



## NOTICE OF TEXT [Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

Notice with a scheduled hearing

Notice without a scheduled hearing

Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.

Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: [Board of Dental Examiners](#)

2. Link to agency website pursuant to G.S. 150B-19.1(c): [www.ncdentalboard.org](http://www.ncdentalboard.org)

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT: [21 NCAC 16H .0104](#)

REPEAL:

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: [07/01/2024](#)

5. Is a public hearing planned? [Yes](#)

If yes:

Date	Time	Location
<a href="#">04/18/2024</a>	<a href="#">6:00 pm</a>	<a href="#">2000 Perimeter Park Drive, #200, Morrisville, NC 27560</a>

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

**7. Explain Reason For Proposed Rule(s):**

The proposed amendment updates education and training requirements for dental assistants and eliminates a requirement related to coronal polishing.

**8. Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Rule(s) is automatically subject to legislative review. Cite statutory reference:**

**9. The person to whom written comments may be submitted on the proposed rule(s):**

Name: Bobby White  
Address: 2000 Perimeter Park Drive, Suite 160  
Morrisville, NC 27560  
Phone (optional):  
Fax (optional):  
EMail (optional)

**10. Comment Period Ends:** 05/14/2024

**11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

No fiscal note required

**12. Rule-making Coordinator:**

Name: Dauna L. Bartley  
919-283-1390  
dauna@brockerlawfirm.com

**Agency contact, if any:**

Name:  
Phone:  
Email:

**13. The Agency formally proposed the text of this rule(s) on**

**Date:** 08/18/2023

1 21 NCAC 16H .0104 is proposed for amendment as follows:

2  
3 **21 NCAC 16H .0104 APPROVED EDUCATION AND TRAINING PROGRAMS**

4 (a) To be classified as a Dental Assistant II, an assistant shall have and maintain an unexpired CPR certification and  
5 also shall ~~meet one of the following criteria:~~ complete:

6 (1) ~~completion of:~~ a dental assisting program accredited by the Commission on Dental Accreditation  
7 ("CODA"), a list of which is available at no cost at [coda.ada.org/find-a-program/search-dental-](http://coda.ada.org/find-a-program/search-dental-)  
8 programs and is incorporated by reference, including subsequent amendments and editions;

9 (A) ~~an ADA-accredited dental assisting program;~~ or

10 (B) ~~one academic year or longer in an ADA-accredited dental hygiene program;~~

11 (2) ~~one complete school year or longer in a CODA-accredited dental hygiene program;~~

12 (3) ~~a dental assistant program offered through a branch of the U.S. armed forces at the Medical~~  
13 ~~Education & Training Campus that includes a clinical rotation providing dental assisting for live~~  
14 ~~patients;~~

15 (2)(4) ~~completion of the Certified Dental Assistant certification examination(s) examinations administered~~  
16 ~~by the Dental Assisting National Board; Board ("DANB") with a passing score as set by DANB; or~~

17 (3)(5) ~~completion of:~~ the following:

18 (A) ~~employment as a Dental Assistant I for two years of the preceding five, consisting of at~~  
19 ~~least 3,000 hours total; and~~

20 (B) ~~a 3-hour course in sterilization and infection control; and control, and a 3-hour course in~~  
21 ~~dental office emergencies. The courses shall be offered by Board-approved course sponsors~~  
22 ~~as set out in 21 NCAC 16I .0202.~~

23 (C) ~~a 3-hour course in dental office emergencies.~~

24 (b) A Dental Assistant I who has completed the requirements of ~~Parts (a)(3)(B)-(C) Part (a)(5)(B)~~ of this Rule but not  
25 completed the ~~training-employment hours required pursuant to Part (a)(3)(A)-(a)(5)(A)~~ may be trained by a licensed  
26 dentist and allowed to perform the functions of a Dental Assistant II, as specified in Rule .0203 of this Subchapter,  
27 under the direct control and supervision of a licensed ~~dentist.~~ dentist, except that a Dental Assistant I performing the  
28 functions of a Dental Assistant II pursuant to this Paragraph shall not perform the coronal polishing function set out  
29 in Rule .0203(a)(21) of this Subchapter.

30 (c) For purposes of this Rule, an unexpired CPR certification is one that is in effect and valid at the time of  
31 classification as a Dental Assistant II and remains so at all times while employed as a Dental Assistant II or while  
32 performing any of the permitted functions under Rule .0203 of this Subchapter.

33 (d) A ~~Dental Assistant~~ dental assistant shall not take radiographs before completing radiology training consistent with  
34 G.S. 90-29(c)(12).

35  
36 *History Note: Authority G.S. 90-29(c)(9);*

37 *Eff. September 3, 1976;*

1                    *Readopted Eff. September 26, 1977;*  
2                    *Amended Eff. August 1, 2016; April 1, 2015; August 1, 2000; November 1, 1996; January 1, 1994;*  
3                    *September 1, 1998; May 1, 1989; October 1, 1986.*  
4                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*  
5                    *2018;*  
6                    *Amended Eff. \_\_\_\_\_; September 1, 2020.*