

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

SUBCHAPTER 16A – ORGANIZATION

21 NCAC 16A .0101 DEFINITIONS

As used in this Chapter:

- (1) "Applicant" means a person applying for any license or permit issued by the Board.
- (2) "Board" means the North Carolina State Board of Dental Examiners.
- (3) "Current license" means a license that is renewed by the licensing board.
- (4) "CPR certification" means the licensee has completed a CPR course that meets American Red Cross or American Heart Association standards for certification and that provides manikin testing of cardiopulmonary resuscitation. The course shall also cover the use of an automatic external defibrillator, unconscious and conscious choking, and rescue breathing. The manikin testing shall be provided by an instructor who is present in the training room with the students.
- (5) "Internship" means practice in an educational training program. Internship does not mean practice under an intern permit while holding an unrestricted general dental or dental specialty license issued by a state, U.S. territory, or the District of Columbia.
- (6) "Secure electronic transmission" means an electronic method of communication that ensures that completeness, integrity, and confidentiality of information are maintained during transmission.
- (7) "Unrestricted license" means a license that is not under suspension or inactivation, or subject to the terms of a consent order or other disciplinary action imposed by the jurisdiction that issued the license, or limited by supervision or location requirements.
- (8) Except where otherwise defined by these Rules or by statute, "supervision," "direct supervision," and "supervision and direction" means that the dentist overseeing treatment is present in the same facility or location and available during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval and that the dentist shall examine and evaluate the results of such acts.
- (9) Except where otherwise defined by these Rules or by statute, "direction" or "under direction" means that the dentist ordering treatment does not have to be present in the same facility or location during the performance of the acts that are being performed pursuant to that dentist's order, control, and approval, but that dentist shall be responsible for all consequences or results arising from such acts.

History Note: Authority G.S. 90-28; 90-29(a); 90-29.3; 90-29.4; 90-29.5; 90-30; 90-48; 90-224; 90-224.1; 90-226;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. May 1, 1991; May 1, 1989; September 1, 1988; October 1, 1986;
Temporary Amendment Eff. January 1, 2003;
Amended Eff. May 1, 2011; January 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;
Amended Eff. August 1, 2024; October 1, 2019.

21 NCAC 16A .0102 ORGANIZATION

21 NCAC 16A .0103 FUNCTIONS

History Note: Authority G.S. 90-22 et seq.; 90-26; 90-43; 90-48; 90-221 et. seq.;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. March 1, 1985;
Repealed Eff. October 1, 1986.

21 NCAC 16A .0104 LOCATION

History Note: Authority G.S. 90-26; 90-43; 90-48;

Eff. May 1, 1989;
Amended Eff. February 1, 2008; September 1, 2001; May 1, 1991;
Repealed Eff. September 1, 2013.

21 NCAC 16A .0106 PETITION FOR PREDETERMINATION

An individual who wishes to file a petition for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a dental license or dental hygiene license shall submit a petition on the forms furnished by the Board at www.ncdentalboard.org that shall include the petitioner's:

- (1) legal name;
- (2) mailing, physical, and email addresses;
- (3) social security number;
- (4) date of birth;
- (5) telephone number;
- (6) place(s) of residence for the past seven years;
- (7) employment history since the commission of the crime(s);
- (8) criminal record report prepared no more than 60 days prior to the date of petition by Castle Branch, Inc., or another reporting service designated by the Board in accordance with G.S. 93B-8.1(b6), the cost of which shall be borne by the petitioner;
- (9) copies of all documents in the court file related to any conviction reported on the petition or noted on the criminal record report, certified by the clerk of court or other judicial official;
- (10) written statement describing the circumstances surrounding the commission of the crimes;
- (11) written statement of any rehabilitation efforts, if applicable;
- (12) rehabilitative drug or alcohol treatments, if applicable;
- (13) Certificate of Relief granted pursuant to G.S. 15A-173.2, if applicable;
- (14) affidavits or other written documents, including character references, that the petitioner wishes the Board to consider in responding to the petition;
- (15) written statement certifying that the information and documentation submitted with the petition is complete and accurate to the best of the petitioner's knowledge;
- (16) fee of forty-five dollars (\$45.00) for a petition for predetermination; and
- (17) notarized signature.

History Note: Authority G.S. 90-29; 90-30; 90-41; 90-48; 90-223; 90-224; 90-229; 93B-8.1;
Eff. April 1, 2020.

21 NCAC 16A .0107 BOARD CONTACT INFORMATION; SUBMISSION OF INFORMATION AND DOCUMENTS TO THE BOARD

- (a) To contact or obtain information about the Board:
- (1) Mailing address: 2000 Perimeter Park Drive, Suite 160, Morrisville, North Carolina 27560.
 - (2) Website: www.ncdentalboard.org.
 - (3) Telephone number: (919) 678-8223.
 - (4) Fax number: (919) 678-8472.
 - (5) Email address: info@ncdentalboard.org.
- (b) Unless otherwise stated, all forms required by the rules of this Chapter are available on the Board's website.
- (c) For any rule in this Chapter requiring an applicant or licensee to request a testing agency, educational program, or other entity to send information or documents directly to the Board office, the Board accepts information and documents sent by the entity via secure electronic transmission, as well as documents sent in a sealed envelope directly from the entity to the Board office.

History Note: Authority G.S. 90-28; 90-48;
Eff. August 1, 2024.

21 NCAC 16A .0105 SUSPENSION OF AUTHORITY TO EXPEND FUNDS

If the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue to issue and renew licenses, registrations, and permits and to collect all fees pursuant to G.S. 90-39 and the rules of this Chapter, but all fees tendered shall be placed in an escrow account maintained by the Board for this purpose. Once

the Board's authority is restored, the funds shall be moved from the escrow account into the general operating account.

*History Note: Authority G.S. 90-28; 90-39; 93B-2(d);
Eff. October 1, 2019.*