

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 974*

Short Title: License by Credentials/Dentistry. (Public)

Sponsors: Representatives Allen; Barefoot, Bonner, Bowie, Church, Coates, Culp, Dedmon, Dockham, Edwards, Fox, Gibson, Haire, Hall, Hensley, Hill, Hilton, Jarrell, Jeffus, Lucas, Luebke, McLawhorn, McMahan, Morris, Owens, Preston, Redwine, Russell, Setzer, Smith, Sutton, Tolson, Tucker, Underhill, Wainwright, C. Wilson, Wright, and Yongue.

Referred to: Public Health, if favorable, Finance.

April 4, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ADDRESS SOME OF NORTH CAROLINA'S PUBLIC HEALTH
3 PROBLEMS IN SHORTAGES OF LICENSED DENTAL PERSONNEL IN
4 RURAL AND LOW-INCOME AREAS BY DEVELOPING PATHWAYS FOR
5 NORTH CAROLINA STATE LICENSING OF DENTISTS AND DENTAL
6 HYGIENISTS WHO ARE ALREADY LICENSED IN OTHER STATES OR
7 JURISDICTIONS THROUGH PROVIDING FOR REVIEW OF THE
8 PROFESSIONAL CREDENTIALS AND OTHER RECORDS OF ACTIVITIES
9 BY APPLICANTS AS AN ALTERNATIVE TO REQUIRING APPLICANTS TO
10 SATISFACTORILY COMPLETE A LICENSING BOARD CLINICAL
11 EXAMINATION; BY ESTABLISHING A LIMITED VOLUNTEER DENTAL
12 LICENSE; BY IMPROVING REGULATORY PROVISIONS FOR DENTAL
13 FACULTY AND STUDENTS; AND BY ENACTING OTHER LICENSING
14 CHANGES.

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** In order to emphasize the necessity of attracting and educating
17 more private sector dental personnel for our State, and utilizing them to help address
18 dental public health problems in rural and low-income areas, Chapter 130A of the
19 General Statutes is amended by adding a new section to read:

20 "**§ 130A-367. Dental providers for problem access areas.**

21 The State's public health system cannot through its limited resources and personnel
22 provide and deliver all of the essential public health services that are needed by citizens
23 who cannot independently obtain them. One of the missions of the system, as expressed
24 in G.S. 130A-1.1(6), is promoting the availability and accessibility of quality health care

1 services through the private sector. The State's dental public health program shall
2 encourage the expansion of current educational and training programs for more dentists,
3 dental hygienists, and dental assistants targeted to serve citizens' unmet needs,
4 particularly in the rural and low-income areas that have traditionally had problems in
5 accessing dental care. The program shall also promote and encourage the recruitment of
6 in-State and out-of-state private sector dental personnel to work in these dental health
7 professional shortage areas."

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

9 "**§ 90-36. Licensing practitioners of other states.**

10 ~~The North Carolina State Board of Dental Examiners may, in its discretion, issue a~~
11 ~~license to practice dentistry in this State without an examination other than clinical to a~~
12 ~~legal and ethical practitioner of dentistry who moves into North Carolina from another~~
13 ~~state or territory of the United States, whose standard of requirements is equal to that of~~
14 ~~the State of North Carolina and in which such applicant has conducted a legal and~~
15 ~~ethical practice of dentistry for at least five years, next preceding his or her removal and~~
16 ~~who has not, during his period of practice, been found guilty by the state regulatory~~
17 ~~agency charged with the responsibility therefor of the violation of the ethics of his~~
18 ~~profession, nor found guilty by a court of competent jurisdiction of the violation of the~~
19 ~~laws of the state which issued license to him or of the criminal laws of the United~~
20 ~~States, nor whose license to practice dentistry has been revoked or suspended by a duly~~
21 ~~constituted authority.~~

22 ~~Application for license to be issued under the provisions of this section shall be~~
23 ~~accompanied by a certificate from the dental board or like board of the state from which~~
24 ~~said applicant removed, certifying that the applicant is the legal holder of a license to~~
25 ~~practice dentistry in that state, and for a period of five years immediately preceding the~~
26 ~~application has engaged in the practice of dentistry; is of good moral character and that~~
27 ~~during the period of his practice no charges have been filed with said board against the~~
28 ~~applicant for the violation of the laws of the state or of the United States, or for the~~
29 ~~violation of the ethics of the profession of dentistry.~~

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

35 ~~Any license issued upon the application of any dentist from any other state or~~
36 ~~territory shall be subject to all of the provisions of this Article with reference to the~~
37 ~~license issued by the North Carolina State Board of Dental Examiners upon examination~~
38 ~~of applicants and the rights and privileges to practice the profession of dentistry under~~
39 ~~any license so issued shall be subject to the same duties, obligations, restrictions and the~~
40 ~~conditions as imposed by this Article on dentists originally examined by the North~~
41 ~~Carolina State Board of Dental Examiners.~~

42 (a) The Board shall have the authority to issue a license by credentials to an
43 applicant who has been licensed to practice dentistry in any state or territory of the
44 United States if said person produces satisfactory evidence to the Board that he or she

1 has the required education, training, and qualifications, is in good standing with the
2 licensing jurisdiction, has passed satisfactory examinations of proficiency in the
3 knowledge and practice of dentistry as determined by the Board, and meets all other
4 requirements set forth herein and in the rules of the Board. The Board is authorized to
5 conduct examinations and interviews to thoroughly test the qualifications of the
6 applicant and may require additional information which would affect the applicant's
7 ability to render competent dental care. The Board may, in its discretion, refuse to issue
8 a license by credentials to an applicant who the Board determines is unfit to practice
9 dentistry.

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

14 (c) The applicant shall:

15 (1) Have been in active practice as defined in G.S. 90-29(b)(1) through
16 (b)(9) for a minimum of five years immediately preceding the date of
17 application;

18 (2) Have not been the subject of final or pending disciplinary action in any
19 state or territory in which he or she is or has ever been licensed to
20 practice dentistry or in any state or territory in which he or she has
21 held any other professional license;

22 (3) Present evidence that he or she has no felony convictions whatsoever,
23 or any other criminal convictions which would affect his or her ability
24 to render competent dental care; and

25 (4) Have not failed an examination conducted by the North Carolina State
26 Board of Dental Examiners.

27 (d) In addition to the above, the applicant for licensure by credentials shall
28 submit an application, the form of which shall be determined by the Board, pay the fee
29 required by G.S. 90-39, successfully complete tests in Jurisprudence and Sterilization
30 and Infection Control, and meet the criteria or requirements established by the Board.

31 (e) Once a license is issued to an individual on the basis of credential review, the
32 holder of the license shall establish a practice location and actively practice dentistry as
33 defined in G.S. 90-29(b)(1) through (b)(9) in North Carolina within one year from the
34 date the license is issued. Once practice is initiated in North Carolina, the license by
35 credential shall automatically become void if the licensee fails to limit his or her
36 practice to North Carolina, or ceases to actively practice dentistry in North Carolina.

37 (f) Notwithstanding the provisions of G.S. 150B-21.1(a), the Board is authorized
38 to adopt temporary rules to implement this section."

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

41 "**§ 90-224.1. Licensure by credentials.**

42 (a) The Board shall have the authority to issue a license by credentials to an
43 applicant who has practiced dental hygiene in the United States military service or has
44 been licensed to practice dental hygiene in any state or territory of the United States, if

1 the applicant produces satisfactory evidence to the Board that he or she has the required
2 education, training, and qualifications; is in good standing with the military or licensing
3 jurisdiction; has passed satisfactory examinations of proficiency in the knowledge and
4 practice of dental hygiene as determined by the Board; and meets all other requirements
5 set forth herein and in the Rules of the Board. The Board may, in its discretion, refuse to
6 issue a license by credentials to an applicant who the Board determines is unfit to
7 practice dental hygiene.

8 (b) The applicant for licensure shall be of good moral character, have graduated
9 from an accredited high school or hold a high school equivalency certificate duly issued
10 by a governmental agency or authorized unit, and have satisfactorily completed dental
11 hygiene education and training, as required by the military or in a United States state or
12 territory controlled program, with the military or state or territory education and training
13 approved by the Board.

14 (c) The applicant shall:

15 (1) Have been in active dental practice as defined in G.S. 90-221(a) and
16 supervised by a licensed dentist for a minimum of two years
17 immediately preceding the date of application;

18 (2) Have no history of disciplinary action or pending disciplinary action in
19 the military, or in any state or territory in which he or she is or has ever
20 been licensed;

21 (3) Have no felony convictions whatsoever or other criminal convictions
22 which would affect his or her ability to render competent dental
23 hygiene care; and

24 (4) Have not failed an examination conducted by the North Carolina State
25 Board of Dental Examiners.

26 (d) In addition to the above, the applicant for licensure by credentials shall
27 submit an application, the form of which shall be determined by the Board, pay the fee
28 required by G.S. 90-232, successfully complete tests in Jurisprudence and Sterilization
29 and Infection Control, and meet other criteria or requirements established by the Board,
30 which may include, but shall not be limited to, an examination or interview before the
31 Board or its authorized agents.

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

34 (f) Notwithstanding the provisions of G.S. 150B-21.1(a), the Board is authorized
35 to adopt temporary rules to implement this section."

36 **SECTION 4.** To conform existing licensing laws with standards of the
37 newly enacted licensure by credentials provisions, G.S. 90-221(b) reads as rewritten:

38 "(b) "Dental hygienist" as used in this Article, shall mean any person who ~~is a~~
39 ~~graduate of a Board-accredited school~~ has satisfactorily completed a Board-approved
40 program of dental hygiene education and training, who has been licensed by the Board,
41 and who practices dental hygiene as prescribed by the Board."

42 **SECTION 5.** To conform existing licensing laws with standards of the
43 newly enacted licensure by credentials provisions, G.S. 90-224(a) reads as rewritten:

1 "(a) The applicant for licensure must be of good moral character, have graduated
2 from an accredited high school or hold a high school equivalency certificate duly issued
3 by a governmental agency or ~~unit~~ authorized unit, ~~to issue the same, and be a graduate~~
4 ~~of a program of~~ and have satisfactorily completed dental hygiene in a school or college
5 education and training in the United States military service, or a United States state or
6 territory controlled program, with the military or state or territory education and training
7 approved by the Board."

8 **SECTION 6.** In order to provide some relief from shortages of dentists to
9 treat underserved low-income populations in this State, Article 2 of Chapter 90 of the
10 General Statutes is amended by adding a new section to read:

11 **"§ 90-37.1. Limited volunteer dental license.**

12 (a) The North Carolina State Board of Dental Examiners may, under rules
13 adopted by the Board in compliance with Chapter 150B of the General Statutes, issue to
14 an applicant a special license to be entitled a 'Limited Volunteer Dental License' to
15 practice dentistry only in nonprofit health care facilities serving low-income
16 populations. Holders of this limited volunteer license shall only be allowed to volunteer
17 their professional services, without compensation, to help meet the needs of these
18 disadvantaged persons. The Board may issue such limited license to an applicant under
19 this section who:

20 (1) Has an out-of-state current or expired license, or an expired license in
21 this State, or is authorized to treat veterans or personnel enlisted in the
22 United States armed services; and

23 (2) Has actively practiced dentistry within the past five years.

24 (b) Such limited license may be issued to an applicant who produces satisfactory
25 evidence to the Board that he or she has the required education, training, and
26 qualifications; is in good standing with the licensing jurisdiction; has passed satisfactory
27 examinations of proficiency in the knowledge and practice of dentistry as determined by
28 the Board; and meets all other requirements set forth herein and in the rules of the
29 Board. The Board is authorized to conduct examinations and interviews to thoroughly
30 test the qualifications of the applicant and may require additional information which
31 would affect the applicant's ability to render competent dental care. The Board may, in
32 its discretion, refuse to issue a 'Limited Volunteer Dental License' to an applicant who
33 the Board determines is unfit to practice dentistry.

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

38 (d) The applicant shall:

39 (1) Show that he or she has actively practiced dentistry as defined in G.S.
40 90-29(b)(1) through (b)(9) for a minimum of five years;

41 (2) Show that he or she has not been the subject of final or pending
42 disciplinary action in any state in which he or she has ever been
43 licensed to practice dentistry or in any state in which he or she has held
44 any other professional license;

- 1 (3) Present evidence that he or she has no felony convictions whatsoever,
2 or any other criminal convictions which would affect his or her ability
3 to render competent care;
- 4 (4) Present evidence that he or she has no pending Veterans
5 Administration or military disciplinary actions or any history of such
6 disciplinary action; and
- 7 (5) Show that he or she has not failed an examination conducted by the
8 North Carolina State Board of Dental Examiners.

9 (e) In addition to the above, the applicant shall submit an application, the form of
10 which shall be determined by the Board, pay the fee required under G.S. 90-39, and
11 successfully complete tests in Jurisprudence and Sterilization and Infection Control. The
12 Board is authorized to charge and collect fees for license application and annual renewal
13 as required under G.S. 90-39; however, credentialing fees that might have been
14 applicable under G.S. 90-39(13) are waived, as an incentive for practitioners to
15 volunteer.

16 (f) Successful applicants shall comply with the continuing dental education
17 requirements adopted by the Board, including CPR training.

18 (g) The holder of a limited license under this section who practices dentistry in
19 other than a nonprofit health care facility serving low-income populations shall be guilty
20 of a Class 1 misdemeanor, with each day's violation constituting a separate offense, and
21 upon conviction shall be punished in the discretion of the appropriate criminal court.
22 Upon proof of such practice in unauthorized settings offered in the appropriate
23 administrative law forum, the Board may suspend or revoke the limited license, in its
24 discretion, after due notice. Furthermore, for violations of the dental practice act or its
25 Rules as may be reasonably applicable to a limited license practice, the Board shall have
26 the same authority to investigate and impose sanctions on limited license holders as it
27 does for those holding an unlimited license. The Board shall maintain a nonexclusive
28 list of nonprofit health care facilities serving low-income populations in the State, and it
29 shall consider approving other facilities on an individual basis."

30 **SECTION 7.** G.S. 90-39 reads as rewritten:

31 "**§ 90-39. Fees.**

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

- 36 (1) Each application for general dentistry examination..... \$500.00
- 37 (2) Each general dentistry license renewal, which fee shall be annually
38 fixed by the Board and not later than November 30 of each year it shall
39 give written notice of the amount of the renewal fee to each dentist
40 licensed to practice in this State by mailing such notice to the last
41 address of record with the board of each such dentist 140.00
- 42 (2a) Penalty for late renewal of any license or permit..... 50.00
- 43 (3) Each provisional license 150.00
- 44 (4) Each intern permit or renewal thereof..... 150.00

- 1 (5) Each certificate of license to a resident dentist desiring to change to
2 another state or territory 30.00
- 3 (6) Repealed by Session Laws 1995, (Reg. Sess., 1996), c. 584, s. 1.
- 4 (7) Each license to resume the practice issued to a dentist who has retired
5 from and returned to this State 300.00
- 6 (8) Each instructor's license or renewal thereof..... 140.00
- 7 (9) With each renewal of a dentistry license, an annual fee to help fund
8 special peer review organizations for impaired dentists 50.00
- 9 (10) Each duplicate of any license, permit, or certificate issued by the
10 Board 25.00
- 11 (11) Each office inspection for general anesthesia and parenteral sedation
12 permits 350.00
- 13 (12) Each general anesthesia and parenteral sedation permit application or
14 renewal of permit.....~~50.00~~50.00
- 15 (13) Each application for license by credentials 3,000.00
- 16 (14) Each application for limited volunteer dental license 300.00
- 17 (15) Each limited volunteer dental license annual renewal25.00."

18 **SECTION 8.** G.S. 90-232 reads as rewritten:

19 "**§ 90-232. Fees.**

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

- 24 (1) Each applicant for examination..... \$125.00
- 25 (2) Each renewal certificate, which fee shall be annually fixed by the
26 Board and not later than November 30 of each year it shall give written
27 notice of the amount of the renewal fee to each dental hygienist
28 licensed to practice in this State by mailing such notice to the last
29 address of record with the Board of each such dental hygienist.. 60.00
- 30 (3) Each restoration of license 60.00
- 31 (4) Each provisional license..... 60.00
- 32 (5) Each certificate of license to a resident dental hygienist desiring to
33 change to another state or territory..... 25.00
- 34 (6) Annual fee to be paid upon license renewal to assist in funding
35 programs for impaired dental hygienists..... ~~40.00~~ 40.00
- 36 (7) Each license by credentials..... 1,500.00.

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

41 **SECTION 9.** G.S. 90-29.5 reads as rewritten:

42 "**§ 90-29.5. Instructor's license.**

43 ~~The Board may issue an instructor's license to a person who is not otherwise licensed~~
44 ~~to practice dentistry in the State, but whom the Board finds to be qualified by~~

~~1 professional training and experience and upon the same examination as that offered to
2 licensed dentists in North Carolina plus an oral examination. An instructor's license will
3 authorize him to teach and to practice dentistry in or on behalf of a dental school or
4 college offering a doctoral degree in dentistry, operated and conducted in this State and
5 approved by the North Carolina State Board of Dental Examiners, but only within the
6 confines of the principal facility of the school or college and of any teaching hospital
7 adjacent thereto. Application for an instructor's license shall be made in accordance with
8 rules and regulations of the North Carolina State Board of Dental Examiners. A person
9 holding an instructor's license shall have, within the scope of his authorized practice, all
10 the duties and responsibilities of any dentist who has been licensed upon examination
11 by the North Carolina State Board of Dental Examiners, and shall be subject to those
12 various disciplinary measures and penalties set forth in G.S. 90-41 upon a determination
13 by the Board that he has violated any of the terms or provisions of this Article. An
14 instructor's license shall be subject to annual renewal by the North Carolina State Board
15 of Dental Examiners, as provided in G.S. 90-31.~~

16 (a) The Board may issue an instructor's license to a person who is not otherwise
17 licensed to practice dentistry in the State, but whom the Board finds to meet the
18 following conditions:

- 19 (1) Is licensed to practice dentistry anywhere in the United States or in any
20 country, territory, or other recognized jurisdiction; and
21 (2) Has met or been approved under the credentialing standards of a dental
22 school or an academic medical center with which they are to be
23 affiliated; such dental school or academic medical center shall be
24 accredited by the American Dental Association's Commission on
25 Accreditation or the Joint Commission on Accreditation of Health
26 Care Organization.

27 (b) The holder of an instructor's license is authorized to teach and to practice
28 dentistry:

- 29 (1) In or on behalf of a dental school or college offering a doctoral degree
30 in dentistry, operated and conducted in this State and approved by the
31 North Carolina State Board of Dental Examiners;
32 (2) In connection with an academic medical center identified by the North
33 Carolina Department of Health and Human Services; and
34 (3) At any teaching hospital adjacent to a dental school or an academic
35 medical center.

36 (c) Application for an instructor's license shall be made in accordance with the
37 rules and regulations of the North Carolina State Board of Dental Examiners. On or
38 after January 1, 2002, all dentists previously practicing under G.S. 90-29(c)(3) shall be
39 granted an instructor's license upon application to the Board and payment of the
40 required fee. The holder of an instructor's license shall be subject to the provisions of
41 this Article."

42 **SECTION 10.** G.S. 90-29(c)(3) reads as rewritten:

- 43 "(3) The teaching or practice of dentistry, in dental schools or colleges
44 operated and conducted in this State and approved by the North

1 Carolina State Board of Dental Examiners, by any person or persons
2 licensed to practice dentistry anywhere in the United States or in any
3 country, territory or other recognized ~~jurisdiction~~; jurisdiction until
4 December 31, 2001. On or after January 1, 2002, all dentists
5 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
7 required fee."

8 **SECTION 11.** G.S. 90-41(f) reads as rewritten:

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

12 **SECTION 12.** G.S. 90-29.4(1) reads as rewritten:

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

19 **SECTION 13.** If any section of this act is declared to be unconstitutional,
20 preempted, or otherwise invalid by the courts, except where a contrary intent is clearly
21 indicated by the text of the section, it shall not affect the validity of the act as a whole or
22 any part other than the section declared to be invalid, and any previous statutory law
23 replaced or modified by the section declared invalid shall be reinstated as if the previous
24 law had not been changed. If any part of a numbered section of this act is declared
25 invalid, the whole section shall fail.

26 **SECTION 14.** This act becomes effective January 1, 2002. Sections 2, 3, 4,
27 and 5 of this act shall expire and no longer have the force or effect of law at midnight on
28 June 30, 2003.