

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 1487*
Health Care Committee Substitute Adopted 6/14/06**

Short Title: Dental Hygiene Law Changes.

(Public)

Sponsors:

Referred to:

May 18, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE NORTH CAROLINA STATE BOARD OF DENTAL
3 EXAMINERS TO ACCEPT, IN ADDITION TO EXAMINATIONS
4 CONDUCTED BY THE BOARD, THE RESULTS OF OTHER
5 BOARD-APPROVED REGIONAL OR NATIONAL INDEPENDENT
6 THIRD-PARTY CLINICAL EXAMINATIONS OF APPLICANTS SEEKING A
7 LICENSE TO PRACTICE AS A DENTAL HYGIENIST, AND AUTHORIZING
8 THE BOARD TO CHARGE THE ACTUAL COST OF THE THIRD-PARTY
9 TESTING SERVICE, AS RECOMMENDED BY THE JOINT LEGISLATIVE
10 ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 90-223(a) reads as rewritten:

13 "(a) The Board is authorized and empowered to:

- 14 (1) Conduct examinations for licensure,
15 (2) Issue licenses and provisional licenses,
16 (3) Issue annual renewal certificates, ~~and~~
17 (4) Renew expired ~~licenses~~. licenses, and
18 (5) Contract with a regional or national testing agency to conduct clinical
19 examinations. Prior to entering a contract with a regional or national
20 testing agency, the Board shall evaluate the agency based on the
21 following criteria:
22 a. The number of states that recognize the results of the testing
23 agency's examination.
24 b. The cost to the applicant of the examination.
25 c. How long the testing agency has been conducting examinations.
26 d. Whether the examination includes procedures performed on
27 human subjects as part of the assessment of clinical
28 competencies."

29 **SECTION 2.** G.S. 90-224 reads as rewritten:

1 "§ 90-224. Examination.

2 (a) The applicant for licensure must be of good moral character, have graduated
3 from an accredited high school or hold a high school equivalency certificate duly issued
4 by a governmental agency or unit authorized to issue the same, and be a graduate of a
5 program of dental hygiene in a school or college approved by the Board.

6 (b) The Board shall have the authority to establish in its rules and regulations:

- 7 (1) The form of application;
- 8 (2) The time and place of examination;
- 9 (3) The type of examination;
- 10 (4) The qualifications for passing the examination.

11 (b1) The Board also may grant a license to an applicant who is found to have
12 passed an examination given by a Board-approved regional or national dental hygiene
13 testing agency, provided that the Board deems the regional or national examination to
14 be substantially equivalent to or an improvement upon the examination given by the
15 Board, and the applicant meets the other qualifications set forth in this Article.

16 (c) The Department of Justice may provide a criminal record check to the Board
17 for a person who has applied for a new or renewal license through the Board. The Board
18 shall provide to the Department of Justice, along with the request, the fingerprints of the
19 applicant, any additional information required by the Department of Justice, and a form
20 signed by the applicant consenting to the check of the criminal record and to the use of
21 the fingerprints and other identifying information required by the State or national
22 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of
23 Investigation for a search of the State's criminal history record file, and the State Bureau
24 of Investigation shall forward a set of the fingerprints to the Federal Bureau of
25 Investigation for a national criminal history check. The Board shall keep all information
26 pursuant to this subsection privileged, in accordance with applicable State law and
27 federal guidelines, and the information shall be confidential and shall not be a public
28 record under Chapter 132 of the General Statutes.

29 The Department of Justice may charge each applicant a fee for conducting the
30 checks of criminal history records authorized by this subsection."

31 **SECTION 3.** G.S. 90-232 reads as rewritten:

32 "**§ 90-232. Fees.**

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

- 37 (1) Each applicant for examination\$350.00
- 38 (2) Each renewal certificate, which fee shall be annually
39 fixed by the Board and not later than November 30 of each
40 year it shall give written notice of the amount of the renewal
41 fee to each dental hygienist licensed to practice in this State
42 by mailing such notice to the last address of record with
43 the Board of each such dental hygienist250.00
- 44 (3) Each restoration of license.....150.00

- 1 (4) Each provisional license 150.00
- 2 (5) Each certificate of license to a resident dental hygienist
- 3 desiring to change to another state or territory.....50.00
- 4 (6) Annual fee to be paid upon license renewal to assist in
- 5 funding programs for impaired dental hygienists.....80.00
- 6 (7) Each license by credentials..... 1,500.

7 **(b)** In all instances where the Board uses the services of a regional or national
8 testing agency for preparation, administration, or grading of examinations, the Board
9 may require applicants to pay the actual cost of the testing agency in lieu of the fee
10 authorized in subdivision (a)(1) of this section.

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

15 **SECTION 4.** The North Carolina State Board of Dental Examiners shall
16 continue to conduct clinical examinations for applicants seeking a license to practice
17 dental hygiene until at least September 30, 2007. No applicant for a dental hygiene
18 license shall be required to take a Board-approved regional or national independent
19 third-party clinical examination prior to September 30, 2007.

20 **SECTION 5.** Notwithstanding any provision to the contrary, the North
21 Carolina State Board of Dental Examiners may accept any application for the dental
22 hygiene clinical examination to be conducted on June 8, 2006, if the application was
23 received on or before March 31, 2006.

24 **SECTION 6.** This act becomes effective July 1, 2006.