

**NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS ORDER
WAIVING CERTAIN FACILITY REQUIREMENTS DURING STATE OF
EMERGENCY IN RESPONSE TO HURRICANE HELENE**

WHEREAS, Hurricane Helene entered the State of North Carolina on September 26, 2024 as a tropical storm; and

WHEREAS, Hurricane Helene has inflicted significant damage on public and private property in the State of North Carolina; and

WHEREAS, on September 25, 2024, Governor Roy Cooper issued Executive Order No. 315, which declares a State of Emergency and provides for the health, safety, and welfare of residents and visitors located in North Carolina (Declaration of a State of Emergency); and

WHEREAS, on September 26, 2024, the President of the United States issued an emergency declaration, FEMA-3617-EM, for the State of North Carolina, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

WHEREAS, on September 28, 2024, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina; and

WHEREAS, the ongoing recovery and response efforts will impact the capacity of licensees to provide dental care to patients in the affected areas of the State; and

WHEREAS, on October 5, 2024, Governor Roy Cooper issued Executive Order No. 318, stating that North Carolina should take reasonable actions to expand healthcare capacity;

WHEREAS, Executive Order No. 318 stated that expanding healthcare capacity will require temporarily waiving or suspending legal and regulatory constraints; and

WHEREAS, the North Carolina State Board of Dental Examiners (Board) is an agency of the State of North Carolina organized under Chapter 90 of the North Carolina General Statutes and is charged with the responsibility for licensing dentists and dental hygienists to practice in North Carolina and regulating such practice in the interests of the public health, safety, and welfare of the citizens of the State; and

WHEREAS, N.C. Gen Stat § 90-28.5 provides that “[i]f the Governor declares a state of emergency ... the North Carolina Board of Dental Examiners may waive the

requirements of this Article and Article 16 of this Chapter to permit the provision of dental and dental hygiene services to the public during the state of emergency.”

WHEREAS, Board Rule 21 N.C.A.C. 16J.0101(c) states that on the premises of a dental facility, water shall be piped under pressure to all equipment and fixtures where the use of water is required; and

WHEREAS, Board Rule 21 N.C.A.C. 16J.0101(g) states that there shall be functioning toilet facilities on the premises of every dental office and the toilet facilities and fixtures shall be kept clean and in good repair; and

WHEREAS, the Board has received information that dental practices in the areas affected by Hurricane Helene have lost the facilities’ regular running water supply and access to regular functioning toilets; and

WHEREAS, the patients in the affected areas need to access and receive dental treatment; and

WHEREAS, there may be alternative means available for dental facilities to access suitable, sanitary water and access alternative toilet facilities; and

WHEREAS, the Board has the authority to waive the requirements of 21 N.C.A.C. 16J.0101(c) and (g) pursuant to N.C. Gen Stat § 90-28.5; and

WHEREAS, there may be other laws or regulations controlling the water supply to dental facilities and access to functioning toilets; and

WHEREAS, the Center for Disease Control and Prevention has published guidelines on Reopening Healthcare Facilities following natural disasters; and

WHEREAS, the Center for Disease Control and Prevention has also published guidelines on Healthcare Water System Repair; and

WHEREAS, the Association for Dental Safety has published guidelines and checklist for the Return to Work After Prolonged Shutdown or Reduced Operations; and

WHEREAS, the Alaska Division of Environmental Health has published guidelines on Building a Handwashing Station; and

WHEREAS, the Environmental Protection Agency has published guidelines on the Emergency Disinfection of Drinking Water; and

WHEREAS, the North Carolina Department of Public Health Communicable Disease Branch has offered consultation with the Infection Prevention Team to identify the safest way to provide care with the resources available;

NOW, THEREFORE, it is **ORDERED** that:

In the public interest due to the impacts of Hurricane Helene and as authorized by N.C. Gen Stat § 90-28.5, the Board waives the requirements of 21 N.C.A.C. 16J.0101(c) and (g) subject to the following conditions:

1. The waiver of the requirements in of 21 N.C.A.C. 16J.0101(c) and (g) shall only apply to dental facilities located within the geographical area subject to FEMA-4827-DR. The waiver shall not apply to any dental facility located outside of the geographical area identified by FEMA-4827-DR.
2. The waiver of the requirements in of 21 N.C.A.C. 16J.0101(c) and (g) is subject to, and will not supersede, any other applicable laws and regulations that set forth requirements for the water supply or toilets in the dental facilities, including any requirements imposed by local health authorities.
3. Licensees operating a dental facility subject to the waiver of the requirements in of 21 N.C.A.C. 16J.0101(c) and (g) must consult with and, where applicable, comply with the published guidelines referenced above issued by North Carolina and federal agencies, except that no licensee shall be required to consult with North Carolina Department of Public Health Communicable Disease Branch unless the licensee believes it is necessary for safe operation of the dental facility.
4. The Board may rescind this Order at any time. Unless earlier rescinded, the waiver of the requirements in of 21 N.C.A.C. 16J.0101(c) and (g) shall automatically expire upon rescission of Executive Order 315 declaring the end of the State of Emergency.

This the 14th day of October 2024.

North Carolina State Board of Dental Examiners

By: Mark W. Johnson, DDS

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