency, impairment, ~~and or~~ mental health disorders; and
- (2) offered by a Board-approved sponsor as set out in Rule .0202(b) of this Section.

(b) The continuing education requirement set out in Paragraph (a) of this Rule may be completed through a self-study course that satisfies Subparagraphs (a)(1) and (2) of this Rule. The dentist shall pass a test administered by the self-study course sponsor and obtain a certificate of completion from the sponsor.

(c) Every two calendar years, a dentist may apply one clock hour of a course meeting the requirements of this Rule toward the total number of continuing education hours required pursuant to Rule .0201(a) of this Section.

(d) The ~~substance abuse and~~ mental health continuing education requirement shall not replace or substitute for the controlled substance continuing education requirement set out in Rule .0201(b) of this Section.

*History Note: Authority G.S. 90-28; 90-31.1;  
Eff. October 1, ~~2022-2022~~;  
Amended Eff. \_\_\_\_\_.*