

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 861\***

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

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Sponsors: Senators Purcell; Carpenter, Clodfelter, Cunningham, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Kinnaird, Lee, Lucas, Moore, Odom, Reeves, Soles, Swindell, Weinstein, and Wellons.

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Referred to: Health Care.

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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  
25 services through the private sector. The State's dental public health program shall  
26 encourage the expansion of current educational and training programs for more dentists.

1 dental hygienists, and dental assistants targeted to serve citizens' unmet needs,  
2 particularly in the rural and low-income areas that have traditionally had problems in  
3 accessing dental care. The program shall also promote and encourage the recruitment of  
4 in-State and out-of-state private sector dental personnel to work in these dental health  
5 professional shortage areas."

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

7 **"§ 90-36. Licensing practitioners of other states.**

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18 ~~States, nor whose license to practice dentistry has been revoked or suspended by a duly~~  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

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

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

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

40 (a) The Board shall have the authority to issue a license by credentials to an  
41 applicant who has been licensed to practice dentistry in any state or territory of the  
42 United States if said person produces satisfactory evidence to the Board that he or she  
43 has the required education, training, and qualifications, is in good standing with the  
44 licensing jurisdiction, has passed satisfactory examinations of proficiency in the

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

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

12 (c) The applicant shall:

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

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

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

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

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

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

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

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

39 **"§ 90-224.1. Licensure by credentials.**

40 (a) The Board shall have the authority to issue a license by credentials to an  
41 applicant who has practiced dental hygiene in the United States military service or has  
42 been licensed to practice dental hygiene in any state or territory of the United States, if  
43 the applicant produces satisfactory evidence to the Board that he or she has the required  
44 education, training, and qualifications; is in good standing with the military or licensing

1 jurisdiction; has passed satisfactory examinations of proficiency in the knowledge and  
2 practice of dental hygiene as determined by the Board; and meets all other requirements  
3 set forth herein and in the Rules of the Board. The Board may, in its discretion, refuse to  
4 issue a license by credentials to an applicant who the Board determines is unfit to  
5 practice dental hygiene.

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

12 (c) The applicant shall:

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

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

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

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

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

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

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

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

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

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

42 "(a) The applicant for licensure must be of good moral character, have graduated  
43 from an accredited high school or hold a high school equivalency certificate duly issued  
44 by a governmental agency or ~~unit~~ authorized unit, ~~to issue the same, and be a graduate~~

1 ~~of a program of and have satisfactorily completed~~ dental hygiene ~~in a school or college~~  
2 ~~education and training in the United States military service, or a United States state or~~  
3 ~~territory controlled program, with the military or state or territory education and training~~  
4 ~~approved by the Board."~~

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

8 **"§ 90-37.1. Limited volunteer dental license.**

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

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

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

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

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

35         (d) The applicant shall:

36             (1) Show that he or she has actively practiced dentistry as defined in G.S.  
37 90-29(b)(1) through (b)(9) for a minimum of five years;

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

42             (3) Present evidence that he or she has no felony convictions whatsoever,  
43 or any other criminal convictions which would affect his or her ability  
44 to render competent care;

(4) Present evidence that he or she has no pending Veterans Administration or military disciplinary actions or any history of such disciplinary action; and

(5) Show that he or she has not failed an examination conducted by the North Carolina State Board of Dental Examiners.

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

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

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

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

**"§ 90-39. Fees.**

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

- (1) Each application for general dentistry examination..... \$500.00
- (2) Each general dentistry license renewal, which fee shall be annually fixed by the Board and not later than November 30 of each year it shall give written notice of the amount of the renewal fee to each dentist licensed to practice in this State by mailing such notice to the last address of record with the board of each such dentist ..... 140.00
- (2a) Penalty for late renewal of any license or permit..... 50.00
- (3) Each provisional license..... 150.00
- (4) Each intern permit or renewal thereof..... 150.00
- (5) Each certificate of license to a resident dentist desiring to change to another state or territory ..... 30.00
- (6) Repealed by Session Laws 1995, (Reg. Sess., 1996), c. 584, s. 1.

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

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

"§ 90-232. Fees.

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

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

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

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

"§ 90-29.5. Instructor's license.

~~The Board may issue an instructor's license to a person who is not otherwise licensed to practice dentistry in the State, but whom the Board finds to be qualified by professional training and experience and upon the same examination as that offered to licensed dentists in North Carolina plus an oral examination. An instructor's license will authorize him to teach and to practice dentistry in or on behalf of a dental school or~~

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

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

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

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

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

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

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

- 40 "(3) The teaching or practice of dentistry, in dental schools or colleges  
41 operated and conducted in this State and approved by the North  
42 Carolina State Board of Dental Examiners, by any person or persons  
43 licensed to practice dentistry anywhere in the United States or in any  
44 country, territory or other recognized ~~jurisdiction;~~ jurisdiction until

1                   December 31, 2001. On or after January 1, 2002, all dentists  
2                   previously practicing under G.S. 90-29(c)(3) shall be granted an  
3                   instructor's license upon application to the Board and payment of the  
4                   required fee."

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

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

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

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

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

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