

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

D

HOUSE BILL 1033
PROPOSED COMMITTEE SUBSTITUTE H1033-PCS10648-BC-71

Short Title: Dental Board Reform.

(Public)

Sponsors:

Referred to:

April 23, 2026

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO THE NORTH CAROLINA BOARD OF DENTAL
3 EXAMINERS AND TO RESPOND TO THE HOLDING IN NORTH CAROLINA STATE
4 BOARD OF DENTAL EXAMINERS V. FEDERAL TRADE COMMISSION, AS
5 RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE
6 OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** The title of G.S. 90-22 reads as rewritten:

9 "**§ 90-22. Practice of dentistry regulated in public interest; Article liberally construed;
10 Board of Dental Examiners; composition; qualifications and terms of members;
11 vacancies; ~~nominations and elections~~; compensation; expenditures by Board.**"

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

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

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

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

26 (b1) Board of Dental Examiners. – The Board of Dental Examiners shall consist of ~~six~~ 11
27 members, as follows:

28 (1) Six dentists who are licensed to practice dentistry in North Carolina, one
29 Carolina and have been actively engaged in the practice of dentistry in this
30 State for at least five years immediately preceding their appointment.

31 (2) Two dental hygienist who is hygienists who are licensed to practice dental
32 hygiene in North Carolina and one person who have been actively engaged in
33 the practice of dentistry in this State for at least five years immediately
34 preceding their appointment.

35 (3) Three public consumer members, each of whom shall be a citizen and resident
36 of North Carolina and who shall meet each of the following criteria:



* H 1 0 3 3 - P C S 1 0 6 4 8 - B C - 7 1 *

- 1 a. ~~Not~~ be licensed to practice ~~neither dentistry nor dentistry,~~ dental
2 ~~hygiene.~~ hygiene, or any other dental profession.
- 3 b. ~~Does not have any financial interest in the provision of dental services.~~
- 4 c. ~~Never has been licensed to practice dentistry or dental hygiene.~~
- 5 d. ~~Never has been registered, certified, or licensed by an occupational~~
6 ~~licensing agency in the health care field.~~
- 7 e. ~~Is not employed by or does not participate in the management of a~~
8 ~~business entity or other organization receiving funds from the Board.~~
- 9 f. ~~Does not use or receive a substantial amount of tangible goods,~~
10 ~~services, or money from the Board, other than compensation or~~
11 ~~reimbursement authorized by law for Board membership, attendance,~~
12 ~~or expenses.~~
- 13 g. ~~Not be affiliated with or employed by the Board or by any member on~~
14 ~~the Board.~~
- 15 h. ~~Is not a spouse of a dentist or dental hygienist.~~

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

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

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

50 SECTION 1.(e) Article 2 of Chapter 90 of the General Statutes is amended by adding
51 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) Four members shall be appointed by the Governor as follows:

a. Two dentists that meet the requirements of G.S. 90-22(b1)(1).

b. One dental hygienist who meets the requirements of G.S. 90-22(b1)(2).

c. One public consumer member who meets the requirements of G.S. 90-22(b1)(3).

(2) Four members shall be appointed by the General Assembly as follows:

a. Two dentists that meet the requirements of G.S. 90-22(b1)(1) by recommendation of the Speaker of the House of Representatives.

b. Two dentists that meet the requirements of G.S. 90-22(b1)(1) by recommendation of the President Pro Tempore of the Senate.

(3) Three members shall be appointed by the Commissioner of Labor as follows:

a. One dental hygienist that meets the requirements of G.S. 90-22(b1)(2).

b. Two public consumer members who meet the requirements of G.S. 90-22(b1)(3).

(b) Vacancies; Removal. – A vacancy shall be filled in the same manner as the original appointment, except that all unexpired terms of Board members appointed by the General Assembly shall be filled in accordance with G.S. 120-122. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed and qualified, not to exceed 60 days. The appointing authority shall have the power to remove their respective Board member for neglect of duty, incompetence, or unprofessional conduct.

(c) Compensation. – Each member of the Board shall receive per diem and reimbursement for travel and subsistence as provided in G.S. 93B-5.

(d) Officers. – The officers of the Board shall be a chair, who shall be a licensed dentist, a vice-chair, and other officers deemed necessary by the Board to carry out the purposes of this Article. All officers shall be elected annually by the Board for one-year terms and shall serve until their successors are elected and qualified."

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

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

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

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

SECTION 2. Transition of Board Members. – Notwithstanding G.S. 90-22, as amended by this act, and G.S. 90-22A, as enacted by this act, the current members of the North Carolina Board of Dental Examiners (Board) shall each finish their current respective terms on the Board. Prior to the expiration or termination of each member's current term, the new member for that seat shall be appointed pursuant to G.S. 90-22 and G.S. 90-22A, as set forth in this act. The newly created seats for one dental hygienist member and two public consumer members shall be filled within 30 days of this act becoming law as described below.

The licensed dentist seats that become eligible for appointment after this act becomes law shall be appointed for three-year terms in the following order:

1 (1) The first two seats: the Governor shall appoint two licensed dentists in
2 accordance with G.S. 90-22A(a)(1).
3 (2) The third and fifth seats: the Speaker of the House of Representatives shall
4 appoint two licensed dentists in accordance with G.S. 90-22A(a)(2)a.
5 (3) The fourth and sixth seats: the President Pro Tempore of the Senate shall
6 appoint two licensed dentists in accordance with G.S. 90-22A(a)(2)b.
7 The licensed dental hygienist seats that become eligible for appointment after this act
8 becomes law shall be appointed in the following manner:

9 (4) A member for the newly created seat for a dental hygienist shall be appointed
10 by the Commissioner of Labor in accordance with G.S. 90-22A(a)(3)a.
11 (5) A member for the seat created by the expiration of the term of the current
12 dental hygienist member shall be appointed by the Governor in accordance
13 with G.S. 90-22A(a)(1)b.

14 The public consumer member seats that become eligible for appointment after this act
15 becomes law shall be appointed for three-year terms in the following order:

16 (6) Members for the two newly created seats for public consumer members shall
17 be appointed by the Commissioner of Labor in accordance with
18 G.S. 90-22A(a)(3)b.
19 (7) A member for the seat created by the expiration of the term of the current
20 public consumer member shall be appointed by the Governor in accordance
21 with G.S. 90-22A(a)(1)c.

22 **SECTION 3.** The North Carolina Board of Dental Examiners shall adopt temporary
23 rules to implement the provisions of Sections 1 and 2 of this act and shall adopt permanent rules
24 to replace the temporary rules. Those temporary rules shall remain in effect until permanent rules
25 that replace those rules become effective.

26 **SECTION 4.(a)** G.S. 93B-5(g) reads as rewritten:

27 "(g) Within six months of a board member's initial appointment to the board, and at least
28 once within every two calendar years thereafter, a board member shall receive training, either
29 from the board's staff, including its legal advisor, or from an outside educational institution such
30 as the School of Government of the University of North Carolina, on the statutes governing the
31 board and rules adopted by the board, as well as the following State and federal laws, in order to
32 better understand the obligations and limitations of a State agency:

33 (1) Chapter 150B, The Administrative Procedure Act.
34 (2) Chapter 132, The Public Records Law.
35 (3) Article 33C of Chapter 143, The Open Meetings Act.
36 (4) Articles 31 and 31A of Chapter 143, The State Tort Claims Act and The
37 Defense of State Employees Law.
38 (5) Chapter 138A, The State Government Ethics Act.
39 (6) Chapter 120C, Lobbying.
40 (7) Antitrust law and State action immunity.

41 Completion of the training requirements contained in Chapter 138A and Chapter 120C of the
42 General Statutes satisfies the requirements of subdivisions (5) and (6) of this subsection."

43 **SECTION 4.(b)** Chapter 93B of the General Statutes is amended by adding six new
44 sections to read:

45 **"§ 93B-17. Occupational licensing board rulemaking.**

46 (a) Each occupational licensing board shall adopt rules for the receipt and resolution of
47 complaints, for taking disciplinary or enforcement actions against its licensees, and for taking
48 enforcement actions against persons not licensed by the board.

49 (b) Any interpretation, clarification, or other delineation of the scope of practice of an
50 occupational licensing board shall be adopted as a rule.

51 **"§ 93B-18. Unlicensed activity.**

1 (a) An occupational licensing board shall have the authority to investigate unlicensed
2 activity and notify unlicensed persons and entities of the possible violation of the law and
3 administrative rules and any civil action or criminal penalty that may be imposed by a court. The
4 notification shall not indicate that the occupational licensing board has made any finding of a
5 violation but may indicate the board's belief or opinion that a particular act may violate the
6 board's enabling statutes, include factual information regarding legislation and court proceedings
7 concerning the potential violation, and provide notice of the board's intention to pursue
8 administrative remedies or court proceedings with regard to the potential violation.

9 (b) Any occupational licensing board providing notification to unlicensed persons and
10 entities of a possible violation of the law and administrative rules and any civil action or criminal
11 penalty that may be imposed by a court shall include the following statement in the notification:
12

13 You are hereby notified that the opinion expressed herein is not a legal
14 determination. An occupational licensing board does not have the authority to
15 order you to discontinue your current practices. Only a court may determine that
16 you have violated or are violating any law and, if appropriate, impose a remedy
17 or penalty for the violation. Further, pursuant to G.S. 150B-4, you may have the
18 right, prior to initiation of any court action by the occupational licensing board,
19 to request a declaratory ruling regarding whether your particular conduct is
20 lawful. You are further notified that any right to a declaratory ruling supplements
21 any other legal rights that you may already have to establish the legality of your
22 conduct with respect to the goods or services you offer or provide.
23

24 **"§ 93B-19. Venue for court enforcement.**

25 Notwithstanding any other provision of law, the venue for occupational licensing boards
26 seeking court orders for injunctive relief or to show cause for failure to comply with a subpoena
27 lawfully issued by the occupational licensing board shall be in the superior court of the county
28 where the defendant resides or in the county where the occupational licensing board has its
29 principal place of business.

30 **"§ 93B-20. Injunctive relief.**

31 An occupational licensing board may appear in its own name in superior court in actions for
32 injunctive relief to restrain the violation of the provisions of a statute administered by the board
33 or a rule or order of the board. The superior court shall have the jurisdiction to grant these
34 injunctions, restraining orders, or take other appropriate action even if criminal prosecution has
35 been or may be instituted as a result of the violations, or whether the person is a licensee of the
36 board. No board shall issue such orders independently of the superior court unless specifically
37 authorized to do so by law.

38 **"§ 93B-21. Jurisdictional disputes between boards.**

39 It is the policy of the State that jurisdictional disputes among occupational licensing boards
40 shall be resolved through informal procedures. If a jurisdictional dispute among occupational
41 licensing boards cannot be resolved through informal procedures, any affected board may
42 commence an administrative proceeding to resolve the jurisdictional dispute by filing a petition
43 with the Office of Administrative Hearings and serve the petition on all affected boards. Once
44 the petition is filed and the required fee is paid, the dispute shall become a contested case and
45 shall be conducted by the Office of Administrative Hearings under Articles 3 and 4 of Chapter
46 150B of the General Statutes.

47 **"§ 93B-22. Complaint process.**

48 Each occupational licensing board shall develop and implement a complaint process that
49 provides for all of the following:

- 50 (1) A description of the complaint process on the board's website, including the
51 types of violations that are under the jurisdictional authority of the board.

- 1 (2) Electronic complaint submission via the board's website, including a
2 prominently displayed link to a complaint form.
3 (3) The ability to provide complainants with a written description of the final
4 disposition of each complaint."

5 **SECTION 5.** Section 4(a) of this act becomes effective October 1, 2026. Section
6 4(b) of this act becomes effective October 1, 2026, and applies to actions arising on or after that
7 date. The remainder of this act is effective when it becomes law.