

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 861
Health Care Committee Substitute Adopted 6/11/01
Finance Committee Substitute Adopted 8/14/01
Fourth Edition Engrossed 8/21/01
House Committee Substitute Favorable 6/19/02

Short Title: License by Credentials/Dentistry.

(Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE NUMBER OF QUALIFIED DENTAL
2 PRACTITIONERS IN THE STATE BY AUTHORIZING THE BOARD OF
3 DENTAL EXAMINERS TO LICENSE BY CREDENTIALS PERSONS WHO
4 ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE IN
5 OTHER STATES AND WHO OTHERWISE MEET STATE REQUIREMENTS
6 FOR LICENSE BY CREDENTIALS, TO ISSUE A LIMITED VOLUNTEER
7 DENTAL LICENSE, TO ISSUE AN INSTRUCTOR'S LICENSE, AND TO
8 IMPOSE APPLICATION AND RENEWAL FEES FOR LICENSURE
9 AUTHORIZED UNDER THIS ACT.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Article 14 of Chapter 130A of the General Statutes is amended
12 by adding the following new section to read:

13 **"§ 130A-367. Dental providers for problem access areas.**

14 The State's dental public health program shall encourage the expansion of current
15 educational and training programs for dentists, dental hygienists, and dental assistants
16 targeted to serve citizens' unmet needs, particularly in the rural and low-income areas
17 that have traditionally had problems in accessing dental care. The program shall also
18 promote and encourage the recruitment of in-State and out-of-state private sector dental
19 personnel to work in these dental health professional shortage areas."

20 **SECTION 2.** G.S. 90-36 reads as rewritten:

21 **"§ 90-36. Licensing practitioners of other states.**

22 ~~The North Carolina State Board of Dental Examiners may, in its discretion, issue a~~
23 ~~license to practice dentistry in this State without an examination other than clinical to a~~
24 ~~legal and ethical practitioner of dentistry who moves into North Carolina from another~~
25 ~~state or territory of the United States, whose standard of requirements is equal to that of~~
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1 the State of North Carolina and in which such applicant has conducted a legal and
2 ethical practice of dentistry for at least five years, next preceding his or her removal and
3 who has not, during his period of practice, been found guilty by the state regulatory
4 agency charged with the responsibility therefor of the violation of the ethics of his
5 profession, nor found guilty by a court of competent jurisdiction of the violation of the
6 laws of the state which issued license to him or of the criminal laws of the United
7 States, nor whose license to practice dentistry has been revoked or suspended by a duly
8 constituted authority.

9 Application for license to be issued under the provisions of this section shall be
10 accompanied by a certificate from the dental board or like board of the state from which
11 said applicant removed, certifying that the applicant is the legal holder of a license to
12 practice dentistry in that state, and for a period of five years immediately preceding the
13 application has engaged in the practice of dentistry; is of good moral character and that
14 during the period of his practice no charges have been filed with said board against the
15 applicant for the violation of the laws of the state or of the United States, or for the
16 violation of the ethics of the profession of dentistry.

17 Application for a license under this section shall be made to the North Carolina State
18 Board of Dental Examiners within the six months of the date of the issuance of the
19 certificate hereinbefore required, and said certificate shall be accompanied by the
20 diploma or other evidence of the graduation from a reputable, recognized and approved
21 dental college, school or dental department of a college or university.

22 Any license issued upon the application of any dentist from any other state or
23 territory shall be subject to all of the provisions of this Article with reference to the
24 license issued by the North Carolina State Board of Dental Examiners upon examination
25 of applicants and the rights and privileges to practice the profession of dentistry under
26 any license so issued shall be subject to the same duties, obligations, restrictions and the
27 conditions as imposed by this Article on dentists originally examined by the North
28 Carolina State Board of Dental Examiners.

29 (a) The North Carolina State Board of Dental Examiners may issue a license by
30 credentials to an applicant who has been licensed to practice dentistry in any state or
31 territory of the United States if the applicant produces satisfactory evidence to the Board
32 that the applicant has the required education, training, and qualifications, is in good
33 standing with the licensing jurisdiction, has passed satisfactory examinations of
34 proficiency in the knowledge and practice of dentistry as determined by the Board, and
35 meets all other requirements of this section and rules adopted by the Board. The Board
36 may conduct examinations and interviews to test the qualifications of the applicant and
37 may require additional information that would affect the applicant's ability to render
38 competent dental care. The Board may, in its discretion, refuse to issue a license by
39 credentials to an applicant who the Board determines is unfit to practice dentistry.

40 (b) The applicant for licensure by credentials shall be of good moral character
41 and shall have graduated from and have a DDS or DMD degree from a program of
42 dentistry in a school or college accredited by the Commission on Dental Accreditation
43 of the American Dental Association and approved by the Board.

44 (c) The applicant must meet all of the following conditions:

- 1 (1) Has been actively practicing dentistry, as defined in G.S. 90-29(b)(1)
2 through (b)(9), for a minimum of five years immediately preceding the
3 date of application.
- 4 (2) Has not been the subject of final or pending disciplinary action in the
5 military, in any state or territory in which the applicant is or has ever
6 been licensed to practice dentistry, or in any state or territory in which
7 the applicant has held any other professional license.
- 8 (3) Presents evidence that the applicant has no felony convictions and that
9 the applicant has no other criminal convictions that would affect the
10 applicant's ability to render competent dental care.
- 11 (4) Has not failed an examination conducted by the North Carolina State
12 Board of Dental Examiners.

13 (d) The applicant for licensure by credentials shall submit an application to the
14 North Carolina State Board of Dental Examiners, the form of which shall be determined
15 by the Board, pay the fee required by G.S. 90-39, successfully complete examinations in
16 Jurisprudence and Sterilization and Infection Control, and meet the criteria or
17 requirements established by the Board.

18 (e) The holder of a license issued under this section shall establish a practice
19 location and actively practice dentistry, as defined in G.S. 90-29(b)(1) through (b)(9), in
20 North Carolina within one year from the date the license is issued. The license issued
21 under this section shall be void upon a finding by the Board that the licensee fails to
22 limit the licensee's practice to North Carolina or that the licensee no longer actively
23 practices dentistry in North Carolina.

24 (f) The Board may adopt temporary rules in accordance with G.S.
25 150B-21.1(a10) to implement this section."

26 **SECTION 3.** Article 16 of Chapter 90 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 90-224.1. Licensure by credentials.**

29 (a) The Board may issue a license by credentials to an applicant who has been
30 licensed to practice dental hygiene in any state or territory of the United States if the
31 applicant produces satisfactory evidence to the Board that the applicant has the required
32 education, training, and qualifications; is in good standing with the licensing
33 jurisdiction; has passed the National Board Dental Hygiene Examination administered
34 by the Joint Commission on National Dental Examinations; has passed satisfactory
35 examinations of proficiency in the knowledge and practice of dental hygiene as
36 determined by the Board; and meets all other requirements of this section and rules
37 adopted by the Board. The Board may, in its discretion, refuse to issue a license by
38 credentials to an applicant who the Board determines is unfit to practice dental hygiene.

39 (b) The applicant for licensure shall be of good moral character, have graduated
40 from an accredited high school or hold a high school equivalency certificate duly issued
41 by a governmental agency or authorized unit, and have graduated from a dental hygiene
42 program or school accredited by the Commission on Dental Accreditation of the
43 American Dental Association and approved by the Board.

44 (c) The applicant must meet all of the following conditions:

- 1 (1) Has been actively practicing dental hygiene, as defined in G.S. 90-221,
2 under the supervision of a licensed dentist for a minimum of two years
3 immediately preceding the date of application.
- 4 (2) Has no history of disciplinary action or pending disciplinary action in
5 the military or in any state or territory in which the applicant is or has
6 ever been licensed.
- 7 (3) Has no felony convictions and has no other criminal convictions that
8 would affect the applicant's ability to render competent dental hygiene
9 care.
- 10 (4) Has not failed a licensure examination administered by the North
11 Carolina State Board of Dental Examiners.

12 (d) The applicant for licensure by credentials shall submit an application, the
13 form of which shall be determined by the Board, pay the fee required by G.S. 90-232,
14 successfully complete examinations in Jurisprudence and Sterilization and Infection
15 Control, and meet other criteria or requirements established by the Board, which may
16 include an examination or interview before the Board or its authorized agents.

17 (e) This section shall not be construed to include licensure by reciprocity, which
18 is prohibited.

19 (f) The Board may adopt temporary rules in accordance with G.S.
20 150B-21.1(a10) to implement this section."

21 **SECTION 4.** Article 2 of Chapter 90 of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 90-37.1. Limited volunteer dental license.**

24 (a) The North Carolina State Board of Dental Examiners may issue to an
25 applicant a 'Limited Volunteer Dental License' to practice dentistry only in nonprofit
26 health care facilities serving low-income populations in the State. Holders of a limited
27 volunteer dental license may volunteer their professional services, without
28 compensation, only for the purpose of helping to meet the dental health needs of these
29 persons served by these facilities. The Board may issue a limited license to an applicant
30 under this section who:

- 31 (1) Has an out-of-state current or expired license, or an expired license in
32 this State, or is authorized to treat veterans or personnel enlisted in the
33 United States armed services; and
- 34 (2) Has actively practiced dentistry, as defined in G.S. 90-29(b)(1)
35 through (b)(9), within the past five years.

36 (b) The limited license may be issued to an applicant who produces satisfactory
37 evidence to the Board that the applicant has the required education, training, and
38 qualifications; is in good standing with the licensing jurisdiction; has passed satisfactory
39 examinations of proficiency in the knowledge and practice of dentistry as determined by
40 the Board; and meets all other requirements of this section and rules adopted by the
41 Board. The Board may conduct examinations and interviews to test the qualifications of
42 the applicant and may require additional information that would affect the applicant's
43 ability to render competent dental care. The Board may, in its discretion, refuse to issue

1 a 'limited volunteer dental license' to an applicant who the Board determines is unfit to
2 practice dentistry.

3 (c) The applicant shall be of good moral character and shall have graduated from
4 and have a DDS or DMD degree from a program of dentistry in a school or college
5 accredited by the Commission on Dental Accreditation of the American Dental
6 Association and approved by the Board.

7 (d) The applicant shall meet all of the following conditions:

8 (1) Show that the applicant has actively practiced dentistry, as defined in
9 G.S. 90-29(b)(1) through (b)(9), for a minimum of five years.

10 (2) Show that the applicant has not been the subject of final or pending
11 disciplinary action in any state in which the applicant has ever been
12 licensed to practice dentistry or in any state in which the applicant has
13 held any other professional license.

14 (3) Present evidence that the applicant has no felony convictions and that
15 the applicant has no other criminal convictions that would affect the
16 applicant's ability to render competent care.

17 (4) Present evidence that the applicant has no pending Veterans
18 Administration or military disciplinary actions or any history of such
19 disciplinary action.

20 (5) Show that the applicant has not failed an examination conducted by the
21 North Carolina State Board of Dental Examiners.

22 (e) The applicant shall submit an application, the form of which shall be
23 determined by the Board, pay the fee required under G.S. 90-39, and successfully
24 complete examinations in Jurisprudence and Sterilization and Infection Control. The
25 Board may charge and collect fees for license application and annual renewal as
26 required under G.S. 90-39, except that credentialing fees applicable under
27 G.S. 90-39(13) are waived for holders of a limited volunteer dental license.

28 (f) Holders of a limited volunteer dental license shall comply with the continuing
29 dental education requirements adopted by the Board including CPR training.

30 (g) The holder of a limited license under this section who practices dentistry
31 other than as authorized in this section shall be guilty of a Class 1 misdemeanor with
32 each day's violation constituting a separate offense. Upon proof of practice other than as
33 authorized in this section, the Board may suspend or revoke the limited license after
34 notice to the licensee. For violations of the dental practice act or rules adopted under the
35 act that are applicable to a limited license practice, the Board has the same authority to
36 investigate and impose sanctions on limited license holders as it has for those holding an
37 unlimited license.

38 (h) The Board shall maintain a nonexclusive list of nonprofit health care facilities
39 servicing the dental health needs of low-income populations in the State. Upon request,
40 the Board shall consider adding other facilities to the list.

41 (i) The Board may adopt rules in accordance with Chapter 150B of the General
42 Statutes to implement this section."

43 **SECTION 5.** G.S. 90-39 reads as rewritten:

44 "**§ 90-39. Fees.**

1 In order to provide the means of carrying out and enforcing the provisions of this
2 Article and the duties devolving upon the North Carolina State Board of Dental
3 Examiners, it is authorized to charge and collect fees established by its rules and
4 regulations not exceeding the following:

- 5 (1) Each application for general dentistry examination..... \$500.00
- 6 (2) Each general dentistry license renewal, which fee shall be annually
7 fixed by the Board and not later than November 30 of each year it shall
8 give written notice of the amount of the renewal fee to each dentist
9 licensed to practice in this State by mailing such notice to the last
10 address of record with the board of each such dentist 140.00
- 11 (2a) Penalty for late renewal of any license or permit..... 50.00
- 12 (3) Each provisional license..... 150.00
- 13 (4) Each intern permit or renewal thereof..... 150.00
- 14 (5) Each certificate of license to a resident dentist desiring to change to
15 another state or territory 30.00
- 16 (6) Repealed by Session Laws 1995, (Reg. Sess., 1996), c. 584, s. 1.
- 17 (7) Each license to resume the practice issued to a dentist who has retired
18 from and returned to this State 300.00
- 19 (8) Each instructor's license or renewal thereof..... 140.00
- 20 (9) With each renewal of a dentistry license, an annual fee to help fund
21 special peer review organizations for impaired dentists 50.00
- 22 (10) Each duplicate of any license, permit, or certificate issued by the
23 Board 25.00
- 24 (11) Each office inspection for general anesthesia and parenteral sedation
25 permits 350.00
- 26 (12) Each general anesthesia and parenteral sedation permit application or
27 renewal of permit.....~~50.00~~50.00
- 28 (13) Each application for license by credentials..... 2,000.00
- 29 (14) Each application for limited volunteer dental license..... 100.00
- 30 (15) Each limited volunteer dental license annual renewal25.00."

31 **SECTION 6.** G.S. 90-232 reads as rewritten:

32 "**§ 90-232. Fees.**

33 In order to provide the means of carrying out and enforcing the provisions of this
34 Article and the duties devolving upon the North Carolina State Board of Dental
35 Examiners, it is authorized to charge and collect fees established by its rules and
36 regulations not exceeding the following:

- 37 (1) Each applicant for examination..... \$125.00
- 38 (2) Each renewal certificate, which fee shall be annually fixed by the
39 Board and not later than November 30 of each year it shall give written
40 notice of the amount of the renewal fee to each dental hygienist
41 licensed to practice in this State by mailing such notice to the last
42 address of record with the Board of each such dental hygienist.. 60.00
- 43 (3) Each restoration of license 60.00
- 44 (4) Each provisional license..... 60.00

- 1 (5) Each certificate of license to a resident dental hygienist desiring to
- 2 change to another state or territory..... 25.00
- 3 (6) Annual fee to be paid upon license renewal to assist in funding
- 4 programs for impaired dental hygienists..... 40.00- 40.00
- 5 (7) Each license by credentials..... 1,000.00.

6 In no event may the annual fee imposed on dental hygienists to fund the impaired dental
 7 hygienists program exceed the annual fee imposed on dentists to fund the impaired
 8 dentist program. All fees shall be payable in advance to the Board and shall be disposed
 9 of by the Board in the discharge of its duties under this Article."

10 **SECTION 7.** G.S. 90-29.5 reads as rewritten:

11 **"§ 90-29.5. Instructor's license.**

12 ~~The Board may issue an instructor's license to a person who is not otherwise licensed~~
 13 ~~to practice dentistry in the State, but whom the Board finds to be qualified by~~
 14 ~~professional training and experience and upon the same examination as that offered to~~
 15 ~~licensed dentists in North Carolina plus an oral examination. An instructor's license will~~
 16 ~~authorize him to teach and to practice dentistry in or on behalf of a dental school or~~
 17 ~~college offering a doctoral degree in dentistry, operated and conducted in this State and~~
 18 ~~approved by the North Carolina State Board of Dental Examiners, but only within the~~
 19 ~~confines of the principal facility of the school or college and of any teaching hospital~~
 20 ~~adjacent thereto. Application for an instructor's license shall be made in accordance with~~
 21 ~~rules and regulations of the North Carolina State Board of Dental Examiners. A person~~
 22 ~~holding an instructor's license shall have, within the scope of his authorized practice, all~~
 23 ~~the duties and responsibilities of any dentist who has been licensed upon examination~~
 24 ~~by the North Carolina State Board of Dental Examiners, and shall be subject to those~~
 25 ~~various disciplinary measures and penalties set forth in G.S. 90-41 upon a determination~~
 26 ~~by the Board that he has violated any of the terms or provisions of this Article. An~~
 27 ~~instructor's license shall be subject to annual renewal by the North Carolina State Board~~
 28 ~~of Dental Examiners, as provided in G.S. 90-31.~~

29 (a) The Board may issue an instructor's license to a person who is not otherwise
 30 licensed to practice dentistry in this State if the person meets both of the following
 31 conditions:

- 32 (1) Is licensed to practice dentistry anywhere in the United States or in any
- 33 country, territory, or other recognized jurisdiction.
- 34 (2) Has met or been approved under the credentialing standards of a dental
- 35 school or an academic medical center with which the person is to be
- 36 affiliated; such dental school or academic medical center shall be
- 37 accredited by the American Dental Association's Commission on
- 38 Accreditation or the Joint Commission on Accreditation of Health
- 39 Care Organizations.

40 (b) The holder of an instructor's license may teach and practice dentistry:

- 41 (1) In or on behalf of a dental school or college offering a doctoral degree
- 42 in dentistry operated and conducted in this State and approved by the
- 43 North Carolina State Board of Dental Examiners;
- 44 (2) In connection with an academic medical center; and

1 (3) At any teaching hospital adjacent to a dental school or an academic
2 medical center.

3 (c) Application for an instructor's license shall be made in accordance with the
4 rules of the North Carolina State Board of Dental Examiners. On or after January 1,
5 2003, all dentists previously practicing under G.S. 90-29(c)(3) shall be granted an
6 instructor's license upon application to the Board and payment of the required fee. The
7 holder of an instructor's license shall be subject to the provisions of this Article."

8 **SECTION 8.** G.S. 90-29(c)(3) reads as rewritten:

9 "(3) The teaching or practice of dentistry, in dental schools or colleges
10 operated and conducted in this State and approved by the North
11 Carolina State Board of Dental Examiners, by any person or persons
12 licensed to practice dentistry anywhere in the United States or in any
13 country, territory or other recognized ~~jurisdiction;~~jurisdiction until
14 December 31, 2002. On or after January 1, 2003, all dentists
15 previously practicing under G.S. 90-29(c)(3) shall be granted an
16 instructor's license upon application to the Board and payment of the
17 required fee."

18 **SECTION 9.** G.S. 90-41(f) reads as rewritten:

19 "(f) As used in this section the term "licensee" includes licensees, provisional
20 licensees and holders of intern permits, and the term "license" includes license,
21 provisional ~~license~~license, instructor's license, and intern permit."

22 **SECTION 10.** G.S. 90-29.4(1) reads as rewritten:

23 "(1) An intern permit shall be valid for no more than one year from the date
24 of issue thereof; provided, however, that the Board may, in its
25 discretion, renew such permit for not more than ~~three~~five additional
26 one-year periods; and, provided, further, that no person shall be
27 granted an intern permit or intern permits embracing or covering an
28 aggregate time span of more than ~~48~~72 calendar months;"

29 **SECTION 11.** G.S. 150B-21.1 is amended by adding a new subsection to
30 read:

31 "(a10) Notwithstanding the provisions of subsection (a) of this section, the North
32 Carolina State Board of Dental Examiners may adopt temporary rules to implement the
33 provisions of G.S. 90-36 and G.S. 90-224.1. After having the proposed temporary rules
34 published in the North Carolina Register and at least 30 days prior to adopting a
35 temporary rule pursuant to this subsection, the Board shall:

36 (1) Notify persons on its mailing list maintained pursuant to G.S.
37 150B-21.2(d) and any other interested parties of its intent to adopt a
38 temporary rule.

39 (2) Accept oral and written comments on the proposed temporary rule.

40 (3) Hold at least one public hearing on the proposed temporary rule.

41 When the Board adopts a temporary rule pursuant to this subsection, the Board must
42 submit a reference to this subsection as the Board's statement of need to the Codifier of
43 Rules.

1 Notwithstanding any other provision of this Chapter, the Codifier of Rules shall
2 publish in the North Carolina Register a proposed temporary rule received from the
3 Board in accordance with this subsection."

4 **SECTION 12.** If any section of this act is declared to be unconstitutional,
5 preempted, or otherwise invalid by the courts, except where a contrary intent is clearly
6 indicated by the text of the section, it shall not affect the validity of the act as a whole or
7 any part other than the section declared to be invalid, and any previous statutory law
8 replaced or modified by the section declared invalid shall be reinstated as if the previous
9 law had not been changed. If any part of a numbered section of this act is declared
10 invalid, the whole section shall fail.

11 **SECTION 13.** This act becomes effective July 1, 2003.