

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 580
House Committee Substitute Favorable 8/31/21
House Committee Substitute #2 Favorable 5/25/22

Short Title: Dental Practice Act Revisions/HIE Exemption.

(Public)

Sponsors:

Referred to:

April 7, 2021

A BILL TO BE ENTITLED

AN ACT REVISING THE DENTAL PRACTICE ACT AND EXEMPTING DENTISTS FROM THE REQUIREMENT TO SUBMIT DEMOGRAPHIC AND CLINICAL DATA TO THE STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS NC HEALTHCONNEX.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-30(a) reads as rewritten:

"§ 90-30. **Examination and licensing of applicants; qualifications; causes for refusal to grant license; void licenses.**

(a) The North Carolina State Board of Dental Examiners shall grant licenses to practice dentistry to such applicants who are graduates of a reputable dental institution, who, in the opinion of a majority of the Board, shall undergo a satisfactory examination of proficiency in the knowledge and practice of dentistry, subject, however, to the further provisions of this section and of the provisions of this Article.

The applicant for a license to practice dentistry shall be of good moral character, at least 18 years of age at the time the application is filed. The application for a dental license shall be made to the Board in writing and shall be accompanied by evidence satisfactory to the Board that the applicant is a person of good moral character, has an academic education, the standard of which shall be determined by the Board; that the applicant is a graduate of and has a diploma from a reputable dental college or the dental department of a reputable university or college recognized, accredited and approved as such by the Board; and that the applicant has passed a clinical licensing examination, the standard of which shall be determined by the Board.

The North Carolina State Board of Dental Examiners is authorized to conduct both written or oral and clinical examinations or to accept the results of other Board-approved regional or national independent third-party clinical examinations that shall include procedures performed on human subjects as part of the assessment of restorative clinical competencies and that are determined by the Board to be of such character as to thoroughly test the qualifications of the applicant, and may refuse to grant a license to any person who, in its discretion, is found deficient in the examination. The Board may refuse to grant a license to any person guilty of cheating, deception or fraud during the examination, or whose examination discloses to the satisfaction of the Board, a deficiency in academic or clinical education. The Board may employ such dentists found qualified therefor by the Board, in examining applicants for licenses as it deems appropriate.

The North Carolina State Board of Dental Examiners is authorized to conduct both written or oral and clinical examinations or to accept the results of other Board-approved regional or



1 national independent third-party clinical examinations that shall include procedures performed
2 on either human subjects or an approved alternative method including manikins that simulate
3 human subjects as part of the assessment of restorative clinical competencies and that are
4 determined by the Board to be of such character as to thoroughly test the qualifications of the
5 applicant, and may refuse to grant a license to any person who, in its discretion, is found deficient
6 in the examination. The Board may refuse to grant a license to any person guilty of cheating,
7 deception or fraud during the examination, or whose examination discloses to the satisfaction of
8 the Board, a deficiency in academic or clinical education. The Board may employ such dentists
9 found qualified therefor by the Board, in examining applicants for licenses as it deems
10 appropriate.

11 The North Carolina State Board of Dental Examiners may refuse to grant a license to any
12 person guilty of a crime involving moral turpitude, or gross immorality, or to any person addicted
13 to the use of alcoholic liquors or narcotic drugs to such an extent as, in the opinion of the Board,
14 renders the applicant unfit to practice dentistry.

15 Any license obtained through fraud or by any false representation shall be void ab initio and
16 of no effect."

17 **SECTION 2.** G.S. 90-36 reads as rewritten:

18 "**§ 90-36. Licensing practitioners of other states.**

19 ...

20 (b1) The North Carolina State Board of Dental Examiners ~~shall~~may issue a license by
21 credentials to any dentist who applies for a license by credentials, who possesses good moral
22 character, and who ~~meets either of the following criteria:~~

23 (1) ~~Holds a current Instructor's License pursuant to G.S. 90-29.5.~~

24 (2) ~~Has graduated with a general dental degree from any school or college and~~
25 ~~has graduated from an advanced dental education program with either a~~
26 ~~certificate or a degree from a school or college accredited by the Commission~~
27 ~~on Dental Accreditation of the American Dental Association and approved by~~
28 ~~the Board.~~

29 ~~Any applicant who applies for a license by credentials in accordance with subdivision (b1)(2)~~
30 ~~of this section shall meet the requirements of subsections (c) and (d) of this section and shall have~~
31 ~~passed satisfactory examinations of proficiency in the knowledge and practice of dentistry as set~~
32 ~~out in subsection (a) of this section.~~ has held an Instructor's License pursuant to G.S. 90-29.5 for
33 a minimum of two years immediately prior to the date of application. The applicant applying for
34 a license by credentials in accordance with this subsection must have been engaged in the
35 teaching and practice of clinical dentistry for a minimum of 2,000 hours in the two years
36 immediately preceding the date of application. Any applicant who applies for a license by
37 credentials in accordance with this subsection shall meet the requirements of subsections (c) and
38 (d) of this section and shall have passed satisfactory examinations of proficiency in the
39 knowledge and practice of dentistry as set out in subsection (a) of this section, except subdivision
40 (c)(1) shall not apply.

41 (b2) The North Carolina State Board of Dental Examiners may issue a license by
42 credentials to any dentist who applies for a license by credentials, who possesses good moral
43 character, who has graduated with a general dental degree from any school or college and who
44 has graduated from an advanced dental education program with either a certificate or a degree
45 from a school or college accredited by the United States Department of Education. Any applicant
46 who applies for a license by credentials in accordance with this subsection shall meet the
47 requirements of subsections (c) and (d) of this section and shall have passed satisfactory
48 examinations of proficiency in the knowledge and practice of dentistry as set out in subsection
49 (a) of this section.

50"

51 **SECTION 3.** G.S. 90-414.4 reads as rewritten:

1 **"§ 90-414.4. Required participation in HIE Network for some providers.**

2 ...

3 (a1) Mandatory Connection to HIE Network. – Notwithstanding the voluntary nature of
4 the HIE Network under G.S. 90-414.2, the following providers and entities shall be connected to
5 the HIE Network and begin submitting data through the HIE Network pertaining to services
6 rendered to Medicaid beneficiaries and to other State-funded health care program beneficiaries
7 and paid for with Medicaid or other State-funded health care funds in accordance with the
8 following time line:

9 (1) The following providers of Medicaid services licensed to operate in the State
10 that have an electronic health record system shall begin submitting, at a
11 minimum, demographic and clinical data by June 1, 2018:

- 12 a. Hospitals as defined in G.S. 131E-176(13).
13 b. Physicians licensed to practice under Article 1 of Chapter 90 of the
14 General Statutes, except for licensed physicians whose primary area
15 of practice is psychiatry.
16 c. Physician assistants as defined in 21 NCAC 32S.0201.
17 d. Nurse practitioners as defined in 21 NCAC 36.0801.

18 (2) Except as provided in subdivisions (3), (4), and (5) of this subsection, all other
19 providers of Medicaid and State-funded health care services and their
20 affiliated entities shall begin submitting demographic and clinical data by
21 January 1, 2023.

22 (3) The following entities shall submit encounter and claims data, as appropriate,
23 in accordance with the following time line:

- 24 a. Prepaid Health Plans, as defined in G.S. 108D-1, by the
25 commencement date of a capitated contract with the Division of
26 Health Benefits for the delivery of Medicaid and NC Health Choice
27 services as specified in Article 4 of Chapter 108D of the General
28 Statutes.
29 b. Local management entities/managed care organizations, as defined in
30 G.S. 122C-3, by June 1, 2020.

31 If authorized by the Authority in accordance with this Article, the Department
32 of Health and Human Services may submit the data required by this subsection
33 on behalf of the entities specified in this subdivision.

34 (4) The following entities shall begin submitting demographic and clinical data
35 by January 1, 2023:

- 36 a. Physicians who perform procedures at ambulatory surgical centers as
37 defined in G.S. 131E-146.
38 ~~b. Dentists licensed under Article 2 of Chapter 90 of the General Statutes.~~
39 c. Licensed physicians whose primary area of practice is psychiatry.
40 d. The State Laboratory of Public Health operated by the Department of
41 Health and Human Services.

42 (5) The following entities shall begin submitting claims data by January 1, 2023:

- 43 a. Pharmacies registered with the North Carolina Board of Pharmacy
44 under Article 4A of Chapter 90 of the General Statutes.
45 b. State health care facilities operated under the jurisdiction of the
46 Secretary of the Department of Health and Human Services, including
47 State psychiatric hospitals, developmental centers, alcohol and drug
48 treatment centers, neuro-medical treatment centers, and residential
49 programs for children such as the Wright School and the Whitaker
50 Psychiatric Residential Treatment Facility.

51 ...

1 (e) Voluntary Connection for Certain Providers. – Notwithstanding the mandatory
2 connection and data submission requirements in subsections (a1) and (b) of this section, the
3 following providers of Medicaid services or other State-funded health care services are not
4 required to connect to the HIE Network or submit data but may connect to the HIE Network and
5 submit data voluntarily:

- 6 (1) Community-based long-term services and supports providers, including
7 personal care services, private duty nursing, home health, and hospice care
8 providers.
- 9 (2) Intellectual and developmental disability services and supports providers,
10 such as day supports and supported living providers.
- 11 (3) Community Alternatives Program waiver services (including CAP/DA,
12 CAP/C, and Innovations) providers.
- 13 (4) Eye and vision services providers.
- 14 (5) Speech, language, and hearing services providers.
- 15 (6) Occupational and physical therapy providers.
- 16 (7) Durable medical equipment providers.
- 17 (8) Nonemergency medical transportation service providers.
- 18 (9) Ambulance (emergency medical transportation service) providers.
- 19 (10) Local education agencies and school-based health providers.
- 20 (11) Dentists licensed under Article 2 of Chapter 90 of the General Statutes.

21"

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