

Memo to: Joint Legislative Commission on Governmental Operations

From: Doug Brocker and Whitney Waldenberg, Counsel and Rule Making Coordinators,
North Carolina State Board of Dental Examiners

Date: August 24, 2018

Re: Request for Consultation

Please accept this Memorandum and attachments as the North Carolina State Board of Dental Examiners' ("Dental Board") request pursuant to N.C. Gen. Stat. § 12-3.1 for a consultation regarding proposed amendments to 21 NCAC 16Q.0401 that would add an inspection fee to be charged by the Dental Board to applicants for the minimal conscious sedation permit.

Proposed Amendment Increasing Fee

The Board proposes to amend 21 NCAC 16Q .0401(a) to require that a dentist seeking a minimal conscious sedation permit pay a \$275.00 inspection fee. This proposed fee would cover the Board's cost of the inspection associated with this permit, including payment to third party inspectors. Under the current rule, the dentist must only pay a \$100.00 application fee. The proposed amendment would increase the total fee for seeking a minimal conscious sedation permit by \$275.00. The inspection fee was inadvertently left out of the regulation when adopted initially.

Statutory Authority for Fee

Pursuant to N.C. Gen. Stat. § 90-39(11), the Board may charge up to \$750.00 for office inspections for general anesthesia or sedation.

Reason for Requested Fee Increases

The Board requests the fee regulations to help defray the expenses incurred by the Dental Board in conducting the inspections of the facilities of applicants where minimal sedation is administered, including payment to third party inspectors. The Board incurs costs and has to utilize resources to process applications and facilitate inspections. The Board has to contract with one or more dentists who has a current sedation permit to conduct each evaluation or inspection and pay them for conducting each inspection.

Copies of the rules with the proposed amendments are attached. We submitted these rules to the Office of Administrative Hearings/Rules Division for publication on August 24, 2018.

Thank you for your consideration of this request.

cc: Commission Assistant
General Assembly Fiscal Research Division