

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35223-NB-109A

Short Title: Dental Board Reform.

(Public)

Sponsors: Senators Galey, Sawrey, and Burgin (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REVISE THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS.
The General Assembly of North Carolina enacts:

SECTION 1.(a) The title of G.S. 90-22 reads as rewritten:
"§ 90-22. Practice of dentistry regulated in public interest; Article liberally construed; Board of Dental Examiners; composition; qualifications and terms of members; vacancies; ~~nominations and elections~~; compensation; expenditures by Board."

SECTION 1.(b) G.S. 90-22(a) reads as rewritten:

"(a) Purpose of the Practice of Dentistry. – The practice of dentistry in the State of North Carolina is ~~hereby declared to affect~~ affects the public health, safety and welfare and to be subject to regulation and control by the State in the public interest. It is ~~further declared to be~~ a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified persons be permitted to practice dentistry in the State of North Carolina. This Article shall be liberally construed to carry out these objects and purposes."

SECTION 1.(c) G.S. 90-22(b) reads as rewritten:

"(b) Creation. – The North Carolina State Board of Dental Examiners ~~heretofore~~ previously created by Chapter 139, Public Laws 1879 and by Chapter 178, Public Laws 1915, is ~~hereby~~ continued as the agency of the State for the regulation of the practice of dentistry in this State. It is a matter of public interest that State officials must possess and exercise power to review the acts of private parties and disapprove those that fail to accord with State policy. The potential for State supervision is not an adequate substitute for a decision by the State.

(b1) Board of Dental Examiners. – ~~Said~~ The Board of Dental Examiners shall consist of ~~six~~ nine members, as follows:

- (1)** Six dentists who are licensed to practice dentistry in North ~~Carolina, one~~ Carolina and have been actively engaged in the practice of dentistry in this State for at least five years immediately preceding their appointment.
- (2)** One dental hygienist who is licensed to practice dental hygiene in North Carolina and ~~one person who~~ have been actively engaged in the practice of dentistry in this State for at least five years immediately preceding their appointment.
- (3)** Two public consumer members, each of whom shall be a citizen and resident of North Carolina and who shall meet each of the following criteria:
 - a.** Not be licensed to practice ~~neither dentistry nor dentistry,~~ dental ~~hygiene.~~ hygiene, or any other dental profession.
 - b.** Does not have any financial interest in the provision of dental service,
 - c.** Never has been licensed to practice dentistry or dental hygiene.



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- d. Never has been registered, certified, or licensed by an occupational licensing agency in the health care field.
- e. Is not employed by or does not participate in the management of a business entity or other organization receiving funds from the Board.
- f. Does not use or receive a substantial amount of tangible goods, services, or money from the Board, other than compensation or reimbursement authorized by law for Board membership, attendance, or expenses.
- g. Not be affiliated with or employed by the Board or by any member on the Board.
- h. Is not a spouse of a dentist or dental hygienist.

(b2) Limitation on Voting. – The dental hygienist or the consumer ~~member~~ members cannot participate or vote in any matters of the Board which involves the issuance, renewal or revocation of the license to practice dentistry in the State of North Carolina. The consumer member cannot participate or vote in any matters of the Board which involve the issuance, renewal or revocation of the license to practice dental hygiene in the State of North Carolina.

(b3) Terms. – ~~Members of the Board licensed to practice dentistry in North Carolina shall have been elected in an election held as hereinafter provided in which every person licensed to practice dentistry in North Carolina and residing or practicing in North Carolina shall be entitled to vote. Each member of said appointed to the Board shall be elected serve for a term of three years and years. Each member may be reappointed for one additional consecutive term. No member shall serve more than two three-year terms; however, a member shall serve until his or her successor shall be elected and shall qualify. Each year there shall be elected two dentists for such terms of three years each. Every three years there shall be elected one dental hygienist for a term of three years. Dental hygienists shall be elected to the Board in an election held in accordance with the procedures hereinafter provided in which those persons licensed to practice dental hygiene in North Carolina and residing or practicing in North Carolina shall be entitled to vote. Every three years a person who is a citizen and resident of North Carolina and licensed to practice neither dentistry nor dental hygiene shall be appointed to the Board for a term of three years by the Governor of North Carolina. Any vacancy occurring on said Board shall be filled by a majority vote of the remaining members of the Board to serve until the next regular election conducted by the Board, at which time the vacancy will be filled by the election process provided for in this Article, except that when the seat on the Board held by a person licensed to practice neither dentistry nor dental hygiene in North Carolina shall become vacant, the vacancy shall be filled by appointment by the Governor for the period of the unexpired term. No dentist shall be nominated for or elected to membership on said Board, unless, at the time of such nomination and election such person is licensed to practice dentistry in North Carolina and actually engaged in the practice of dentistry. No dental hygienist shall be nominated for or elected to membership on said Board unless, at the time of such nomination and election, such person is licensed to practice dental hygiene in North Carolina and is currently employed in dental hygiene in North Carolina. No person shall be nominated, elected, or appointed to serve more than two consecutive terms on said Board."~~

SECTION 1.(d) Repeal of the Board of Dental Elections. – G.S. 90-22(c) through (e) are repealed.

SECTION 1.(e) Article 2 of Chapter 90 is amended by adding a new section to read: "**§ 90-22A. Appointment of Board members; vacancies; compensation; terms.**

(a) Appointment of Board Members. – The Board of Dental Examiners shall be appointed as follows:

- (1) Five members shall be appointed by the Governor as follows:
- a. Two dentists that meet the requirements of G.S. 90-22(b1)(1).

- 1 b. One dental hygienist who meets the requirements of G.S. 90-22
2 (b1)(2).
3 c. Two public consumer members who meet the requirements of
4 G.S. 90-22(b1)(3).
5 (2) Four members shall be appointed by the General Assembly as follows:
6 a. Two dentists that meet the requirements of G.S. 90-22(b1)(1) by
7 recommendation of the Speaker of the House of Representatives.
8 b. Two dentists that meet the requirements of G.S. 90-22(b1)(1) by
9 recommendation of the President Pro Tempore of the Senate.
10 (b) Vacancies; Removal. – A vacancy shall be filled in the same manner as the original
11 appointment, except that all unexpired terms of Board members appointed by the General
12 Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall
13 serve the remainder of the unexpired term and until their successors have been duly appointed
14 and qualified, not to exceed 60 days. The appointing authority shall have the power to remove
15 their respective Board member for neglect of duty, incompetence, or unprofessional conduct.
16 (c) Compensation. – Each member of the Board shall receive per diem and
17 reimbursement for travel and subsistence as provided in G.S. 93B-5.
18 (d) Officers. – The officers of the Board shall be a chair, who shall be a licensed dentist,
19 a vice-chair, and other officers deemed necessary by the Board to carry out the purposes of this
20 Article. All officers shall be elected annually by the Board for one-year terms and shall serve
21 until their successors are elected and qualified."

22 **SECTION 1.(f)** G.S. 90-43 reads as rewritten:

23 **"§ 90-43. ~~Compensation and expenses~~Expenses of Board.**

24 ~~Notwithstanding G.S. 93B-5(a), each member of the North Carolina State Board of Dental~~
25 ~~Examiners shall receive as compensation for his services in the performance of his duties under~~
26 ~~this Article a sum not exceeding one hundred dollars (\$100.00) for each day actually engaged in~~
27 ~~the performance of the duties of his office, said per diem to be fixed by said Board, and all~~
28 ~~legitimate and necessary expenses incurred in attending meetings of the said Board.~~

29 The Board is authorized and empowered to expend from funds collected hereunder such
30 additional sum or sums as it may determine necessary in the administration and enforcement of
31 this Article, and employ such personnel as it may deem requisite to assist in carrying out the
32 administrative functions required by this Article and by the Board."

33 **SECTION 2.** Transition of Board Members. – Notwithstanding G.S. 90-22, as
34 amended by this act, and G.S. 90-22A, as enacted by this act, the current members of the North
35 Carolina Board of Dental Examiners (Board) shall each finish their current respective terms on
36 the Board. Prior to the expiration or termination of each member's current term, the new member
37 for that seat shall be appointed pursuant to G.S. 90-22 and G.S. 90-22A, as set forth in this act.
38 The Governor shall appoint the dental hygienist and each public consumer seat as each become
39 eligible for appointment in accordance with G.S. 90-22 and G.S. 90-22A, as set forth in this act.
40 The licensed dentist seats that become eligible for appointment after this act becomes law shall
41 be appointed for three-year terms in the following order:

- 42 (1) The first two seats: the Governor shall appoint two licensed dentists in
43 accordance with G.S. 90-22A(a)(1).
44 (2) The third and fifth seats: the Speaker of the House of Representatives and the
45 President Pro Tempore of the Senate shall each appoint one licensed dentist
46 in accordance with G.S. 90-22A(a)(2)a..
47 (3) The fourth and sixth seats: the President Pro Tempore of the Senate shall
48 appoint two licensed dentists in accordance with G.S. 90-22A(a)(2)b..

49 **SECTION 3.** The North Carolina Board of Dental Examiners shall adopt temporary
50 rules to implement the provisions of this act and shall adopt permanent rules to replace the

1 temporary rules. Those temporary rules shall remain in effect until permanent rules that replace
2 those rules become effective.

3 **SECTION 4.** This act is effective when it becomes law.