



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: Board of Dental Examiners
2. Rule citation & name: 21 NCAC 16G .0109 DENTAL HYGIENIST CERTIFICATION TO ADMINISTER LOCAL ANESTHETICS
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: August 19, 2021 b. Proposed Temporary Rule published on the OAH website: August 23, 2021 c. Public Hearing date: September 9, 2021 d. Comment Period: August 27, 2021 to September 24, 2021 e. Notice pursuant to G.S. 150B-21.1(a3)(2): August 19, 2021 f. Adoption by agency on: October 1, 2021 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: November 1, 2021 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2021-95 Effective date: October 1, 2021 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:
Explain: <i>On July 23, 2021, S.L. 2021-95 became law. Section 2 of S.L. 2021-95 provides for dental hygienists to become certified to administer local anesthetics by infiltration and block techniques under the direct supervision of a North Carolina licensed dentist. Section 7 of S.L. 2021-95 provides that Section 2 becomes effective on October 1, 2021. Section 6 of S.L. 2021-95 authorizes the North Carolina State Board of Dental Examiners to adopt temporary rules to implement the provisions of the act.</i>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

Section 2 of S.L. 2021-95 provides for dental hygienists to become certified to administer local anesthetics by infiltration and block techniques under the direct supervision of a North Carolina licensed dentist. Section 7 of S.L. 2021-95 provides that Section 2 becomes effective on October 1, 2021. Section 6 of S.L. 2021-95 authorizes the North Carolina State Board of Dental Examiners to adopt temporary rules to implement the provisions of the act. It would be contrary to the public interest for the new legislation to become effective without a temporary rule providing guidance regarding the procedure for certification.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Douglas J. Brocker

Phone: 919-854-2460

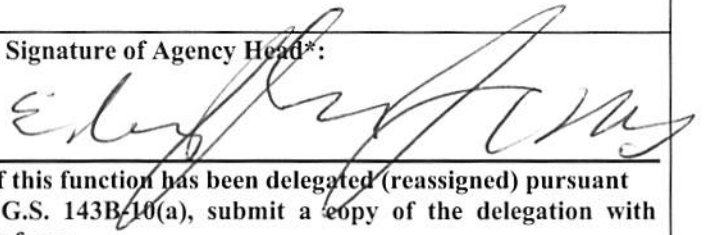
E-Mail: doug@brockerlawfirm.com

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Edward J. Clemons, Jr., DDS

Title: President, NC State Board of Dental Examiners

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RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

REQUEST FOR TECHNICAL CHANGE FOR TEMPORARY RULE

AGENCY: Board of Dental Examiners

RULE CITATION: 21 NCAC 16G .0109

DEADLINE FOR RECEIPT: Friday, October 15, 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)(2), please delete or define "successful"

In (d), rather than "with the physical presence of a supervising North Carolina licensed dentist", please consider saying "under the direct supervision of a North Carolina licensed dentist." I make this suggestion since "direct supervision" is 90-221, as amended by S.L. 2021-95.

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

1 21 NCAC 16G .0109 is adopted with changes under temporary procedures as follows:

2
3 **21 NCAC 16G .0109 DENTAL HYGIENIST CERTIFICATION TO ADMINISTER LOCAL**
4 **ANESTHETICS**

5 (a) To apply for certification to administer local anesthetics by block or infiltration techniques:

6 (1) a dental hygienist holding a valid dental hygiene license issued by the Board on or after October 1,
7 2021, shall submit to the Board a certificate of completion from a dental hygiene program meeting
8 the requirements set out in G.S. 90-225.2; ~~and or~~

9 (2) a dental hygienist licensed in North Carolina or any other state or territory who has been practicing
10 dental hygiene for the two year period set out in G.S. 90-225.3(a)(2) shall submit to the ~~Board~~
11 Board evidence of completion of a course meeting the requirements of G.S. 90-225(a)(3), including
12 a notarized letter from a licensed dentist instructor stating the applicant's successful completion of
13 the required injections in a course.

14 ~~(A) — evidence of successful completion of a course meeting the requirements of G.S. 90-~~
15 ~~225.3(a)(3)(a) (c); or~~

16 ~~(B) — evidence of successful completion of a course meeting the requirements of G.S. 90-~~
17 ~~225.3(a)(3)(a) and (b), and a notarized letter from a North Carolina licensed dentist stating~~
18 ~~the applicant's experience and competency in satisfaction of G.S. 90-225(a)(3)(c).~~

19 (b) The requirements set out in Paragraph (a) of this Rule are in addition to any other applicable requirements set out
20 in this Chapter for the issuance or renewal of a dental hygiene license.

21 (c) As a condition to renew a certificate to administer local anesthetics, each dental hygienist shall complete two clock
22 hours of continuing education each calendar year in satisfaction of the requirements of G.S. 90-225.3(c), which may
23 be among those chosen to satisfy the requirements set out in 21 NCAC 16I .0201(a).

24 (d) A dental hygienist certified in accordance with this Rule shall conduct administration of local anesthetics only
25 with the physical presence of a supervising North Carolina licensed dentist.

26
27 *History Note: Authority G.S. 90-221; 90-223; 90-225.2; 90-225.3; S.L. 2021-95;*

28 *Temporary Adoption Eff. November 1, 2021.*