

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 1033

Short Title: Dental Board Reform. (Public)

Sponsors: Representative Stevens.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Rules, Calendar, and Operations of the House

April 23, 2026

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES TO THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS AND TO RESPOND TO THE HOLDING IN NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS V. FEDERAL TRADE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

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 is~~ 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. ~~Said~~ 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.** – The Board of Dental Examiners shall consist of ~~six~~ 10 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) Two dental hygienist who is hygienists who are 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.



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

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

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

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

1           **SECTION 1.(e)** Article 2 of Chapter 90 of the General Statutes is amended by adding  
2 a new section to read:

3 **"§ 90-22A. Appointment of Board members; vacancies; compensation; terms.**

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

6           (1) Four members shall be appointed by the Governor as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **"§ 90-43. Compensation and expenses Expenses of Board.**

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

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

44           **SECTION 2.** Transition of Board Members. – Notwithstanding G.S. 90-22, as  
45 amended by this act, and G.S. 90-22A, as enacted by this act, the current members of the North  
46 Carolina Board of Dental Examiners (Board) shall each finish their current respective terms on  
47 the Board. Prior to the expiration or termination of each member's current term, the new member  
48 for that seat shall be appointed pursuant to G.S. 90-22 and G.S. 90-22A, as set forth in this act.  
49 The licensed dentist seats that become eligible for appointment after this act becomes law shall  
50 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 for three-year terms in the following order:

- 9 (4) The first seat: the Commissioner of Labor shall appoint one licensed dental  
10 hygienist in accordance with G.S. 90-22A(a)(3)a.  
11 (5) The second seat: the Governor shall appoint one licensed dental hygienist in  
12 accordance with G.S. 90-22A(a)(1)b.

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

- 15 (6) The first seat: the Governor shall appoint one public consumer member in  
16 accordance with G.S. 90-22A(a)(1)c.  
17 (7) The second seat: the Commissioner of Labor shall appoint one public  
18 consumer member in accordance with G.S. 90-22A(a)(3)b.

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

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

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

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

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

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

42 **"§ 93B-17. Occupational licensing board rulemaking.**

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

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

48 **"§ 93B-18. Unlicensed activity.**

49 (a) An occupational licensing board shall have the authority to investigate unlicensed  
50 activity and notify unlicensed persons and entities of the possible violation of the law and  
51 administrative rules and any civil action or criminal penalty that may be imposed by a court. The

1 notification shall not indicate that the occupational licensing board has made any finding of a  
2 violation but may indicate the board's belief or opinion that a particular act may violate the  
3 board's enabling statutes, include factual information regarding legislation and court proceedings  
4 concerning the potential violation, and provide notice of the board's intention to pursue  
5 administrative remedies or court proceedings with regard to the potential violation.

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

9  
10 You are hereby notified that the opinion expressed herein is not a legal  
11 determination. An occupational licensing board does not have the authority to  
12 order you to discontinue your current practices. Only a court may determine that  
13 you have violated or are violating any law and, if appropriate, impose a remedy  
14 or penalty for the violation. Further, pursuant to G.S. 150B-4, you may have the  
15 right, prior to initiation of any court action by the occupational licensing board,  
16 to request a declaratory ruling regarding whether your particular conduct is  
17 lawful. You are further notified that any right to a declaratory ruling supplements  
18 any other legal rights that you may already have to establish the legality of your  
19 conduct with respect to the goods or services you offer or provide.

20  
21 **"§ 93B-19. Venue for court enforcement.**

22 The venue for occupational licensing boards seeking court orders for injunctive relief or to  
23 show cause for failure to comply with a subpoena lawfully issued by the occupational licensing  
24 board shall be in the superior court of the county where the defendant resides or in the county  
25 where the occupational licensing board has its principal place of business.

26 **"§ 93B-20. Injunctive relief.**

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

34 **"§ 93B-21. Jurisdictional disputes between boards.**

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

43 **"§ 93B-22. Complaint process.**

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

- 46 (1) A description of the complaint process on the board's website, including the  
47 types of violations that are under the jurisdictional authority of the board.
- 48 (2) Electronic complaint submission via the board's website, including a  
49 prominently displayed link to a complaint form.
- 50 (3) The ability to provide complainants with a written description of the final  
51 disposition of each complaint."

1           **SECTION 5.** Section 4(a) of this act becomes effective October 1, 2026. Section  
2 4(b) of this act becomes effective October 1, 2026, and applies to actions arising on or after that  
3 date. The remainder of this act is effective when it becomes law.