SUBCHAPTER 16C - LICENSURE DENTAL HYGIENISTS

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 16C .0101 LICENSURE
(a) All dental hygienists shall be licensed by the North Carolina State Board of Dental Examiners before practicing dental hygiene in this State.
(b) The examination requirement shall not apply to persons who do not hold a North Carolina dental hygiene license who are seeking volunteer licenses pursuant to G.S. 90-21.107, licensure by endorsement pursuant to Rules 16G .0107 or .0108 of this Chapter or licensure by credentials pursuant to Rule .0501 of this Subchapter.
(c) All dental hygienists shall maintain an unexpired CPR certification at all times.

History Note: Authority G.S. 90-223; 90-224; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989; January 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. October 1, 2019.

21 NCAC 16C .0102 NO RECIPROCAL ARRANGEMENT

History Note: Authority G.S. 90-223; 90-224; 90-226; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Expired Eff. February 1, 2018 pursuant to G.S. 150B-21.3A.

SECTION .0200 - QUALIFICATIONS

21 NCAC 16C .0201 IN GENERAL


21 NCAC 16C .0202 STUDENT MAY APPLY
The Board shall accept dental hygienist applications from students currently enrolled in schools of dental hygiene. Applications shall automatically be denied if the applicant fails to complete the required course of study or fails a Board approved licensure examination.

History Note: Authority G.S. 90-223; 90-224; Eff. September 3, 1976; Readopted Eff. September 26, 1977; Amended Eff. September 1, 2014; June 1, 2006; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018.

21 NCAC 16C .0203 TRANSCRIPTS REQUIRED

History Note: Authority G.S. 90-223; 90-224; Eff. September 3, 1976; Readopted Eff. September 26, 1977;
SECTION .0300 - APPLICATION

21 NCAC 16C .0301 APPLICATION FOR LICENSURE

(a) All applications for licensure as a dental hygienist shall be made on the forms furnished by the Board at www.ncdentalboard.org and shall include the following information:

(1) full name;
(2) street address as of the date of the application;
(3) permanent street address;
(4) preferred mailing address for all information;
(5) telephone number;
(6) email address;
(7) age;
(8) date of birth;
(9) place of birth;
(10) citizenship or immigration status, with verifying documentation;
(11) social security number;
(12) marital status;
(13) any other name by which the applicant was known in the past, accompanied by a certified copy of a court order of name change, if applicable;
(14) all resident addresses for the past 10 years preceding the date of application;
(15) the names, addresses, and phone numbers for two individuals to whom the applicant always provides the applicant's current address;
(16) disclosure and explanation of any bankruptcy proceedings in which the applicant was a named party;
(17) the license number, issuing state, and expiration date for all current drivers' licenses held by the applicant, and the issuing state for all drivers' licenses held in the past by the applicant;
(18) the date of the applicant's previous application for examination by the Board, if applicable;
(19) the date and type of any dental hygiene license for which the applicant applied in the past, if applicable;
(20) if the applicant failed an examination administered by a dental board, the date of the examination and jurisdiction of the dental board that administered the examination;
(21) if any dental board has refused to administer an examination to applicant, the jurisdiction of the dental board that refused to administer the examination and the date of the refusal;
(22) the dates upon which the applicant has taken the Dental Hygiene National Board Examination, the location of each examination, and authorization for the Board to access the examination scores;
(23) if the applicant failed the Dental Hygiene National Board Examination, the date of the examination that he or she failed;
(24) if the applicant has applied for a dental hygiene license in any other state or foreign country, the date of the application and whether the license was issued to the applicant;
(25) all employment held by the applicant for the past 10 years;
(26) if the applicant was terminated from employment within the past 10 years, an explanation regarding the termination;
(27) all dental hygiene licenses from other jurisdictions ever held by the applicant, including type of licensure, license number, and dates of licensure;
(28) places of employment at which the applicant has practiced dental hygiene, including the name of the employer, the address of the employer, dates of employment, and the reason for leaving the employment;
(29) if the applicant has ever been suspended or otherwise disqualified, or reprimanded, censured, or otherwise disciplined by any licensing board, professional organization, or while the applicant was holding public office, a written statement disclosing:
   (A) the facts that formed the basis for the discipline;
   (B) the date of the discipline;
   (C) whether the applicant appealed the discipline and the outcome of any appeal; and
the name and address of the authority in possession of records related to discipline;

if the applicant has ever been the subject of a complaint with any licensing board, professional organization, or while the applicant was holding public office, a written statement disclosing:

(A) the facts that gave rise to the complaint;
(B) the date of the complaint;
(C) whether the organization that received the complaint instituted proceedings against the applicant; and
(D) the name and address of the authority in possession of records related to the complaint;

if the applicant has ever been reported to the National Practitioner Data Bank or the Healthcare Integrity and Protection Data Bank, a written statement disclosing:

(A) the facts that formed the basis for the report;
(B) the date of the report; and
(C) the name and address of the authority in possession of records related to the report;

if the applicant has ever been dropped, suspended, expelled, or disciplined by any post-secondary school or college for any cause, a written statement disclosing:

(A) the facts leading to the discipline;
(B) the date of the discipline; and
(C) the school or college issuing the discipline;

if the applicant has ever been denied admission to any college or post-secondary school for a reason other than academic qualifications, a written statement explaining the reason for the admission denial;

if the applicant has ever served in the armed forces of the United States or any other country, a written statement explaining:

(A) whether the applicant has been separated from service;
(B) the nature of the separation;
(C) if other than honorable, the circumstances surrounding his or her release from service;
(D) dates of service;
(E) the facts leading up to any charges or complaints made or filed against the applicant while the applicant was serving in the armed forces, and the outcome of the charges or complaints;
(F) the facts leading to any disciplinary proceedings instituted against the applicant while the applicant was serving in the armed forces, and the outcome of the proceedings; and
(G) if the applicant was ever a defendant in any court martial, the facts giving rise to those proceedings and the outcome of the proceedings;

a statement of whether the applicant has registered under the Military Selective Service Act;

a statement of whether the applicant has ever:

(A) been summoned to court or before a magistrate for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(B) been arrested for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(C) been taken into custody for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(D) been indicted for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(E) been convicted or tried for the violation of any law or ordinance or for the commission of any felony or misdemeanor;
(F) been charged with the violation of any law or ordinance or for the commission of any felony or misdemeanor; or
(G) pleaded guilty to the violation of any law or ordinance or for the commission of any felony or misdemeanor;

the applicant's high school education including the name, location, and period of attendance for each school, and the date of graduation;

any college or university education other than dental hygiene, including the name, location, and period of attendance for each school, and the date of graduation;

the applicant's dental hygiene education including the name, location, and period of attendance for each school, and date of graduation;
(40) a statement disclosing and explaining any current condition or impairment, including substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition, that in any way affects the ability to practice dental hygiene. For purposes of this Rule, "current" means recently enough that the condition or impairment may affect the applicant's ability to function as a dental hygienist as set out in G.S. 90-229(a)(4) and (13). If the applicant contends that the condition or impairment is reduced or ameliorated because the applicant is receiving ongoing treatment or participating in a monitoring or support program, the applicant may provide information regarding the treatment or program, and may include any verification demonstrating that the applicant has complied with all provisions and terms of any drug treatment program, or impaired dental hygienists or other impaired professionals program;

(41) a photograph of the applicant, taken within six months prior to the date of the application;

(42) a completed fingerprint record card and signed release of information form authorizing the Board to request a fingerprint-based criminal history record check from the North Carolina State Bureau of Investigation (SBI);

(43) a copy of an unexpired CPR certificate; and

(44) if the applicant holds, or has held in the past, a dental hygiene license in any other state or jurisdiction, a copy of a National Practitioner Data Bank Report concerning the applicant that was obtained within six months prior to the date the report is submitted to the Board.

(b) The applicant shall submit to the Board the notarized application form with all the information and materials listed in Paragraph (a) of this Rule, accompanied by the nonrefundable application fee set forth in 21 NCAC 16M .0102.

(c) In addition to the requirements of Paragraphs (a) and (b) of this Rule, the applicant shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

(1) proof of graduation from high school or its equivalent;

(2) the applicant's official transcripts from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;

(3) if the applicant is licensed in other states, a certificate of the applicant's licensure status from the dental regulatory authority or other occupational or professional regulatory authority, accompanied by a full disclosure of any disciplinary action taken or investigation pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license or other occupational or professional license; and

(4) examination scores required by Rule .0303(b) of this Subchapter which shall include the American Board of Dental Examiners (ADEX) dental hygiene licensure examinations.

(d) The Board shall receive all information and documentation set forth in Paragraphs (a) through (c) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-223; 90-224; 90-229(a)(4) and (13);
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. September 1, 2014; September 1, 2013; June 1, 2006; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

21 NCAC 16C .0302 CONSENT FOR BOARD INVESTIGATION

In making application, the applicant authorizes the Board to verify the information contained in the application or to seek such further information pertinent to the applicant's qualifications or character as the Board may deem proper. The applicant consents that his or her character and reputation may be inquired into, and waives any right he or she may have to recover damages against the Board, any member thereof, or its agents, or from any person who answers a Board inquiry in good faith without malicious intent.
(a) All applicants for dental hygiene licensure shall achieve passing scores on the Board's sterilization and jurisprudence examinations. Reexamination on the written examinations shall be governed by Rule .0311 of this Section.

(b) All applicants for dental hygiene licensure shall achieve passing scores on written and clinical examinations administered by Board approved testing agencies.

(c) Clinical testing agencies shall permit Board representation on the Board of Directors and the Examination Review Committee or equivalent committee and allow Board input in the examination development and administration.

(d) The clinical examination shall:

1. be substantially equivalent to or an improvement to the clinical licensure examination most recently administered by the Board;
2. include procedures performed on human subjects as part of the assessment of clinical competency;
3. include probing, supra and subgingival scaling and soft tissue management; and
4. provide the following:
   (A) anonymity between applicants and examination graders;
   (B) standardization and calibration of graders;
   (C) a mechanism for post exam analysis;
   (D) conjunctive scoring, which is scoring that requires applicants to earn a passing grade on all sections or areas tested and that does not allow weighted, averaged or overall scoring to compensate for failures in individual subject areas;
   (E) a minimum passing score for each subject area tested;
   (F) an annual review of the examination;
   (G) a task analysis performed once every seven years that surveys dentists nationwide to determine the content domain to be scored and how the sections of the examination are scored;
   (H) a defined system of quality assurance to ensure uniform, consistent administration of the examination at each testing site; and
   (I) does not permit a dental hygiene instructor to grade candidates at any institution at which the instructor is employed on a full time basis.

(e) The Board shall accept examination scores for five years following the date of the examination. Each applicant shall arrange for and ensure the submission to the Board office the applicant's scores. Individuals who apply for licensure more than five years after the examination date must re-take the examination. Each applicant shall arrange for and ensure that the applicant's scores are submitted to the Board office. The applicant shall comply with all requirements of such testing agency in applying for and taking the examination.

(f) The Board shall specify the agencies that will conduct Board approved licensure examinations.

History Note: Authority G.S. 90-223; 90-224;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. May 1, 1989;
21 NCAC 16C .0309  PATIENT
21 NCAC 16C .0310  REEXAMINATION

History Note:  Authority G.S. 90-223; 90-224; 90-229;
Eff. September 3, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. August 1, 2002; January 1, 1994; May 1, 1991; May 1, 1989; March 1, 1988; October 1, 1986; January 1, 1983;
Temporary Amendment Eff. January 1, 2003;
Amended Eff. January 1, 2004; April 1, 2003;

21 NCAC 16C .0311  REEXAMINATION
(a) Any applicant who passed the written examination but failed the clinical portion of any Board approved examination shall also re-take the written examination unless the applicant successfully passes the clinical examination within one year of passing the written examination. The Board shall not accept scores from the written examination that are more than one year old.
(b) Any applicant who failed the written examination may retake the written portion of the examination two additional times during a one year period and need not retake the clinical portion of the examination. The applicant shall wait at least 72 hours before attempting to retake the written examination. If the applicant does not pass the written portion of the examination upon the second reexamination, the applicant shall retake the written and clinical portions of the examination upon subsequent reexamination.
(c) Any applicant who failed the written or clinical portions of the examination three times shall successfully complete an additional Board approved course of study in the area(s) of deficiency exhibited on the examination. Such applicant must send evidence of the additional study, along with the application, before being admitted for reexamination.

History Note:  Authority G.S. 90-223; 90-224;
Eff. September 1, 2014;

21 NCAC 16C .0312  TEMPORARY LIMITED LICENSE DURING STATE OF EMERGENCY
(a) An individual shall be eligible for a temporary limited dental hygiene license during a state of emergency, subject to the requirements and limitations set out in this Rule, if he or she:
   (1) is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;
   (2) satisfies the requirements set out in Rules .0301(a), (b), and (c)(1)-(3) of this Subchapter; and
   (3) satisfies the examination requirements in Rule .0303(a) of this Subchapter.
(b) A temporary limited dental hygiene license shall not be granted to an individual who:
   (1) is licensed to practice dental hygiene in any jurisdiction;
   (2) lacks good moral character;
   (3) has been disciplined by any dental board or other licensing body in another state or country; or
   (4) has failed the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction.
(c) An applicant for a temporary limited dental hygiene license under this Rule shall submit to the Board:
   (1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;
   (2) the nonrefundable application fee set forth in 21 NCAC 16M .0102;
   (3) a letter from the dean of the dental hygiene program satisfying the requirements of Subparagraph (a)(1) of this Rule, confirming:
      (A) the applicant is a graduate of the dental hygiene program; and
      (B) the applicant is competent to practice dental hygiene under the supervision of a North Carolina licensed dentist; and
(d) In addition to the requirements of Paragraph (c) of this Rule, an applicant for a temporary limited dental hygiene license shall request the applicable entity to provide the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

1. the information or documents as set out in Rule .0301(c)(1)-(3) of this Subchapter;
2. examination scores on the examination administered by the Joint Commission on National Dental Examinations required by Rule .0303(b) of this Subchapter if the applicant has taken the examination prior to submitting the application; and
3. examination scores on the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction if the applicant has taken all or any portion of a clinical examination prior to submitting the application.

(e) The Board shall receive all information and documentation set forth in Paragraphs (c) and (d) of this Rule and the applicant's passing scores on all examinations required by Rule .0303(a) of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(f) The temporary limited dental hygiene license shall not take effect until the Board receives a letter from a North Carolina licensed dentist stating he or she will supervise the licensee and be responsible for all consequences or results arising from the temporary licensee's practice of dental hygiene. The temporary licensee shall maintain documentation of any additional dentists under whose supervision the licensee practices, including a signed statement from each dentist agreeing to supervise the licensee and be responsible for all consequences or results arising from the temporary licensee's practice of dental hygiene. The licensee shall provide the documentation to the Board at its request.

(g) A temporary limited dental hygiene license granted under this Rule shall be in effect until the earlier of:

1. the applicant completes the written and clinical examinations required by Rule .0303(b) of this Subchapter and receives passing scores, in which event the applicant's temporary dental hygiene license shall be converted to a dental hygiene license under Rule .0301 of this Subchapter as of the date the passing scores are provided to the Board by the testing agencies;
2. the applicant completes the written examination administered by the Joint Commission on National Dental Examinations required by Rule .0303(b) of this Subchapter and receives failing scores three times, thereby requiring additional study pursuant to Rule .0311(c) of this Subchapter, in which event the applicant shall promptly notify the Board of the third failing score and the applicant's temporary dental hygiene license shall expire as of the date the third failing score is issued;
3. the applicant completes the clinical examinations required by Rule .0303(b) of this Subchapter or any other clinical examinations accepted by another jurisdiction and receives failing scores, in which event the applicant shall promptly notify the Board and the applicant's temporary dental hygiene license shall expire as of the date the failing scores are issued; or
4. one year from the date the temporary limited dental hygiene license is issued.

(h) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(i) Any license obtained through fraud or by any false representation shall be revoked.

History Note: Authority G.S. 90-28.5, 90-223; 90-224; S.L. 2020-3, s. 4.38; Emergency Adoption Eff. May 22, 2020 to expire pursuant to S.L. 2020-3, s. 4.38.(e).
SECTION .0500 – LICENSURE BY CREDENTIALS

21 NCAC 16C .0501   DENTAL HYGIENE LICENSURE BY CREDENTIALS

(a) An applicant for a dental hygiene license by credentials shall submit to the Board:

(1) a notarized application form provided by the Board at www.ncdentalboard.org that includes the information and materials required by Rule .0301(a) of this Subchapter;

(2) the nonrefundable licensure by credentials fee set forth in 21 NCAC 16M .0102;

(3) an affidavit from the applicant stating for the two year period set out in G.S. 90-224.1(c)(1):

   (A) the dates that and locations where the applicant has practiced dental hygiene;

   (B) that the applicant has provided at least 2,000 hours of clinical care to patients; and

   (C) that the applicant holds an active, unrestricted dental hygiene license issued by another U.S. state or any U.S. territory, and has done so without any period of interruption; and

(4) a statement disclosing and explaining any investigations, malpractice claims, or state or federal agency complaints, judgments, or settlements that are related to licensure and are not disclosed elsewhere in the application.

(b) In addition to the requirements of Paragraph (a) of this Rule, an applicant for a dental hygiene license by credentials shall request the applicable entity to send the following required information or documents to the Board office, with each document in an unopened envelope sealed by the entity involved:

(1) the applicant's official transcripts from a dental hygiene program accredited by the Commission on Dental Accreditation of the American Dental Association;

(2) a certificate of the applicant's licensure status from the regulatory authority or other occupational or professional regulatory authority and a disclosure of all disciplinary actions taken or investigations pending, from all licensing jurisdictions where the applicant holds or has ever held a dental hygiene license or other occupational or professional license;

(3) examination scores required by Rule .0303(b) of this Subchapter;

(4) a report of any pending or final malpractice actions against the applicant verified by the malpractice insurance carrier covering the applicant; and

(5) a letter of coverage history from all current and all previous malpractice insurance carriers covering the applicant.

(c) The Board shall receive all information and documentation set forth in Paragraphs (a) and (b) of this Rule and the applicant's passing scores on all examinations required by Rule .0303 of this Subchapter for the application to be complete. Applications that are not completed within one year of being submitted to the Board shall be disregarded as expired without a refund of the application fee.

(d) An applicant for dental hygiene licensure by credentials shall pass written examinations as set out in Rule .0303(a) of this Subchapter. Applicants who do not pass the written examination after three attempts within one year may not reapply for licensure by credentials.

(e) Any applicant who changes his or her address shall notify the Board office in writing within 10 business days.

(f) Any license obtained through fraud or by any false representation shall be revoked.

History Note:    Authority G.S. 90-223; 90-224.1; 90-229;
Temporary Adoption Eff. January 1, 2003;
Eff. January 1, 2004;
Recodified from Rule .0401 Eff. June 1, 2006;
Amended Eff. September 1, 2014; February 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018;

SECTION .0600 – REINSTATEMENT OF DENTAL HYGIENE LICENSE

21 NCAC 16C .0601   PROOF OF COMPETENCY
(a) All applications for reinstatement shall be made on the forms furnished by the Board at www.ncdentalboard.org and no application shall be deemed complete that does not set forth all the information required relative to the applicant. Incomplete applications shall be returned to the applicant. Any applicant who changes his or her address shall notify the Board office within 10 business days.
(b) The reinstatement fee shall accompany the application.
(c) All applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for more than five years must successfully pass the clinical examination given to first-time applicants before seeking reinstatement.
(d) Applicants for reinstatement whose North Carolina license has been revoked, suspended, inactive or lapsed for two to five years may, at the Board's discretion, be required to take refresher courses as specified by the Board. Refresher courses may be required if the Board determines, based upon the facts of the case, that the applicant may lack skills or knowledge to practice dental hygiene competently. Refresher courses for individuals whose licenses have been revoked or suspended shall relate to the deficiencies that led to the imposition of discipline. Refresher courses for individuals whose licenses have been inactive or lapsed shall take into account the amount of time the license has been inactive or lapsed and the individual's level of experience.
(e) Applicants who are licensed in other states shall ensure that the Board receives verification of licensure from the board of each state in which they are licensed.
(f) Applicants whose North Carolina license has been revoked, suspended, inactive or lapsed for more than one year shall submit to the Board a signed release form, completed Fingerprint Record Card, and such other form(s) required to perform a criminal history check at the time of the application for reinstatement. The form and card are available from the Board office.
(g) Applicants shall provide proof of continuing education in clinical patient care, by Board-approved sponsors, equal to the number of hours currently required for the renewal of a dental hygiene license and current CPR certification.
(h) Two letters of character reference from non-family members.
(i) A report from the National Practitioner Databank.

History Note:  Authority G.S. 90-223; 90-224; 90-229;  
Eff. September 1, 2014;  