

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 382
House Committee Substitute Favorable 6/14/23

Short Title: Dental Practice Act Changes.

(Public)

Sponsors:

Referred to:

March 29, 2023

1 A BILL TO BE ENTITLED
2 AN ACT MAKING VARIOUS CHANGES TO THE LAWS OF DENTISTRY.
3 The General Assembly of North Carolina enacts:

4 SECTION 1.(a) G.S. 90-29.5 reads as rewritten:

5 "§ 90-29.5. Instructor's license.

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

8 (1) Is licensed to practice dentistry anywhere in the United States or in any
9 country, territory, or other recognized jurisdiction.

10 (2) Has met or been approved under the credentialing standards of a dental school
11 or an academic medical center with which the person is to be ~~affiliated~~; ~~such~~
12 affiliated for a period of at least 36 months or three calendar years, and that
13 dental school or academic medical center shall be accredited by the American
14 Dental Association's Commission on Accreditation or the Joint Commission
15 on Accreditation of Health Care Organizations. If the person seeking an
16 instructor's license under this section only performs research at the affiliated
17 dental school or academic medical center, then the requirement to be
18 credentialed for 36 months or three calendar years does not apply.

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

20 (1) In or on behalf of a dental school or college offering a doctoral degree in
21 dentistry operated and conducted in this State and approved by the North
22 Carolina State Board of Dental Examiners;

23 (2) In connection with an academic medical center; and

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

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

31 SECTION 1.(b) G.S. 90-30(a) reads as rewritten:

32 "(a) The North Carolina State Board of Dental Examiners shall grant licenses to practice
33 dentistry to such applicants who are graduates of a reputable dental institution, who, in the
34 opinion of a majority of the Board, shall undergo a satisfactory examination of proficiency in the
35 knowledge and practice of dentistry, subject, however, to the further provisions of this section
36 and of the provisions of this Article.



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1 The applicant for a license to practice dentistry shall be of good moral character, at least 18
2 years of age at the time the application is filed. The application for a dental license shall be made
3 to the Board in writing and shall be accompanied by evidence satisfactory to the Board that the
4 applicant is a person of good moral character, has an academic education, the standard of which
5 shall be determined by the Board; that the applicant is a graduate of and has a diploma from a
6 reputable dental college or the dental department of a reputable university or college recognized,
7 accredited and approved as such by the Board; and that the applicant has passed a clinical
8 licensing examination, the standard of which shall be determined by the Board.

9 The North Carolina State Board of Dental Examiners is authorized to conduct both written
10 or oral and clinical examinations or to accept the results of other Board-approved regional or
11 national independent third-party clinical examinations that shall include procedures performed
12 on either human subjects or an approved alternative method, including manikins that simulate
13 human subjects as part of the assessment of restorative clinical competencies and that are
14 determined by the Board to be of such character as to thoroughly test the qualifications of the
15 applicant, and may refuse to grant a license to any person who, in its discretion, is found deficient
16 in the examination. The Board may refuse to grant a license to any person guilty of cheating,
17 deception or fraud during the examination, or whose examination discloses to the satisfaction of
18 the Board, a deficiency in academic or clinical education. The Board may employ such dentists
19 found qualified therefor by the Board, in examining applicants for licenses as it deems
20 appropriate.

21 The North Carolina State Board of Dental Examiners may refuse to grant a license to any
22 person guilty of a crime involving moral turpitude, or gross immorality, or to any person addicted
23 to the use of alcoholic liquors or narcotic drugs to such an extent as, in the opinion of the Board,
24 renders the applicant unfit to practice dentistry.

25 Any license obtained through fraud or by any false representation shall be void ab initio and
26 of no effect."

27 **SECTION 1.(c)** G.S. 90-29(c) reads as rewritten:

28 "(c) The following acts, practices, or operations, however, shall not constitute the unlawful
29 practice of dentistry:

30 ...

- 31 (4) The practice of dentistry in dental schools or colleges in this State approved
32 by the North Carolina State Board of Dental Examiners by students enrolled
33 in such schools or colleges as candidates for a doctoral degree in dentistry
34 when such practice is performed as a part of their course of instruction and is
35 under direct supervision of a dentist who is either duly licensed in North
36 Carolina or qualified under subdivision (3) above as a teacher; additionally,
37 the practice of dentistry by ~~such students at State or county institutions with~~
38 ~~resident populations, hospitals, State or county health departments, area health~~
39 ~~education centers, nonprofit health care facilities serving low income~~
40 ~~populations and approved by the State Health Director or his designee and~~
41 ~~approved by the Board of Dental Examiners, and State or county owned~~
42 ~~nursing homes; students at long-term care facilities, group care home~~
43 programs, State-operated facilities with resident populations, hospitals, State
44 or county health departments, Area Health Education Centers, Federally
45 Qualified Health Centers, and other nonprofit healthcare organizations
46 recommended by the State Health Director or the State Health Director's
47 designee, and subject to review and approval or disapproval by the said Board
48 of Dental Examiners when in the opinion of the dean of such dental school or
49 college or his designee, the students' dental education and experience are
50 adequate therefor, and such practice is a part of the course of instruction of
51 such students, is performed under the direct supervision of a duly licensed

dentist acting as a teacher or instructor, and is without remuneration except for expenses and subsistence all as defined and permitted by the rules and regulations of said Board of Dental Examiners. Should the Board disapprove a specific program, the Board shall within 90 days inform the dean of its actions. Nothing herein shall be construed to permit the teaching of, delegation to or performance by any dental hygienist, dental assistant, or other auxiliary relative to any program of extramural rotation, of any function not heretofore permitted by the Dental Practice Act, the Dental Hygiene Act or by the rules and regulations of the ~~Board;~~Board. Students enrolled in dental schools or colleges located out-of-state and approved by the Board may perform clinical services and other services consistent with this subdivision as interns or externs, if the student submits to the Board written permission from the dean of their dental school or college and a written supervision agreement with a dentist licensed to practice dentistry in this State;

...."

SECTION 1.(d) G.S. 90-36 reads as rewritten:

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

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

(a1) The North Carolina State Board of Dental Examiners shall issue a license by credentials to any dentist who applies for a license by credentials and who holds a current license and is in good standing with the licensing jurisdiction in one of the four states that border North Carolina provided that the dental board of the border state will also issue a license by credentials to a dentist having a license to practice in North Carolina. The requirements of subsections (b), (c) and (d) of this section shall apply to any dentist who applies for a license by credentials from a border state in accordance with this subsection.

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

(b1) The North Carolina State Board of Dental Examiners ~~shall~~may issue a license by credentials to any dentist who applies for a license by credentials, who possesses good moral character, and who ~~meets either of the following criteria:~~

(1) ~~Holds a current Instructor's License pursuant to G.S. 90-29.5.~~

(2) ~~Has graduated with a general dental degree from any school or college and has graduated from an advanced dental education program with either a certificate or a degree from a school or college accredited by the Commission on Dental Accreditation of the American Dental Association and approved by the Board.~~

~~Any applicant who applies for a license by credentials in accordance with subdivision (b1)(2) of this section shall meet the requirements of subsections (c) and (d) of this section and shall have passed satisfactory examinations of proficiency in the knowledge and practice of dentistry as set~~

1 out in subsection (a) of this section, has held an Instructor's License pursuant to G.S. 90-29.5 for
 2 a minimum of two years immediately prior to the date of application. The applicant applying for
 3 a license by credentials in accordance with this subsection must have been engaged in the
 4 teaching and practice of clinical dentistry for a minimum of 2,000 hours in the two years
 5 immediately preceding the date of application. Any applicant who applies for a license by
 6 credentials in accordance with this subsection shall meet the requirements of subsections (c) and
 7 (d) of this section and shall have passed satisfactory examinations of proficiency in the
 8 knowledge and practice of dentistry as set out in subsection (a) of this section, except subdivision
 9 (c)(1) of this section shall not apply.

10 (b2) The North Carolina State Board of Dental Examiners may issue a license by
 11 credentials to any dentist who applies for a license by credentials, who possesses good moral
 12 character, who has graduated with a general dental degree from any school or college, and who
 13 has graduated from an advanced dental education program with either a certificate or a degree
 14 from a school or college accredited by the United States Department of Education. Any applicant
 15 who applies for a license by credentials in accordance with this subsection shall meet the
 16 requirements of subsections (c) and (d) of this section and shall have passed satisfactory
 17 examinations of proficiency in the knowledge and practice of dentistry as set out in subsection
 18 (a) of this section.

19"

20 SECTION 1.(e) G.S. 90-33 reads as rewritten:

21 "§ 90-33. **Displaying license and current certificate of renewal.**

22 The license and the current certificate of renewal of license to practice dentistry issued, as
 23 herein provided, shall at all times be displayed in a conspicuous place in the primary office of
 24 the holder thereof ~~and whenever requested thereof~~. Dentists providing treatment at more than one
 25 office location shall display a current renewal certificate in each office not designated as the
 26 primary office. When requested, the license and the current certificate of renewal shall be
 27 exhibited to or produced before the North Carolina State Board of Dental Examiners or to its
 28 authorized agents."

29 SECTION 1.(f) G.S. 90-41 reads as rewritten:

30 "§ 90-41. **Disciplinary action.**

31 (a) The North Carolina State Board of Dental Examiners shall have the power and
 32 authority to (i) Refuse to issue a license to practice dentistry; (ii) Refuse to issue a certificate of
 33 renewal of a license to practice dentistry; (iii) Revoke or suspend a license to practice dentistry;
 34 and (iv) Invoke such other disciplinary measures, censure, or probative terms against a licensee
 35 as it deems fit and proper;

36 in any instance or instances in which the Board is satisfied that such applicant or licensee:

37 ...

38 (7a) Being unable to practice dentistry with reasonable skill and safety to patients
 39 by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals,
 40 or any other type of material or by reason of any physical or mental
 41 abnormality. The Board is empowered and authorized to require an applicant
 42 or licensee to submit to a mental or physical examination by physicians or
 43 physician assistants, or mental examinations by other licensed health care
 44 providers acting within the scope of their practice as allowed by law
 45 designated by the Board during the pendency of a license application and
 46 before or after charges may be presented against the applicant or licensee, and
 47 the results of the examination shall be admissible in evidence in a hearing
 48 before the Board. Failure to comply with an order pursuant to this subsection
 49 may be considered unprofessional conduct;

50 ...

(26) Has engaged in any unprofessional conduct as the same may be, from time to time, defined by the rules and regulations of the Board;"

SECTION 1.(g) G.S. 90-229 reads as rewritten:

"§ 90-229. Disciplinary measures.

(a) The North Carolina State Board of Dental Examiners shall have the power and authority to (i) Refuse to issue a license to practice dental hygiene; (ii) Refuse to issue a certificate of renewal to practice dental hygiene; (iii) Revoke or suspend a license to practice dental hygiene; [and] (iv) Invoke such other disciplinary measures, censure or probative terms against a licensee as it deems proper; in any instance or instances in which the Board is satisfied that such applicant or licensee:

(14) Is unable to practice dental hygiene with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of alcohol, drugs, chemicals, or any other type of material or by reason of any physical or mental abnormality. The Board is empowered and authorized to require an applicant or licensee to submit to a mental or physical examination by physicians or physician assistants, or mental examinations by other licensed health care providers acting within the scope of their practice as allowed by law designated by the Board during the pendency of a license application and before or after charges may be presented against the applicant or licensee, and the results of the examination shall be admissible in evidence in a hearing before the Board. Failure to comply with an order pursuant to this subsection may be considered unprofessional conduct.

...."

SECTION 2. G.S. 90-414.4 reads as rewritten:

"§ 90-414.4. Required participation in HIE Network for some providers.

(a1) Mandatory Connection to HIE Network. – Notwithstanding the voluntary nature of the HIE Network under G.S. 90-414.2, the following providers and entities shall be connected to the HIE Network and begin submitting data through the HIE Network pertaining to services rendered to Medicaid beneficiaries and to other State-funded health care program beneficiaries and paid for with Medicaid or other State-funded health care funds in accordance with the following time line:

- (4) The following entities shall begin submitting demographic and clinical data by January 1, 2023:
a. Physicians who perform procedures at ambulatory surgical centers as defined in G.S. 131E-146.
b. ~~Dentists licensed under Article 2 of Chapter 90 of the General Statutes.~~
c. Licensed physicians whose primary area of practice is psychiatry.
d. The State Laboratory of Public Health operated by the Department of Health and Human Services.

(e) Voluntary Connection for Certain Providers. – Notwithstanding the mandatory connection and data submission requirements in subsections (a1) and (b) of this section, the following providers of Medicaid services or other State-funded health care services are not required to connect to the HIE Network or submit data but may connect to the HIE Network and submit data voluntarily:

- 1 (1) Community-based long-term services and supports providers, including
- 2 personal care services, private duty nursing, home health, and hospice care
- 3 providers.
- 4 (2) Intellectual and developmental disability services and supports providers,
- 5 such as day supports and supported living providers.
- 6 (3) Community Alternatives Program waiver services (including CAP/DA,
- 7 CAP/C, and Innovations) providers.
- 8 (4) Eye and vision services providers.
- 9 (5) Speech, language, and hearing services providers.
- 10 (6) Occupational and physical therapy providers.
- 11 (7) Durable medical equipment providers.
- 12 (8) Nonemergency medical transportation service providers.
- 13 (9) Ambulance (emergency medical transportation service) providers.
- 14 (10) Local education agencies and school-based health providers.
- 15 (11) Dentists licensed under Article 2 of this Chapter.

16 "

17 **SECTION 3.** Except as otherwise provided, this act becomes effective October 1,
18 2023.