

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 583

Short Title: Dental Labs/Dental Technicians.

(Public)

Sponsors: Senators Sands; Lee, Kaplan, Daniel, Odom, Plexico, Soles, Seymour, Walker, and Allran.

Referred to: Judiciary I.

April 20, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO ASSURE STANDARD INFECTION CONTROL PROCEDURES
3 REGARDING THE INFECTIOUS DISEASES THAT CAN BE TRANSMITTED
4 THROUGH THE FABRICATION OF DENTAL PROSTHETIC APPLIANCES
5 BY REQUIRING THE LICENSURE OF COMMERCIAL DENTAL
6 LABORATORIES AND THE REGISTRATION OF DENTAL LABORATORY
7 TECHNICIANS.

8 The General Assembly of North Carolina enacts:

9 Section 1. Chapter 90 of the General Statutes is amended by adding a new
10 Article to read:

11 **"ARTICLE 16A.**
12 **"COMMERCIAL DENTAL LABORATORIES AND DENTAL**
13 **LABORATORY TECHNICIANS.**

14 **"§ 90-233.10. Definitions.**

15 As used in this Article, unless the context clearly provides otherwise:

- 16 (1) 'Board' means the Board of Dental Laboratories and Dental Laboratory
17 Technicians.
18 (2) 'Certified dental technician' means a dental technician who is currently
19 certified as a result of passing written and practical examinations and
20 satisfying standards developed or adopted by the Board.
21 (3) 'Commercial dental laboratory' means a facility owned or operated as a
22 corporation, partnership, or sole proprietorship that is engaged in or
23 undertakes to be engaged in the fabrication, manufacture, or repairing

1 of dental prosthetic appliances on the prescription or work
2 authorization of a licensed dentist or another dental laboratory. A
3 commercial dental laboratory is not a dental practice laboratory.

4 (4) 'Dental laboratory technician' means an owner or employee of a
5 commercial dental laboratory charged to fabricate, manufacture, or
6 repair dental prosthetic appliances.

7 (5) 'Dental practice laboratory' means a laboratory that is located on the
8 same premises as a dental practice, operates under the direct
9 supervision of that licensed dentist, and serves only that licensed
10 dentist's dental practice.

11 (6) 'Dental prosthetic appliance' means a cast metal appliance, denture,
12 dental crown or cap, dental inlay, dental bridge, dental implant
13 appliance, orthodontic corrective appliance, or other fixed or
14 removable restoration for the oral cavity.

15 (7) 'Laboratory doing business in this State' means a laboratory preparing
16 a work product pursuant to a prescription or work authorization
17 originating in North Carolina.

18 (8) 'Licensed dentist' means any person duly licensed to practice dentistry
19 pursuant to Article 2 of this Chapter.

20 (9) 'Prescription' means a written instrument or work order that has been
21 executed by a licensed dentist and directed to a commercial dental
22 laboratory authorizing the fabrication, manufacture, or repair of a
23 dental prosthetic appliance for the licensed dentist.

24 (10) 'National Board for Certification in Dental Laboratory Technology,
25 Inc.', means the trust established by the National Association of Dental
26 Laboratories for the purpose of testing and certifying dental laboratory
27 technicians in the following specialties based on written and practical
28 examinations: ceramics, crown and bridge, dentures, partial dentures,
29 and orthodontics.

30 (11) 'Work authorization' means a written instrument or subwork order that
31 has been executed by a commercial dental laboratory authorized by a
32 prescription whereby a commercial dental laboratory subcontracts all
33 or part of the fabrication, manufacture, or repair of dental prosthetic
34 appliances to another commercial dental laboratory.

35 **§ 90-233.11. The Board of Dental Laboratories and Dental Laboratory**
36 **Technicians.**

37 (a) The Board of Dental Laboratories and Dental Laboratory Technicians is
38 established for the purposes of assuring the use of standard infection control procedures
39 in commercial dental laboratories by registering dental laboratory technicians,
40 establishing or approving a process of certifying dental laboratory technicians, and
41 licensing qualified commercial dental laboratories operating, doing business, or
42 intending to operate or do business in this State.

43 (b) The Board shall consist of five members. The Governor shall appoint all
44 members to the Board. At least three members shall be registered certified dental

1 laboratory technicians. Two members shall be representative of the public. The
2 Governor shall select the members who must be registered certified dental laboratory
3 technicians from a list provided by the N. C. Dental Laboratory Association, Inc., or any
4 other nonprofit association in North Carolina representing dental laboratory technicians
5 who are certified in accordance with the Board's requirements. As the terms of the
6 members who must be registered certified dental laboratory technicians expire,
7 applications from eligible registered certified dental laboratory technicians shall be
8 reviewed and nominations made to the Governor not less than two months prior to a
9 vacancy. The nominations shall consist of at least three names for each vacancy.

10 (c) By March 1, 1994, the Governor shall make the initial appointments to the
11 Board. Two of these members shall serve an initial three-year term, two shall serve an
12 initial two-year term, and one shall serve an initial one-year term. At least one
13 registered certified dental laboratory technician shall serve during each of these
14 staggered terms. Subsequent terms shall be three-year terms. No member shall serve
15 more than three consecutive terms. The Board shall elect one member to serve as the
16 chair at the Board's pleasure. In the event of a vacancy among the members, the
17 Governor shall appoint a member to serve the unexpired term from the same category of
18 members as the predecessor member.

19 (d) To be eligible for membership on the Board, one must be a United States
20 citizen and a legal resident of North Carolina. Subject to subsection (f) of this section, a
21 registered certified dental laboratory technician is eligible to serve on the Board if the
22 technician:

23 (1) Is the owner, officer, manager, or employee of a licensed commercial
24 dental laboratory located in the State; and

25 (2) Has a minimum of five years experience as a certified dental
26 laboratory technician.

27 (e) The Board shall determine the time and place of its meetings, so long as it
28 meets at least twice each year. A meeting shall be called by a majority of the Board.
29 Notice of all meetings shall be given to all Board members not less than seven days
30 before any meeting. A majority of the members of the Board shall constitute a quorum
31 for the transaction of business.

32 (f) A certified dental laboratory technician is eligible to serve during an initial
33 term of the Board even though the dental laboratory technician is not registered and the
34 commercial dental laboratory for which the technician is an owner, officer, manager, or
35 employee is not licensed under this Article.

36 **"§ 90-233.12. Duties and powers of the Board.**

37 (a) The duties of the Board shall include, but not be limited to:

38 (1) Establishing or adopting standard infectious disease controls that
39 reduce the possibility of cross contamination among dental prosthetic
40 appliances and contamination of employees by infectious diseases.

41 (2) Providing for on-site inspections of licensed commercial
42 dental laboratories to ensure compliance with all standard infection
43 control procedures or any other requirements for licensure.

- 1 (3) Reviewing licensure applications for new licenses and license
2 renewals submitted by commercial dental laboratories to determine if
3 the applicant meets the requirements of this Article.
- 4 (4) Issuing licenses to commercial dental laboratories that meet the
5 requirements of this Article and annually renewing licenses for a
6 laboratory that applies for renewal and continues to meet the
7 requirements of this Article.
- 8 (5) Providing, on an annual basis, each dentist licensed in the State with a
9 list of licensed commercial dental laboratories, including the name and
10 address of the commercial dental laboratory, its license number, and
11 any other information the Board determines is necessary.
- 12 (6) Reviewing applications for initial registration and annual registration
13 renewals of dental laboratory technicians.
- 14 (7) Issuing certificates of registration to dental laboratory technicians and
15 renewed certificates of registration.
- 16 (8) Examining and certifying dental laboratory technicians, or in lieu
17 thereof, specifying standards and requirements of certification of
18 dental laboratory technicians.
- 19 (9) Establishing or adopting criteria for continuing education in dental
20 laboratory technology.
- 21 (10) Adopting rules to implement this Article, including, but not limited to,
22 rules regarding:
- 23 a. Procedures and qualifications for licensing dental laboratories;
24 b. Procedures and qualifications for registering dental laboratory
25 technicians;
- 26 c. Procedures, qualifications, examinations, and standards for
27 certifying dental laboratory technicians;
- 28 d. Fee schedules for licensing and registration under this Article,
29 including fees for duplicate licenses and certificates and
30 procedures for collection and distribution of these fees;
- 31 e. Procedures for issuing annual renewals of licenses and
32 registrations;
- 33 f. Procedures for the review of Board decisions;
- 34 g. Procedures establishing reciprocity with other states regarding
35 licensing;
- 36 h. Procedures for the revocation, suspension, or denial of a
37 license, a registration, or a certification;
- 38 i. Appropriate penalties; and
- 39 j. Any other rule deemed by the Board to be necessary to
40 implement this Article.
- 41 (b) The Board may apply for injunctive relief pursuant to G.S. 90-233.20.
- 42 (c) The Board may employ personnel as it determines is necessary to carry out its
43 duties and functions as well as employ counsel to advise it on any matters it determines
44 are appropriate.

1 (d) Each Board member shall receive a per diem and reimbursement for expenses
2 pursuant to G.S. 138-5.

3 (e) Any member of the Board shall not be held liable in a civil action for any act
4 performed in good faith and in the execution of duties as a Board member.

5 **"§ 90-233.13. Expenses payable from fees collected by Board.**

6 (a) All salaries, compensation, and expenses incurred or allowed for the purposes
7 of carrying out this Article shall be paid by the Board exclusively out of the fees
8 received by the Board as authorized by this Article, or funds received from other
9 sources. In no case shall any salary, expense, or other obligation of the Board be
10 charged against the treasury of the State of North Carolina. All moneys and receipts
11 shall be kept in a special fund by and for the use of the Board for the exclusive purpose
12 of carrying out the provisions of this Article.

13 (b) The schedule of fees shall not exceed the following rates:

14	<u>Application for original license</u>	
15	<u>for dental laboratory</u>	<u>\$ 150.00</u>
16	<u>Application for renewal of license</u>	
17	<u>for a dental laboratory</u>	<u>100.00</u>
18	<u>Application for registration as a</u>	
19	<u>dental laboratory technician</u>	<u>25.00</u>
20	<u>Application for renewal of registration</u>	
21	<u>as a dental laboratory technician</u>	<u>20.00</u>
22	<u>Application for reciprocity of a license</u>	
23	<u>for a dental laboratory</u>	<u>150.00</u>

24 (c) No refund of fees will be made.

25 **"§ 90-233.14. License of commercial dental laboratories required.**

26 Effective July 1, 1994, all commercial dental laboratories operating, doing business,
27 or intending to operate or do business within this State must be licensed under this
28 Article regardless of its geographic location.

29 **"§ 90-233.15. Eligibility requirements for license; annual license renewal;**
30 **reciprocity.**

31 (a) Subject to subsection (b) of this section, a commercial dental laboratory shall
32 be licensed by the Board if:

33 (1) The dental laboratory is operated under the supervision of one or more
34 certified dental laboratory technicians who:

35 a. Work full time on the premises of that dental laboratory; and

36 b. On or after January 1, 1995, are registered pursuant to this
37 Article.

38 (2) The dental laboratory practices those standard infectious disease
39 controls that are established or adopted by the Board.

40 (3) The owner, officer, or manager of each commercial dental laboratory
41 completes an application for a license as prescribed by the Board for
42 each commercial dental laboratory doing business or intending to do
43 business in this State with which that individual has any connection or
44 interest.

1 **(b)** Any commercial dental laboratory doing business in this State on January 1,
2 1994, is eligible for licensure even though the laboratory is operated under the
3 supervision of a dental laboratory technician who is not certified. If a change of
4 ownership subsequently occurs for a commercial dental laboratory that is licensed
5 pursuant to this subsection, that laboratory shall apply for a new license under this
6 Article in 30 days or less from the date of the change of ownership, unless the Board
7 determines that circumstances warrant more than 30 days.

8 **(c)** Every license issued under this Article shall be renewed annually. On or
9 before the expiration date, any commercial dental laboratory that desires to continue to
10 operate as a commercial dental laboratory shall apply for licensure renewal to the Board
11 on forms prescribed by the Board. The Board shall not renew the license unless the
12 commercial dental laboratory provides evidence with its renewal application that at least
13 one full-time employee in a supervisory position working on the premises of that
14 commercial dental laboratory has completed a minimum of 10 hours of continuing
15 education.

16 **(d)** The Board may extend reciprocity to laboratories located in any other state
17 with similar licensure if the out-of-state commercial dental laboratory applies for a
18 license. The Board shall determine whether the out-of-state dental laboratory is subject
19 to similar licensure requirements.

20 **"§ 90-233.16. Registration of dental laboratory technicians; annual renewal.**

21 **(a)** Effective January 1, 1995, all dental laboratory technicians practicing in
22 North Carolina must be registered under this Article.

23 **(b)** All dental laboratory technicians shall register with the Board by filing an
24 application for registration and, thereafter, by filing an application for annual renewal
25 on forms prescribed by the Board.

26 **"§ 90-233.17. Qualifications for certification as a dental laboratory technician.**

27 **(a)** The Board shall develop standards, examinations, and procedures for
28 certification of dental laboratory technicians or shall adopt the examinations, standards,
29 and procedures of another entity selected by the Board for certification of dental
30 laboratory technicians for the purposes of this Article.

31 **(b)** Dental laboratory technicians do not have to be certified to practice as dental
32 laboratory technicians in this State.

33 **"§ 90-233.18. Dental laboratory technicians previously certified.**

34 On January 1, 1994, any dental laboratory technician who is currently certified by
35 the National Board for Certification in Dental Laboratory Technology, Inc., shall be
36 certified under the provisions of this Article, but shall otherwise comply with the
37 provisions of this Article, including the provisions of G.S. 90-233.16.

38 **"§ 90-233.19. Exemptions.**

39 Dental laboratories operated by and for any branch of the armed services, or by and
40 for any agency or governmental subdivision of the State, and dental practice
41 laboratories do not have to be licensed pursuant to this Article. Students of schools of
42 dentistry, students of schools of dental laboratory technology, and employees of dental
43 practice laboratories do not have to be registered pursuant to this Article.

44 **"§ 90-233.20. Required acts.**

1 (a) The owner, officer, or manager of a commercial dental laboratory shall notify
2 the Board of any change in ownership of the commercial dental laboratory within 30
3 days of the change of ownership.

4 (b) Each commercial dental laboratory shall publish its license number on all
5 invoices and shall furnish the license number of its subcontractor dental laboratory upon
6 request.

7 (c) A registered dental laboratory technician shall notify the Board of any change
8 of the technician's address within 30 days of the change of address.

9 (d) All licensed commercial dental laboratories shall prominently display its
10 license at its place of business.

11 (e) All registered dental laboratory technicians shall prominently display their
12 current certificates of registration at their places of employment.

13 (f) All certified dental laboratory technicians shall prominently display their
14 certifications at their places of employment.

15 **"§ 90-233.21. Prohibited acts.**

16 (a) No person shall practice or offer to practice as or use any card, title, or
17 abbreviation to indicate that the person is a licensed commercial dental laboratory
18 unless that person is currently licensed pursuant to this Article.

19 (b) No person shall use any card, title, or abbreviation to indicate that person is a
20 registered dental laboratory technician unless that person is currently registered pursuant
21 to this Article.

22 (c) No person shall use any card, title, or abbreviation to indicate that person is a
23 certified dental laboratory technician unless that person is certified pursuant to this
24 Article.

25 (d) No person, other than a licensed commercial dental laboratory or a dental
26 practice laboratory, shall fill a prescription or a work authorization for the fabrication,
27 manufacture, or repair of a dental prosthetic appliance.

28 (e) A licensed commercial dental laboratory shall not knowingly issue a work
29 authorization to another dental laboratory that is not licensed pursuant to this Article.

30 **"§ 90-233.22. Penalties.**

31 (a) A person who violates any provision of this Article is guilty of a
32 misdemeanor and upon conviction shall be punished by a fine of not more than one
33 thousand dollars (\$1,000).

34 (b) The Board may apply to superior court for a restraining order or an injunction
35 to enforce this Article or any rules adopted pursuant to this Article.

36 (c) The Board shall determine the penalty for the failure of a commercial dental
37 laboratory to obtain a license or to renew its license pursuant to this Article.

38 (d) The Board shall determine the penalty for the failure of a dental laboratory
39 technician to register or renew registration pursuant to this Article."

40 Sec. 2. G.S. 90-29.2 is amended by adding a new subsection to read:

41 "(a1) A licensed dentist shall employ the services of a dental practice laboratory, as
42 defined in G.S. 90-322.10, or a commercial dental laboratory, as defined in G.S. 90-
43 322.10, that is licensed pursuant to Article 16A of this Chapter, to construct or repair,

1 extraorally, prosthetic dentures, bridges, orthodontic appliances, or other replacements
2 for a part of a tooth, a tooth, or teeth."

3 Sec. 3. G.S. 90-29.2 is amended by adding a new subsection to read:

4 "(f) Any licensed dentist engages in unethical conduct if the dentist knowingly
5 prescribes, orders, or receives a prosthetic denture, bridge, orthodontic appliance, or
6 other replacement, for a part of a tooth, a tooth, or teeth from an unlicensed commercial
7 dental laboratory, as defined in G.S. 90-233.10; and the North Carolina State Board of
8 Dental Examiners shall determine an appropriate penalty."

9 Sec. 4. The provisions of this act are severable, and if any provision of this
10 act is held invalid by a court of competent jurisdiction, the invalidity shall not affect
11 other provisions of the act which can be given effect without the invalid provision.

12 Sec. 5. This act becomes effective January 1, 1994.