

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16J .0101

DEADLINE FOR RECEIPT: Monday, May 10, 2021

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(4), line 14, please insert a comma after "18A .1300" and before "which". Please note a conforming change to (c), line 17, after "18C" and (d), line 20, after "Code".

In (e), line 22, are "comfortable and sanitary" being defined by what is required in (e)(1) through (6)?

In (h), Page 2, lines 6-11, was this language added in response to public comment?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 21 NCAC 16J .0101 is amended with changes as published in 35:12 NCR 1384-85 as follows:

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3 **SUBCHAPTER 16J - ~~SANITATIONSANITATION, STERILIZATION, AND INFECTION CONTROL~~**

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5 **21 NCAC 16J .0101 PREMISES**

6 (a) The premises of a dental facility shall be kept ~~neat and clean and free of accumulated~~ rubbish and any substances
7 that create a ~~public health or safety hazard~~ hazard, as follows:

8 (1) all floors shall be free of obstacles to cleaning;

9 (2) reception areas, hallways, treatment areas, office facilities, and other walking surfaces shall be free
10 of obstruction;

11 (3) all equipment and instruments that have been used for patient dental care shall be handled in
12 accordance with Rule .0103 of this Subchapter; and

13 (4) solid wastes and medical wastes shall be handled and disposed of in accordance with 15A NCAC
14 18A .1300 which is incorporated by reference, including subsequent amendments.

15 (b) The premises shall be kept free of all insects and vermin.

16 (c) Water ~~of a safe, sanitary quality~~ shall be piped under ~~pressure~~ pressure to all equipment and fixtures where the
17 use of water is required. The water supply shall meet the requirements in 15A NCAC 18A .1700 or 15A NCAC 18C
18 which are incorporated by reference, including subsequent amendments.

19 (d) All plumbing shall ~~be in accordance~~ comply with ~~the applicable~~ local plumbing ~~ordinances~~ ordinances and with
20 the North Carolina State Plumbing Code which is incorporated by reference, including subsequent amendments and
21 editions, and is available at no cost online at <https://www.ncosfm.gov/codes/codes-current-and-past>.

22 (e) Comfortable and sanitary conditions for patients and employees shall be maintained at all ~~times~~ times, as follows:

23 (1) floors, including carpeted areas, shall be kept clean, dry, odor free, and in good repair;

24 (2) walls and ceilings shall be kept clean and in good repair;

25 (3) doors, windows, and window treatments shall be kept clean and in good repair;

26 (4) equipment, furniture, and light fixtures, including in reception areas, shall be kept clean and in good
27 repair;

28 (5) rooms shall be heated, cooled, and ventilated to maintain a temperature between 65°F (19°C) and
29 85°F (30°C), and ventilation equipment shall be kept clean and in good repair; and

30 (6) moisture shall be controlled such that there is no evidence of microbial growth on interior surfaces
31 and objects.

32 (f) All liquid and human waste, including floor wash water, shall be disposed of through trapped drains into a public
33 sanitary sewer system in localities where such system is available. In localities where a public sanitary system is not
34 available, liquid and human waste shall be disposed of in ~~a manner approved by the state Department of Environment~~
35 ~~and Natural Resources~~ accordance with 15A NCAC 18A .1300 and 15A NCAC 18C.

1 (g) There shall be functioning toilet facilities on the premises of every dental office. ~~They~~The toilet facilities and
2 fixtures shall be kept clean and in good repair, and shall conform to standards of the state Department of Environment
3 and Natural Resources, set out in 15A NCAC 18A .1300.

4 (h) No ~~animals, except certified assistance animals required to assist disabled individuals,~~ animals shall be allowed
5 in any area of a dental office where clinical work is being ~~performed~~performed, except service animals in accordance
6 with GS 168-4.2 and the Americans with Disabilities ~~Act.~~Act, or certified facility dogs. For purposes of this Rule, a
7 "certified facility dog" shall be defined as a dog that is trained and certified by a program that is accredited by or a
8 member of Assistance Dogs International, Animal Assisted Intervention International, or a similar organization whose
9 purpose is to promote standards of training, placement, and utilization of assistance dogs (an "assistance dog
10 program"). While in the dental office, the facility dog shall be handled by a dentist, dental hygienist, dental assistant,
11 or other employee designated by the dentist who is trained and certified by an assistance dog program.

12 (i) For purposes of this Rule, "clean" means washed and free from dirt, grime, bodily fluids or tissue, foreign material,
13 or unwanted matter. "Good repair" means capable of being cleaned and used for its intended purpose in a safe manner.

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15 *History Note: Authority G.S. 90-41(a)(23); 90-48;*
16 *Eff. September 3, 1976;*
17 *Readopted Eff. September 26, 1977;*
18 *Amended Eff. April 1, 2015; May 1, 1989;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
20 *~~2018-2018;~~*
21 *Amended Eff. June 1, 2021.*
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1 21 NCAC 16J .0103 is amended as published in 35:12 NCR 1385 as follows:

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3 **21 NCAC 16J .0103 STERILIZATION AND INFECTION CONTROL**

4 (a) All instruments or equipment used in the treatment of dental patients shall be sterilized according to manufacturer
5 specifications usage. All dental health care settings shall follow the most current guidelines on infection control for
6 the dental office and the dental laboratory adopted by the American Dental Association. Effective control techniques
7 and precautions to prevent the cross contamination and transmission of infection to all persons is the professional
8 responsibility of all dentists. All licensees are required to maintain and provide a safe, therapeutic environment for
9 patients and employees and to follow a comprehensive and practical infection control program at all times.

10 (b) All settings in which licensees engage in the practice of dentistry or dental hygiene ("dental settings") shall comply
11 with the recommendations and guidelines of the Centers for Disease Control and Prevention ("CDC") for infection
12 prevention and control directed at or applicable to dental settings. The CDC recommendations and guidelines are
13 incorporated by reference, including subsequent amendments and editions, and are available at no cost online at
14 <https://www.cdc.gov>.

15 (c) All licensees are responsible for utilizing and maintaining sterilization and infection control techniques and
16 precautions as required by this Rule to prevent the cross contamination and transmission of infection to all persons.

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18 *History Note: Authority G.S. ~~90-28~~; 90-41(a)(23); 90-48; 90-233(a5);*

19 *Eff. September 3, 1976;*

20 *Readopted Eff. September 26, 1977;*

21 *Amended Eff. February 1, 2008; May 1, 1991;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,*
23 *2018-2018;*

24 *Amended Eff. June 1, 2021.*

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