



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

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

ADOPTION: [21 NCAC 16W .0104](#)

AMENDMENT: [21 NCAC 16W .0101](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [01/01/2020](#)

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

If yes:

Date	Time	Location
10/10/2019	6:30 pm	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 16W .0101 is proposed for amendment and 21 NCAC 16W .0104 is proposed based on a request received by the NC Dental Society and the NC Oral Health Coalition to permit increased access to care in underserved areas.

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):
EMail (optional)

10. Comment Period Ends: 11/15/2019

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: Doug Brocker
919-424-6334
doug@brockerlawfirm.com

Agency contact, if any:

Name:
Phone:
Email:

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

Date: 08/16/2019

1 21 NCAC 16W .0101 is proposed for amendment as follows:

2
3 **SUBCHAPTER 16W - PUBLIC HEALTH HYGIENISTS**

4
5 **SECTION .0100 - PUBLIC HEALTH HYGIENISTS**

6
7 **21 NCAC 16W .0101 DIRECTION DEFINED**

8 (a) ~~Pursuant to G.S. 90-233(a), a~~ A public health hygienist may perform clinical hygiene procedures in accordance
9 with G.S. 90-233(a)."under the direction of a licensed dentist," as defined by 21 NCAC 16Y .0104(c) of this Chapter,
10 ~~who is employed by a State government dental public health program or a local health department as a public health~~
11 ~~dentist.~~

12 (b) The specific clinical procedures delegated to the hygienist shall be completed, in accordance with a written order
13 from the dentist, within ~~120-270~~ days of the dentist's in-person evaluation of the patient.

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

16 (d) A public health hygienist may provide educational information, such as instruction in brushing and flossing,
17 without the Direction direction of a licensed dentist is not required for public health hygienists who provide only
18 educational information, such as instruction in brushing and flossing, dentist.

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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 *2018-2018;*
26 *Amended Eff. _____.*
27
28

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

2

3 **21 NCAC 16W .0104 DENTAL ACCESS SHORTAGE AREAS**

4

5 (a) Public health hygienists who are practicing under Rule .0101(a) of this Section and who perform procedures in
6 public schools, nursing homes, rest homes, long-term care facilities, and rural and community clinics operated by
7 federal, State, county, or local governments in areas identified by the Office of Rural Health in the Department of
8 Health and Human Services as dental access shortage areas may:

9 (1) perform clinical hygiene procedures as described in G.S. 90-221 under the direction of a dentist
10 based on a written standing order, rather than an in-person evaluation by the dentist as set forth in
11 Rule .0101(c) of this Section; and

12 (2) supervise a Dental Assistant who assists the public health hygienists in the procedures described in
13 Subparagraph (a)(1) of this Rule.

14 (b) Public health hygienists working under supervision of a dentist in accordance with G.S. 90-233(a) and providing
15 services at facilities identified in Paragraph (a) of this Rule who are performing services pursuant to a written order
16 from the dentist must complete the procedures ordered within 270 days.

17 (c) Dentists providing services at facilities pursuant to Paragraph (a) of this Rule are providing public health services
18 and may supervise more than two public health hygienists at the same time who are performing dental hygiene
19 functions.

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22 *History Note: Authority G.S. 90-223; 90-233(a); 90-233(b).*

23 *Eff. _____.*

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