

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-348
SENATE BILL 800**

AN ACT TO INCREASE THE MAXIMUM FEES THAT THE NORTH CAROLINA
STATE BOARD OF DENTAL EXAMINERS MAY ASSESS AND MAKE
CHANGES TO THE MASSAGE AND BODYWORK THERAPY LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-39 reads as rewritten:

"§ 90-39. Fees.

In order to provide the means of carrying out and enforcing the provisions of this Article and the duties devolving upon the North Carolina State Board of Dental Examiners, it is authorized to charge and collect fees established by its rules not exceeding the following:

(1)	Each application for general dentistry examination.....	\$500.00	\$1,200
(2)	Each general dentistry license renewal, which fee shall be annually fixed by the Board and not later than November 30 of each year it shall give written notice of the amount of the renewal fee to each dentist licensed to practice in this State by mailing such notice to the last address of record with the Board of each such dentist.....	140.00	600.00
(2a)	Penalty for late renewal of any license or permit	50.00	100.00
(3)	Each provisional license	150.00	300.00
(4)	Each intern permit or renewal thereof	150.00	500.00
(5)	Each certificate of license to a resident dentist desiring to change to another state or territory.....	30.00	75.00
(6)	Repealed by Session Laws 1995, (Reg. Sess., 1996), c. 584, s. 1.		
(7)	Each license to resume the practice issued to a dentist who has retired from and returned to this State	300.00	500.00
(8)	Each instructor's license or renewal thereof	140.00	500.00
(9)	With each renewal of a dentistry license, an annual fee to help fund special peer review organizations for impaired dentists.....	50.00	100.00
(10)	Each duplicate of any license, permit, or certificate issued by the Board	25.00	75.00
(11)	Each office inspection for general anesthesia and parenteral sedation permits	350.00	750.00
(12)	Each general anesthesia and parenteral sedation permit application or renewal of permit.....	50.00	100.00
(13)	Each application for license by credentials	2,000.00	3,000
(14)	Each application for limited volunteer dental license	100.00	200.00
(15)	Each limited volunteer dental license annual renewal	25.00.	50.00."

SECTION 2. G.S. 90-232 reads as rewritten:

"§ 90-232. Fees.

In order to provide the means of carrying out and enforcing the provisions of this Article and the duties devolving upon the North Carolina State Board of Dental Examiners, it is authorized to charge and collect fees established by its rules not exceeding the following:

(1)	Each applicant for examination	\$125.00	\$350.00
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- (2) Each renewal certificate, which fee shall be annually fixed by the Board and not later than November 30 of each year it shall give written notice of the amount of the renewal fee to each dental hygienist licensed to practice in this State by mailing such notice to the last address of record with the Board of each such dental hygienist ~~60.00~~ 250.00
- (3) Each restoration of license..... ~~60.00~~ 150.00
- (4) Each provisional license ~~60.00~~ 150.00
- (5) Each certificate of license to a resident dental hygienist desiring to change to another state or territory ~~25.00~~ 50.00
- (6) Annual fee to be paid upon license renewal to assist in funding programs for impaired dental hygienists ~~40.00~~ 80.00
- (7) Each license by credentials ~~1,000.00.~~ 1,500.

In no event may the annual fee imposed on dental hygienists to fund the impaired dental hygienists program exceed the annual fee imposed on dentists to fund the impaired dentist program. All fees shall be payable in advance to the Board and shall be disposed of by the Board in the discharge of its duties under this Article."

SECTION 3. G.S. 90-626 is amended by adding the following new subdivisions to read:

- "
- ...
- (14) Assess civil penalties pursuant to G.S. 90-634.1.
- (15) Assess the costs of disciplinary actions pursuant to G.S. 90-634.1(d)."

SECTION 4. Article 36 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-634.1. Civil penalties; disciplinary costs.

(a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty not in excess of one thousand dollars (\$1,000) for the violation of any section of this Article or the violation of any rules adopted by the Board. The clear proceeds of any civil penalty assessed under this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Consideration Factors. – Before imposing and assessing a civil penalty, the Board shall consider the following factors:

- (1) The nature, gravity, and persistence of the particular violation.
- (2) The appropriateness of the imposition of a civil penalty when considered alone or in combination with other punishment.
- (3) Whether the violation was willful and malicious.
- (4) Any other factors that would tend to mitigate or aggravate the violations found to exist.

(c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil penalties for violations of this Article and rules adopted by the Board.

(d) Costs. – The Board may assess the costs of disciplinary actions against a person found to be in violation of this Article or rules adopted by the Board."

SECTION 5. Sections 1 and 2 of this act become effective August 1, 2003. Sections 3 and 4 of this act become effective August 1, 2003, and apply to violations occurring on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of July, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:42 p.m. this 27th day of July, 2003