

CHAPTER 30

NEW JERSEY BOARD OF DENTISTRY

Authority

N.J.S.A. 45:6-1 et seq.

Source and Effective Date

R.2000 d.147, effective March 10, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

Executive Order No. 66(1978) Expiration Date

Chapter 30, New Jersey Board of Dentistry, expires on March 10, 2005.

Chapter Historical Note

Chapter 30, New Jersey Board of Dentistry, was filed and became effective prior to September 1, 1969.

Subchapter 7, Forms, was repealed by R.1987 d.12, effective January 5, 1987. See: 17 N.J.R. 2851(b), 19 N.J.R. 131(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, New Jersey Board of Dentistry, was readopted as R.1990 d.205, effective March 12, 1990. See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, New Jersey Board of Dentistry, was readopted as R.1995 d.191, effective March 10, 2000, and Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, was adopted as new rules by R.1995 d.191, effective April 3, 1995. See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

Petition for Rulemaking. See: 28 N.J.R. 4531(a).

Subchapter 2A, Registered Dental Assistant and Limited Registered Dental Assistant Three-Month Internship Programs, was adopted as R.1997 d.44, effective January 21, 1997. See: 28 N.J.R. 4719(a), 29 N.J.R. 367(a).

Petition for Rulemaking. See: 29 N.J.R. 3745(a), 29 N.J.R. 4202(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, New Jersey Board of Dentistry, was readopted as R.2000 d.147, effective March 10, 2000, and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, Subchapter 5, Standards for Approval of Dental Schools, and Subchapter 6, Standards for Approval of Schools of Oral Hygiene, were repealed and Subchapter 1A, Dental Hygienists, Subchapter 2, Dental Assistants, Subchapter 5, Continuing Education, and Subchapter 6, Advertising, were adopted as new rules by R.2000 d.147, effective April 3, 2000. See: Source and Effective Dates. See, also, section annotations.

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SUBCHAPTER 1. LICENSURE TO PRACTICE DENTISTRY

13:30-1.1 Purpose and scope

(a) The rules in this chapter implement the provisions of N.J.S.A. 45:6-1 et seq., the Dental Practice Act, and regulate the practice of dentistry in the State of New Jersey.

(b) The provisions of this chapter shall apply to all licensed dentists, licensed registered dental hygienists, registered dental assistants, limited registered dental assistants, and holders of dental clinic permits, and all applicants seeking licensure to engage in the practice of dentistry, dental hygiene, and dental assisting, and applicants seeking permits to operate dental clinics.

(c) Noncompliance with the rules in this chapter may be deemed professional misconduct and may subject the licensee, registrant or permit holder to disciplinary action pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

New Rule, R.2000 d.147, effective April 3, 2000.

See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

Former N.J.A.C. 13:30-1.1, Qualifications of applicants, recodified to N.J.A.C. 13:30-1.2.

13:30-1.2 Application for licensure to practice dentistry

(a) All persons desiring to practice dentistry in New Jersey shall secure a license from the Board.

(b) To qualify as a candidate for dental licensure, an applicant shall submit a completed application to the Board which shall contain the following information and materials:

1. A certification by the secretary or dean of a dental school, college or department of a university approved by the Commission on Dental Accreditation verifying that the applicant has obtained a dental degree from such institution;

2. A passport size photograph of the applicant certified by the secretary or dean of the dental school, college or department of the university from which the applicant has obtained a dental degree;

3. Results from the successful completion of the Northeast Regional Board Examination. If an applicant fails any portion of the Northeast Regional Board Examination three consecutive times, the Board may require the applicant to sit for and pass a remedial course in the subject area at a dental school, college or department of a university approved by the Commission on Dental Accreditation. The Board shall recognize successful completion of the Northeast Regional Board examination for up to five years. After five years, the Board shall review each request on a case-by-case basis consistent with the following:

i. The Board may recognize successful completion of the Northeast Regional Board Examination after five years. As part of its review, the Board shall consider and evaluate any prior record of disciplinary action or pending disciplinary action against the candidate or investigation of the candidate in any other state and the applicant's complete professional employment history.

4. Results from the successful completion of the New Jersey Jurisprudence examination taken within one year of the date of application;

5. Results of the successful completion of parts I and II of the National Board Dental Examination;

6. A certification by the board of dentistry in every state or jurisdiction in which the applicant holds a dental license verifying that the applicant's license in that state or jurisdiction is in good standing;

7. An affidavit of good moral character; and

8. The application fee as set forth in N.J.A.C. 13:30-8.1.

(c) Notwithstanding the provisions of (b) above, an applicant for licensure to practice dentistry who graduated from a dental school more than two years prior to the date of application, shall submit a certification verifying the completion of 40 hours of continuing education within two years prior to application, consistent with the requirements of N.J.A.C. 13:30-5.1.

(d) An applicant for dental licensure who graduated from a dental school that has not been approved by the Commission on Dental Accreditation shall have completed at least two years of study at a dental school, college or department

of a university approved by the Commission of Dental Accreditation, with a dental degree having been conferred by such institution.

2. A certification by the secretary or dean from an institution with an educational program in dental hygiene approved by the Commission on Dental Accreditation verifying that the applicant completed the educational program in dental hygiene;

3. Test results of any state or regional clinical examination other than the Northeast Regional Board examination; and

4. Ten credits of continuing education in dental hygiene earned within two years prior to the application as set forth in N.J.A.C. 13:30-5.2.

(e) The Board shall recognize successful completion of the Northeast Regional Board Examination for up to five years. After five years, the Board shall review each request for recognition of the Northeast Regional Board examination on a case by case basis and may recognize successful completion of the examination provided the candidate submits, at a minimum, the following:

1. A certification by the board of dentistry in every state or jurisdiction in which the applicant holds a license to practice dental hygiene verifying that the applicant's license in that state or jurisdiction is in good standing; and

2. Ten credits of continuing education in dental hygiene earned within two years prior to the application as set forth in N.J.A.C. 13:30-5.2.

(f) Notwithstanding the provisions of (b) above, an applicant for licensure as a dental hygienist who graduates from an educational program in dental hygiene approved by the Commission on Dental Accreditation more than two years prior to the date of application shall submit a certification verifying the completion of 10 credits of continuing education in dental hygiene as set forth in N.J.A.C. 13:30-5.2.

13:30-1A.2 Scope of practice of licensed dental hygienist

(a) For purposes of this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Direct supervision” means that a licensed dentist is physically present in the office at all times during the performance of any act and that such acts are performed pursuant to the licensed dentist's order, control and full professional responsibility.

“Institution” means any nursing home, veterans home, hospital or prison, or any State or county facility providing inpatient care, supervision and treatment for the mentally disabled.

“Supervision” means that a licensed dentist shall provide a written order and shall maintain control and full professional responsibility for the performance of any act, whether or not the licensed dentist is physically present.

(b) A licensed dentist hygienist practicing under the direct supervision of a licensed dentist may:

1. Perform a complete prophylaxis including the removal of all hard and soft deposits from all surfaces of human natural and restored teeth to the epithelial attachments and the polishing of natural and restored teeth;

2. Perform root planning;

3. Provide prophylactic and preventive measures such as the application of fluorides and pit and fissure sealants and other recognized topical agents for the prevention of oral disease or discomfort;

4. Place intrasulcular therapeutic medications approved by the Food and Drug Administration, as directed by a dentist;

5. Examine soft and hard tissue of the head, neck and oral cavity and note deformities, defects and abnormalities therein;

6. Fabricate athletic mouth guard appliances;

7. Isolate the operative field, including the placement and removal of rubber dams;

8. Place and remove matrices and wedges;

9. Place temporary sedative restorations;

10. Remove excess cement from crowns or other restorations and orthodontic appliances;

11. Remove sutures;

12. Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This shall not include intra-oral occlusal adjustment;

13. Take impressions for diagnostic models and models to be used as counters for fixed or removable prostheses;

14. Place amalgam and gold foil in a tooth for condensation by the dentist;

15. Place and remove retraction cords and medicated pellets;

16. Perform bite registration procedures to determine occlusal relationship of diagnostic models only;

17. Place and remove periodontal dressings and other surgical dressings;

18. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally or on diagnostic models;

19. Remove arch wires and ligature wires;

20. Make radiographic exposures as permitted by the Department of Environmental Protection pursuant to N.J.S.A. 26:2D-24 et seq.;

21. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health;

22. Apply topical anesthetic agents;

23. Take and record vital signs;

24. Retract patient's cheek, tongue or other tissue parts during a dental procedure;

25. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water;

26. Hold a curing light for any dental procedure. Such curing light shall not include a laser;

27. Take dental photographs including the use of intra-oral cameras;

28. Select shades of prosthetic appliances; and

29. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure.

(c) A licensed dental hygienist practicing within an institution subject to the supervision of a New Jersey licensed dentist in the institution may:

1. Perform a complete prophylaxis including the removal of all hard and soft deposits from all surfaces of human natural and restored teeth to the epithelial attachments and the polishing of natural and restored teeth;

2. Perform root planning;

3. Provide prophylactic and preventive measures such as the application of fluorides and pit and fissure sealants and other recognized topical agents for the prevention of oral disease or discomfort.

4. Examine soft and hard tissue of the head, neck and oral cavity and note deformities, defects and abnormalities therein;

5. Make radiographic exposures as permitted by the Department of Environmental Protection pursuant to N.J.S.A. 26:2D-24 et seq.;

6. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health;

7. Take and record vital signs; and

8. Take dental photographs including the use of intra-oral cameras.

(d) Each licensed dentist may utilize no more than three licensed dental hygienists at one time in a dental office.

(e) A licensed dental hygienist who engages in the activities outlined in (b) above without direct supervision shall be deemed to be engaging in the unauthorized practice of dental hygiene and shall be subject to the penalties set forth in N.J.S.A. 45:6-58.

(f) A licensed dentist who permits a licensed dental hygienist to engage in the activities outlined in (b) above without direct supervision shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

(g) A licensed dental hygienist may provide a written work authorization for emergency repair of a dental prosthesis provided that the prosthesis shall not require any intra-oral procedure and shall be thereafter inserted by a licensed dentist.

13:30-1A.3 Inactive licensure

A licensed dental hygienist may, upon application to the Board and payment of the fee set forth in N.J.A.C. 13:30-8.1, renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of dental hygiene for the entire biennial period for which he or she was granted inactive status.

13:30-1A.4 Resumption of active practice by inactive dental hygienist

(a) A dental hygienist who has been inactive for any period of time and wishes to resume the active practice of dental hygiene shall, in addition to making application for a current certificate of registration and paying the appropriate fee as set forth in N.J.A.C. 13:30-8.1, submit a certification verifying the completion of continuing education requirements consistent with the provisions of N.J.A.C. 13:30-5.2.

(b) An applicant who has been on the inactive status list for five or more years and who wishes to resume the practice of dental hygiene shall:

1. Apply to the Board for a current biennial certificate of registration and pay the prescribed registration fee as set forth in N.J.A.C. 13:30-8.1;

2. If an applicant is licensed and practicing in another state or jurisdiction, furnish the Board with a certification from the board in the state or jurisdiction verifying that the applicant's license to practice dental hygiene in that state or jurisdiction is in good standing; and

3. Pass the Northeast Regional Board examination in dental hygiene or satisfactorily complete a Board approved clinical refresher course on dental hygiene practice which is not less than 35 hours, provided by an institution accredited by the American Dental Association Commission on Dental Accreditation.

SUBCHAPTER 2. DENTAL ASSISTANTS

13:30-2.1 Definitions

For purposes of this subchapter, the following words and terms, shall have the following meanings, unless the context clearly indicates otherwise:

“Direct supervision” means that a licensed dentist is physically present in the office at all times during the performance of any act and that such acts are performed pursuant to the licensed dentist’s order, control and full professional responsibility.

“Institution” means any nursing home, veterans home, hospital or prison, or any State or county facility providing inpatient care, supervision and treatment for the mentally disabled.

“Supervision” means that a licensed dentist shall provide a written order and shall maintain control and full professional responsibility for the performance of any act, whether or not the licensed dentist is physically present.

13:30-2.2 Application for registration as dental assistant

(a) An applicant desiring to secure registration as a dental assistant shall have:

1. Successfully completed high school (or its equivalent) and shall have:

i. Satisfactorily completed and graduated, within the past 10 years, from an educational program for dental assistants approved by the Board and the Commission on Dental Accreditation and shall have taken the Registered Dental Assisting Certification Examination administered by the Dental Assisting National Board (DANB) within 10 years prior to the date of application;

ii. Obtained at least two years work experience as a dental assistant during the five-year period prior to making application for registration, passed the Certification Examination administered by DANB within 10 years prior to the date of application, successfully completed a Board-approved program in expanded functions, and passed the New Jersey Expanded Functions Examination administered by DANB;

iii. Obtained at least two years work experience as a dental assistant during the five-year period prior to making application for registration, passed the Certification Examination administered by DANB within 10 years prior to application, and passed the New Jersey Expanded Functions Examination administered by DANB; or

iv. Until February 1, 2001, obtained at least six months work experience, as defined in N.J.A.C. 13:30-2A.3, as a dental assistant, successfully completed a three-month internship program in the office and

under the direct supervision of a New Jersey licensed dentist as set forth in N.J.A.C. 13:30-2A, passed the Certification Examination administered by DANB within 10 years prior to the date of the application, and passed the New Jersey Expanded Functions Examination administered by DANB.

(b) An applicant for registration as a dental assistant shall submit a completed application to the Board which contains the following information and materials:

1. A certification by the board of dentistry in every state or jurisdiction in which the applicant is a registered dental assistant verifying that the applicant’s registration in that state or jurisdiction is in good standing;

2. Proof of the following, if applicable pursuant to (a) above:

i. A certificate of graduation from an approved educational program in dental assisting in which the expanded functions or duties listed in N.J.A.C. 13:30-2.4 are taught;

ii. A certificate of successful completion of an examination for clinical competency in expanded functions in dental assisting administered by DANB;

iii. A certificate of successful completion of an approved program in expanded functions in dental assisting. The Board shall recognize the following as providers of approved programs in expanded functions:

(1) An institution approved by the Commission on Dental Accreditation;

(2) Institutions of higher education which have met the standards of the Commission on Higher Education or a regional agency recognized by the Council on Post-Secondary Accreditation; or

(3) In-service training programs conducted at the graduate level by agencies of the Federal, State, or local government, which are substantially similar to programs described in (b)2iii(1) and (2) above;

iv. A certificate of successful completion of a three-month internship program as set forth in N.J.A.C. 13:30-2A; and

v. A certificate of successful completion of the Registered Dental Assistant Certification Examination administered by DANB;

3. An affidavit of good moral character; and

4. The application fee set forth in N.J.A.C. 13:30-8.1.

13:30-2.3 Application for registration as limited registered dental assistant in orthodontics

(a) An applicant desiring to secure registration as a limited registered dental assistant in orthodontics shall have:

1. Successfully completed high school (or its equivalent) and shall have:

i. Obtained at least two years work experience as a dental assistant in orthodontics during the five-year period prior to making application for registration, passed the New Jersey Orthodontics Certification Examination administered by the Dental Assisting National Board (DANB) within 10 years prior to the date of application, successfully completed a Board-approved program in expanded functions in orthodontics, and passed the New Jersey Expanded Functions in Orthodontics Examination administered by DANB; or

ii. Until February 1, 2001, obtained at least six months work experience, as defined in N.J.A.C. 13:30-2A.3, as a dental assistant in orthodontics, successfully completed a three-month internship program in the office and under the direct supervision of a New Jersey licensed dentist as set forth in N.J.A.C. 13:30-2A, passed the New Jersey Orthodontics Certification Examination administered by DANB within 10 years prior to the date of application, and passed the New Jersey Expanded Functions in Orthodontics Examination administered by DANB.

(b) An applicant for registration as a limited registered dental assistant in orthodontics shall submit a completed application to the Board which contains the following information and materials:

1. A certification by the board of dentistry in every state or jurisdiction in which the applicant is a registered dental assistant verifying that the applicant's registration in that state or jurisdiction is in good standing;

2. Proof of the following, if applicable pursuant to (a) above:

i. A certificate of graduation from an approved educational program in dental assisting in which the expanded functions or duties as listed in N.J.A.C. 13:30-2.5 are taught;

ii. A certificate of successful completion of an examination for clinical competency in expanded functions in orthodontics administered by DANB;

iii. A certificate of successful completion of an approved program in expanded functions in orthodontics. The Board shall recognize the following as providers of approved programs in expanded functions:

(1) An institution approved by the Commission on Dental Accreditation;

(2) Institutions of higher education which have met the standards of the Commission on Higher Education or a regional agency recognized by the Council on Post-Secondary Accreditation; or

(3) In-service training programs conducted at the graduate level by agencies of the Federal, State, or local government, which are substantially similar to programs described in (b)2iii(1) and (2) above;

iv. A certificate of successful completion of a three-month internship program as set forth in N.J.A.C. 13:30-2A; and

v. A certificate of successful completion of the limited registered dental assistant certification examination administered by DANB;

3. An affidavit of good moral character; and

4. The application fee set forth in N.J.A.C. 13:30-8.1.

13:30-2.4 Scope of practice of registered dental assistant

(a) A registered dental assistant may perform the following duties under the direct supervision of a licensed dentist:

1. Isolate the operative field, including the placement and removal of rubber dams;

2. Place and remove matrices and wedges;

3. Place temporary sedative restorations;

4. Remove excess cement from crowns or other restorations and orthodontic appliances;

5. Remove sutures;

6. Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This does not include intra-oral occlusal adjustment;

7. Take impressions for diagnostic models and models to be used as counters for fixed or removable prostheses;

8. Place amalgam and gold foil in a tooth for consideration by the dentist;

9. Place and remove retraction cords and medicated pellets;

10. Perform bite registration procedures to determine occlusal relationships of diagnostic models only;

11. Place and remove periodontal dressings and other surgical dressings;

12. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally or on diagnostic models;

13. Remove arch wires and ligature wires;

14. Take impressions for and perform laboratory fabrication of athletic mouth guards. This shall not include insertion of the appliance;

15. Make radiographic exposures as permitted by the Department of Environmental Protection pursuant to N.J.S.A. 26:2D-24 et seq.;

16. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health;

17. Apply topical anesthetic agents;

18. Take and record vital signs;

19. Retract patient's cheek, tongue or other tissue parts during a dental procedure;

20. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water;

21. Hold a curing light for any dental procedure. Such curing light shall not include a laser;

22. Take dental photographs including the use of intra-oral cameras;

23. Select shades of prosthetic appliances; and

24. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure.

(b) A dental assistant may provide a written work authorization for emergency repair of a dental prosthesis provided that the prosthesis shall not require any intra-oral procedure and shall be thereafter inserted by a licensed dentist.

13:30-2.5 Scope of practice of limited registered dental assistant in orthodontics

(a) A limited registered dental assistant in orthodontics may perform the following duties under the direct supervision of a New Jersey licensed dentist who has obtained a Board permit number to announce a specialty in orthodontics pursuant to N.J.A.C. 13:30-6.1:

1. Take impressions for diagnostic models to be used as counters for fixed or removable prostheses;

2. Take impressions for and perform laboratory fabrication of athletic mouth guards. This shall not include insertion of the appliance;

3. Make radiographic exposures as permitted by the Department of Environmental Protection pursuant to N.J.S.A. 26:2D-24 et seq.;

4. Isolate the operative field, not to include rubber dams;

5. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally or on diagnostic models;

6. Take dental photographs including the use of intra-oral cameras;

7. Perform bite registration procedures to determine occlusal relationships of diagnostic models only;

8. Remove excess cement from crowns and other restorations and orthodontic appliances;

9. Remove arch wires and ligature wires;

10. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health; and

11. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water.

(b) A limited registered dental assistant in orthodontics may provide a written work authorization for emergency repair of a dental prosthesis provided that the prosthesis shall not require any intra-oral procedure and shall be thereafter inserted by a licensed dentist.

13:30-2.6 Scope of practice of unregistered dental assistant

(a) A dental assistant who has not obtained a registration from the Board may perform the following duties under the direct supervision of a licensed dentist:

1. Make radiographic exposures as permitted by the Department of Environmental Protection pursuant to N.J.S.A. 26:2D-24 et seq.;

2. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health;

3. Apply topical anesthetic agents;

4. Take and record vital signs;

5. Retract patient's cheek, tongue or other tissue parts during a dental procedure;

6. Remove such debris as is normally created in the course of treatment during or after dental procedures by vacuum devices, compressed air, mouthwashes and water;

7. Isolate the operative field, not to include rubber dams;

8. Trial size (pre-select) orthodontic bands, wires, stainless steel crown, and temporary crowns on a diagnostic model only;

9. Hold a curing light in any dental procedure. Such curing light shall not include a laser;

10. Take dental photographs including the use of intra-oral cameras;

11. Select shades for prosthetic appliances; and

12. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure.

(b) An unregistered dental assistant may provide a written work authorization for emergency repair of a dental prosthesis provided that the prosthesis shall not require any intra-oral procedure and shall be thereafter inserted by a licensed dentist.

SUBCHAPTER 2A. REGISTERED DENTAL ASSISTANT AND LIMITED REGISTERED DENTAL ASSISTANT THREE-MONTH INTERNSHIP PROGRAMS

13:30-2A.1 Purpose and scope

(a) The rules in this subchapter implement the provisions of P.L. 1995, c.367, by establishing the required training which shall be included in a three-month dental assisting internship program.

(b) This subchapter shall apply to an individual seeking registration as a dental assistant or a limited registered dental assistant in a dental specialty by completing a three-month internship program as an alternative to the primary registration pathway of completing an educational program for dental assistants as set forth in N.J.A.C. 13:30-2.2(a)1. This subchapter shall also apply to a New Jersey licensed dentist approved by the Board pursuant to N.J.A.C. 13:30-2A.7 to supervise an internship program.

Amended by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

In (b), inserted "in a dental specialty" following "assistant" and deleted "approved by the Board and the Commission on Dental Accreditation," following "assistants" in the first sentence, and inserted N.J.A.C. reference in the last sentence.

13:30-2A.2 Prerequisites for participation in an internship program

(a) To be eligible to participate in an approved internship program, an applicant shall have:

1. Obtained a high school diploma or its equivalent;
2. Completed at least six months of work experience as a dental assistant pursuant to the provisions of N.J.A.C. 13:30-2A.3;
3. Obtained annual cardiopulmonary resuscitation (CPR) certification with the American Heart Association or the American Red Cross;
4. Passed the appropriate Dental Assisting National Board (DANB) examination, for example, General Chairside (GC) component of the Certified Dental Assistant (CDA) Examination or Certified Orthodontic Assistant (COA) Examination; and
5. Passed the DANB Infection Control Examination (ICE).

Amended by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

In (a), deleted "unless the applicant is exempt pursuant to the exemption outlined in N.J.A.C. 13:30-2A.3(d)" at the end of 2, and substituted references to DANB for references to DAB in 4 and 5.

13:30-2A.3 Six months work experience; exception

(a) For purposes of this section, "six months work experience" means a structured learning experience in the basic knowledge and skills necessary for the practice of dental assisting.

(b) An intern shall render only those duties set forth in N.J.A.C. 13:30-2.4 during the six months work experience period.

(c) During the six month work experience period, the supervisor shall prepare the intern for the Dental Assisting National Board General Chairside or Certified Orthodontic Assistant and the Dental Assisting National Board Infection Control Examination. The supervisor shall use a teaching module which has been approved by the Board and which includes a written post-test and, at a minimum, instruction and clinical training in the following functions:

1. Collection and recording of clinical data;
2. Chairside dental procedures;
3. Chairside dental materials (preparation, manipulation, application);
4. Laboratory materials and procedures;
5. Universal precautions and prevention of disease transmission;
6. Patient education and oral health management;
7. Prevention and management of emergencies;
8. Occupational safety; and
9. Office management procedures.

Amended by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

In (c), rewrote the last sentence of the introductory paragraph; and deleted a former (d).

13:30-2A.4 Three-month internship program; general provisions

(a) An individual seeking to supervise or participate in a three-month dental assisting internship program shall obtain the approval of the Board pursuant to N.J.A.C. 13:30-2A.7. The Board shall approve only a New Jersey licensed dentist as the supervisor of an internship program.

(b) An internship program shall consist of formal clinical training in general dentistry or in a dental specialty area within the office and under the direct supervision of a licensed New Jersey dentist pursuant to the provisions set forth in this subchapter. The program shall be designed to be completed in no less than three and no more than six months.

See: 31 N.J.R. 2130(a), 32 N.J.R. 3327(a).

13:30-8.20 (Reserved)

13:30-8.21 Divestiture of interest in professional corporations by disqualified licensees

(a) As used in this section, the following terms shall have the following meanings unless the context indicates otherwise:

“Disqualify” means to prohibit a licensee from engaging in professional practice and from deriving income from that practice as a result of a revocation, permanent surrender, with or without prejudice, or active suspension of licensure of one year or more. As used in this section, a licensee shall not be deemed disqualified if he or she is permitted to practice dentistry in a limited fashion, is the subject of an order of suspension which is stayed or if the duration of a suspension is less than one year.

“Divest” means to relinquish interest of all shares or equity interest in a professional corporation or other permissible business format, as defined in N.J.A.C. 13:30-8.13.

“Licensee” means any person licensed by the Board to engage in the practice of dentistry.

“Professional practice” means that activity which is defined as “practicing dentistry” pursuant to N.J.S.A. 45:6-19.

(b) A licensee disqualified pursuant to Board order shall divest his or her interest in each professional corporation for which the holding of a license issued by the Board is a prerequisite. The licensee shall complete such divestiture within 90 days of the entry of the Board order and shall furnish proof of divestiture to the Board.

(c) If all shareholders of a professional corporation are disqualified pursuant to Board order, the employees of the professional corporation shall cease to engage in professional practice in the professional corporation until the professional corporation is restructured in membership and in a format authorized to engage in professional practice pursuant to N.J.S.A. 14A:17-13.

(d) Transfer of any shares or equity interest to a member of the licensee’s immediate family shall not be deemed a divestiture as required in (b) above unless:

1. The immediate family member held an interest in the professional corporation prior to the licensee’s disqualification; and
2. The immediate family member was actively engaged in the practice of dentistry within the professional corporation prior to the licensee’s disqualification.

New Rule, R.1998 d.286, effective June 1, 1998.
See: 30 N.J.R. 516(d), 30 N.J.R. 2049(a).
Amended by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

Rewrote (a).

Administrative correction.

See: 32 N.J.R. 2908(b).

13:30-8.22 Validity of diagnostic tests for traumatically induced temporomandibular dysfunction

(a) As used in this section, the following terms shall have the following meanings, unless the context clearly indicates otherwise.

“Clinically supported” means that a licensee, prior to selecting, performing or ordering the administration of a diagnostic test, has:

1. Personally performed a physical examination, making an assessment of any current and/or historical subjective complaints, observations, and objective findings;
2. Considered any and all previously performed tests relating to the patient’s injury; and
3. Documented in the patient record positive and negative findings, observations and clinical indications to justify the test.

“Conservative treatment” means therapy which is not considered aggressive; avoiding the utilization of invasive procedures until such procedures are clearly indicated.

“Diagnostic test” means a service or procedure intended to assist in establishing a dental diagnosis for the purpose of recommending a course of treatment to be implemented by the treating dentist or by the consultant.

“Medically necessary” means that the treatment is consistent with the symptoms or diagnosis, and treatment of the injury:

1. Is not primarily for the convenience of the injured person or provider;
2. Is the most appropriate standard or level of service which is in accordance with standards of good practice and standard professional treatment protocols, as such protocols may be recognized or designated by the Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services or with a professional licensing or certifying board in the Division of Consumer Affairs in the Department of Law and Public Safety, or by a nationally recognized professional organization; and
3. Does not involve unnecessary diagnostic testing.

(b) A licensee may charge the patient or bill a third party for the following diagnostic tests to determine the presence of temporomandibular dysfunction (TMD) resulting from traumatic injury, which tests have been determined to have value in the evaluation of traumatic injuries and the diagnosis and development of a treatment plan, when medically necessary and consistent with clinically supported findings:

1. Diagnostically acceptable panoramic x-ray or transcranial temporomandibular joint x-ray: This diagnostic test may be repeated post surgery.

2. Magnetic resonance imaging (MRI): Where there are clinical signs of internal derangement such as nonself-induced clicking, deviation, limited opening, and pain with a history of trauma to the lower jaw, an MRI is allowable to show displacement of the condylar disc, such procedure following a panoramic or transcranial x-ray and six to eight weeks of conservative treatment. This diagnostic test may be repeated post surgery and/or post appliance therapy.

3. Tomography: Where there are clinical signs of degenerative joint disease as a result of traumatic injury of the temporomandibular joint, tomograms may not be performed sooner than 12 months following traumatic injury.

(c) A licensee shall not charge the patient or bill a third party for the following diagnostic tests to determine the presence of temporomandibular dysfunction (TMD) resulting from traumatic injury, as these tests fail to yield data of sufficient value, not otherwise available from a comprehensive clinical examination and/or tests listed in (b) above, which would alter or influence the development, evaluation, or implementation, of a plan of treatment for injuries sustained as a result of trauma:

1. Mandibular tracking;
2. Surface EMG;
3. Sonography;

4. Doppler ultrasound;
5. Needle EMG;
6. Electroencephalogram (EEG);
7. Thermograms/thermographs;
8. Video fluoroscopy;
9. Reflexology.

(d) Notwithstanding the limitations set forth in (c) above, a licensee may perform such enumerated diagnostic tests for which there shall be no charge to the patient or third party payor only after obtaining written informed consent from the patient.

New Rule, R.1999 d.69, effective March 1, 1999.

See: 30 N.J.R. 3748(b), 31 N.J.R. 651(a).

Administrative correction.

See: 31 N.J.R. 2360(a).

Amended by R.2000 d.147, effective April 3, 2000.

See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

In (a), deleted "Board".

Case Notes

Dentistry Board's action in adopting rule setting forth professional standards governing testing for traumatically induced temporomandibular dysfunction (TMD) did not violate express legislative authority vested in Board by Automobile Insurance Cost Reduction Act (AICRA) and implied legislative authority reposed in Board by Dental Practice Act; Board determined that such diagnostic testing is matter in need of regulation to protect public health, safety, and welfare from cost and ordeal of unnecessary testing. *Dentists for Quality v. State Bd.*, 771 A.2d 659 (2001).