

## CHAPTER 30

### NEW JERSEY BOARD OF DENTISTRY

#### Authority

N.J.S.A. 45:6-3, 45:6-19.4 and 45:6-50.

#### Source and Effective Date

R.1995 d.191, effective March 10, 1995.  
See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

#### Executive Order No. 66(1978) Expiration Date

Chapter 30, New Jersey Board of Dentistry, expires on March 10, 2000.

#### Chapter Historical Note

Chapter 30, New Jersey Board of Dentistry, was filed and became effective prior to September 1, 1969. Chapter 30 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 was readopted as R.1995 d.191. See: Source and Effective Date. As a part of R.1995 d.191, old Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and a new Subchapter 2 was adopted, effective April 3, 1995. See, also, section annotations.

Public Notice: Receipt of and action on petition for rulemaking. See: 28 N.J.R. 4531(a). Public Notice: Notice of Receipt of and Action on a Petition for Rulemaking. See: 29 N.J.R. 3745(a), 29 N.J.R. 4202(a).

#### CHAPTER TABLE OF CONTENTS

#### SUBCHAPTER 1. APPLICANTS FOR LICENSE TO PRACTICE DENTISTRY

- 13:30-1.1 Qualifications of applicants
- 13:30-1.2 Resident permit
- 13:30-1.3 Recognition of Northeast Regional Board Examination after five years
- 13:30-1.4 through 13:30-1.16 (Reserved)

#### SUBCHAPTER 2. APPLICANTS FOR LICENSE AND STANDARDS FOR PRACTICE FOR DENTAL AUXILIARIES

- 13:30-2.1 Qualifications of applicants for license to practice dental hygiene
- 13:30-2.2 Qualifications of registered dental assistants and limited registered dental assistants
- 13:30-2.3 Duties of licensed dental hygienist
- 13:30-2.4 Duties of a registered dental assistant, a limited registered dental assistant, and a dental assistant without registration
- 13:30-2.5 Continuing education requirements; dental hygienists and dental assistants
- 13:30-2.6 Resumption of active practice by inactive dental hygienists

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

- 13:30-2A.1 Purpose and scope
- 13:30-2A.2 Prerequisites for participation in an internship program
- 13:30-2A.3 Six months' work experience; exception

- 13:30-2A.4 Three month internship program; general provisions
- 13:30-2A.5 Three month internship program; required clinical training for a registered dental assistant
- 13:30-2A.6 Three month internship program; required clinical training for a limited registered dental assistant in orthodontics
- 13:30-2A.7 Supervisor of three-month internship program; general provisions
- 13:30-2A.8 Responsibilities of supervisor
- 13:30-2A.9 Responsibilities of the intern
- 13:30-2A.10 Examination

#### SUBCHAPTER 3. APPLICANTS FOR LIMITED TEACHING CERTIFICATE IN A DENTAL SCHOOL

- 13:30-3.1 Qualifications of applicants
- 13:30-3.2 Application procedure
- 13:30-3.3 Limitations on certificate
- 13:30-3.4 Educational institutions

#### SUBCHAPTER 4. INDUSTRIAL OR CORPORATE CLINICS

- 13:30-4.1 Industrial or corporate clinic defined
- 13:30-4.2 Application for permit
- 13:30-4.3 Documents submitted with application for permit
- 13:30-4.4 Permits not transferable
- 13:30-4.5 Annual registration renewal
- 13:30-4.6 Changes require Board approval
- 13:30-4.7 Qualifications
- 13:30-4.8 Crimes involving moral turpitude
- 13:30-4.9 Standards of service and facilities
- 13:30-4.10 Inspection; requirements of Director

#### SUBCHAPTER 5. STANDARDS FOR APPROVAL OF DENTAL SCHOOLS

- 13:30-5.1 Requisites for dental schools
- 13:30-5.2 through 13:30-5.14 (Reserved)

#### SUBCHAPTER 6. STANDARDS FOR APPROVAL OF SCHOOLS OF ORAL HYGIENE

- 13:30-6.1 General requirements
- 13:30-6.2 through 13:30-6.10 (Reserved)

#### SUBCHAPTER 7. FORMS

- 13:30-7.1 (Reserved)

#### SUBCHAPTER 8. GENERAL PROVISIONS

- 13:30-8.1 Fee schedules
- 13:30-8.2 Parenteral conscious sedation
- 13:30-8.3 Use of general anesthesia
- 13:30-8.4 Announcement of practice in a special area of dentistry
- 13:30-8.5 Complaint review procedures
- 13:30-8.6 Professional advertising
- 13:30-8.7 Patient records
- 13:30-8.8 Reporting of incidents or deaths
- 13:30-8.9 Display of names; identifying badges
- 13:30-8.10 Dental insurance forms; professional misconduct
- 13:30-8.11 Removable prosthesis identification
- 13:30-8.12 Notification of change of address; service of process
- 13:30-8.13 Referral fees
- 13:30-8.14 Dental X-rays; lead shields
- 13:30-8.15 Dentist of record; fee reimbursement
- 13:30-8.16 Right to hearing
- 13:30-8.17 Delegation of physical modalities to unlicensed dental assistants
- 13:30-8.18 Continuing dental education; requirements; exceptions; resumption of practice

13:30–8.19 through 13:30–8.20 (Reserved)  
 13:30–8.21 Divestiture of interest in professional corporations by disqualified licensees

## SUBCHAPTER 1. APPLICANTS FOR LICENSE TO PRACTICE DENTISTRY

### 13:30–1.1 Qualifications of applicants

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

(b) To qualify as a candidate for dental licensure, an applicant must present satisfactory evidence of successful completion of the following:

1. A dental degree from a dental school, college or department of a university approved by the Board and the Commission on Dental Accreditation;
2. The Northeast Regional Board Examination. The Board will recognize successful completion of the Northeast Regional Board examination for up to five years. After five years, the Board will review each request on a case-by-case basis pursuant to the provisions of N.J.A.C. 13:30–1.3.
3. The New Jersey jurisprudence examination; and
4. All parts of the National Board Dental Examinations.

Amended by R.1973 d.194, eff. December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Amended by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

Reorganized qualifications to this section.

Amended by R.1995 d.191, effective April 3, 1995.

See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

Amended by R.1998 d.165, effective April 6, 1998.

See: 29 N.J.R. 5046(b), 30 N.J.R. 1293(a).

Rewrote the section.

### 13:30–1.2 Resident permit

Prior to obtaining licensure, a graduate of an approved dental school who has passed Part I and Part II of the National Board Dental Examination may serve as a resident in an approved hospital upon obtaining a resident permit from the Board. A resident permit shall be renewed annually for the length of the residency program.

Repeal and New Rule: R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

The following annotations pertain to N.J.A.C. 13:30–1.2, Application process:

Amended by R.1973 d.194, effective December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Amended by R.1989 d.581, effective November 20, 1989.

See: 21 N.J.R. 2466(a), 21 N.J.R. 3670(a).

Deleted (d) regarding fees for simultaneous reexamination.

Amended by R.1995 d.191, effective April 3, 1995.

See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

### 13:30–1.3 Recognition of Northeast Regional Board Examination after five years

(a) The Board may, in its discretion, recognize successful completion of the Northeast Regional Board Examination after five years as set forth in N.J.A.C. 13:30–1.1(b)2 provided that the candidate submits, at a minimum, evidence satisfactory to the Board that the candidate holds a license in good standing in every state where currently licensed.

(b) As part of its review, the Board shall consider and evaluate any prior record of disciplinary action or pending disciplinary action or investigation in any other state and the applicant's complete professional employment history.

New Rule, R.1998 d.165, effective April 6, 1998.

See: 29 N.J.R. 5046(b), 30 N.J.R. 1293(a).

### 13:30–1.4 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.5 (Reserved)

Amended by R.1973 d.114, effective April 26, 1973.

See: 5 N.J.R. 51(a), 5 N.J.R. 166(c).

Amended by R.1973 d.194, effective December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Administrative correction to (b).

See: 21 N.J.R. 2386(a).

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.6 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.7 (Reserved)

Amended by R.1973 d.194, eff. December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.8 (Reserved)

Amended by R.1973 d.194, eff. December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.9 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.10 (Reserved)

Repeal and New Rule, R.1973 d.194, eff. December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30–1.11 (Reserved)

Repeal and New Rule, R.1973 d.194, effective December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Repealed by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

**13:30-1.12 (Reserved)**

Repeal and New Rule, R.1973 d.194, effective December 11, 1973.

See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

Amended by R.1974 d.110, effective May 3, 1974.

See: 6 N.J.R. 118(c), 6 N.J.R. 246(d).

Amended by R.1989 d.581, effective November 20, 1989.

See: 21 N.J.R. 2466(a), 21 N.J.R. 3670(a).

In (d)3: deleted text regarding fees and increased license fee from \$50.00 to \$100.00.

Repealed by R.1990 d.205, effective April 2, 1990.

Rewrote (a)8; inserted new 9 and 10; recodified existing 9 as 11; added a new (b); recodified existing (b) as (c) and added language regarding models; and recodified existing (c) through (f) as (d) through (g).

### 13:30-8.8 Reporting of incidents or deaths

(a) All licensees shall report to the main office of the State Board of Dentistry within seven days, in writing, any incident occurring in a dental office, clinic or any other dental facility which requires the removal of a patient to a hospital for observation or treatment.

(b) All licensees shall likewise report any death which may be related to dental treatment, whether or not the death occurred in the dental facility.

New Rule, R.1980 d.503, effective November 18, 1980.

See: 12 N.J.R. 607(c), 13 N.J.R. 40(a).

Recodification, R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

Recodified from N.J.A.C. 13:30-8.9.

### 13:30-8.9 Display of names; identifying badges

(a) Every facility offering dental care to the public shall legibly display on all exterior signs or other means of exterior display only those names of the licensees who are responsible for the administration of said facility.

(b) Every dental care facility wherein two or more dental licensees are engaged in providing dental care shall legibly display in its office, the names and professional status of all licensees associated with said facility.

(c) Any licensee associated with such facility shall be required to wear an identifying badge indicating his or her name and professional status.

New Rule, R.1980 d.509, effective November 21, 1980.

See: 12 N.J.R. 608(a), 13 N.J.R. 41(a).

Recodification, R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

Recodified from N.J.A.C. 13:30-8.10.

### 13:30-8.10 Dental insurance forms; professional misconduct

(a) Professional misconduct shall be construed to include, but not be limited to, dishonesty, fraud, deception or misrepresentation by a licensee in submitting any claim, bill, or governmental assistance claim to a third party payor for dental services rendered to any patient.

(b) In addition, it shall be professional misconduct for a licensee rendering dental services or procedures to a patient to submit to a third party payor any claim, bill, or governmental assistance claim which contains any of the following:

1. Any treatment date which does not accurately reflect the date when the service and procedures were actually completed;

2. Any description of a dental service or procedure which does not accurately reflect the actual work completed;

3. Any service or procedure which cannot be justified by the licensee as necessary and proper; or

4. Any statement material to the claim which is known to be false or misleading.

(c) A licensee who renders dental services or procedures to a patient enrolled in any dental plan with co-payment features and who intends to waive any part or all of the co-payment by the patient shall, when submitting any claim or bill to the third party payor, conspicuously disclose on the face of the claim or bill in a legible and readable manner or in the electronic claim submission that co-payment, or a portion of co-payment, will not be billed to, or collected from, the patient.

(d) The accuracy of all information contained in written or electronic submissions to a third party payor including, but not limited to, predeterminations, claims, bills, or governmental assistance claims, shall be the personal responsibility of the licensee whose name, license number or signature appears on the signature line on the claim. In the case of electronic claims, the licensee identified as the provider shall be held responsible for the accuracy of the information whether or not said licensee actually completed the claim. The Board shall presume that the licensee identified on the claim reviewed its contents and approved its submission.

1. In the event that no licensee is identified on the claim, the patient's dentist of record as defined in N.J.A.C. 13:30-8.15 shall be the licensee responsible for the claim.

2. It shall not be a defense to an allegation of a violation of this section that the claim was completed or submitted by an agent of the licensee.

(e) All insurance records shall be maintained pursuant to the provisions of N.J.A.C. 13:30-8.7.

New Rule, R.1981 d.175, eff. June 4, 1981.

See: 13 N.J.R. 102(c), 13 N.J.R. 366(a).

Amended by R.1985 d.196, effective April 15, 1985.

See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).

Recodified from N.J.A.C. 13:30-8.12 by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

Amended by R.1990 d.311, effective June 18, 1990.

See: 21 N.J.R. 2226(a), 22 N.J.R. 153(a), 22 N.J.R. 1914(a).

New (d)-(f) added regarding signature of forms by treating dentist.

Amended by R.1995 d.191, effective April 3, 1995.

See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

Amended by R.1998 d.90, effective February 17, 1998.

See: 29 N.J.R. 4069(b), 30 N.J.R. 686(a).

In (a), (b), and (d), substituted "claim" for "form"; added a new (b)4; in (c), added "or in the electronic claim submission"; rewrote (d); added (d)1 and 2; added a new (e); and deleted existing (e) and (f).

**13:30-8.11 Removable prosthesis identification****(a) Definitions:**

1. The term "prosthesis" shall refer to an artificial substitute for a missing part of the oral cavity, such as a tooth, used for functional and/or cosmetic reasons.

2. The term "rebasings" means the act of replacing the base material of a denture without changing the occlusal relationship of the teeth.

(b) Every complete maxillary and mandibular denture and removable partial denture prosthesis constructed by a Board licensee or fabricated pursuant to his work order shall be marked in an appropriate area with the name and social security number of the patient for whom the prosthesis is prepared unless the patient objects thereto. In the event the patient, after being so informed, objects to the marking of the prosthesis, the licensee shall place such objection on the patient's permanent dental record.

(c) The marking of a dental prosthesis shall be accomplished during processing and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to place them shall be determined by the licensee.

(d) If, in the licensee's professional judgment, marking of the prosthesis with the patient's complete name and social security number is not practicable, identification shall be provided as follows:

1. The social security number may be omitted if the patient's complete name is marked; or

2. The initials of the patient may be marked alone if the marking of the patient's full name is impracticable; or

3. The identification marks may be omitted in their entirety if none of the forms of identification specified in (d)1 and 2 above are practicable or clinically safe.

(e) Any complete or partial removable dental prosthesis in existence prior to the effective date of this regulation, which has not been marked in accordance with (b) above, shall be so marked at the time of any subsequent rebasing or repair.

(f) A reasonable fee may be charged for the marking of the complete or partial removable dental prosthesis.

New Rule, R.1985 d.196, effective April 15, 1985.

See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).

Repealed by R.1990 d.174, effective March 19, 1990.

See: 21 N.J.R. 3060(a), 22 N.J.R. 976(a).

Section was "intravenous sedation".

Recodified from N.J.A.C. 13:30-8.13 by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

The following annotations pertain to the prior rule at N.J.A.C. 13:30-8.11:

New Rule, R.1980 d.541, eff. December 15, 1980.

See: 12 N.J.R. 669(a), 13 N.J.R. 103(b).

Amended by R.1985 d.196, effective April 15, 1985.

See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).

**13:30-8.12 Notification of change of address; service of process**

(a) A licensee of the Board of Dentistry shall notify the Board in writing of any change of address from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h), including, but not limited to, a civil penalty of \$200.00.

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

New Rule, R.1985 d.548, effective November 4, 1985.

See: 17 N.J.R. 1864(b), 17 N.J.R. 2669(a).

Recodified from N.J.A.C. 13:30-8.14 by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

**13:30-8.13 Referral fees**

It shall be professional misconduct for a licensee to pay to, receive from, or split a fee or other form of compensation with any person other than an employee or associate dentist for the referral of a patient.

New Rule, R.1987 d.158, effective April 6, 1987.

See: 18 N.J.R. 2419(a), 19 N.J.R. 552(a).

Recodified from N.J.A.C. 13:30-8.15 by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

**13:30-8.14 Dental X-rays; lead shields**

Every licensee, as well as any employee or agent of such licensee duly licensed by the Department of Environmental Protection shall be required to use a lead shield to provide protection to the greatest extent possible to the torso and thyroid areas of patients during all dental X-ray procedures.

New Rule, R.1987 d.98, effective February 2, 1987.

See: 18 N.J.R. 2113(c), 19 N.J.R. 296(b).

Recodified from N.J.A.C. 13:30-8.16 by R.1990 d.205, effective April 2, 1990.

See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

**13:30-8.15 Dentist of record; fee reimbursement**

(a) Each patient shall have a dentist of record who shall remain primarily responsible for assuring the proper implementation of the dental treatment plan on such patient regardless of whether the treatment is rendered by the dentist of record, by another dentist or by a dental hygienist rendering such treatment in conjunction with, in the employ of, at the direction or request of, or under the supervision of such dentist of record.

1. The course is offered in a subject matter and in a format permissible pursuant to the provisions of this section;

2. The course is conducted by a qualified instructor or discussion leader; and

3. The course is at least one hour in length.

(g) Applications for pre-approval of continuing education programs must be submitted by the program sponsor on the form provided by the Board at least 45 days prior to the date the continuing education program is to be offered. Incomplete applications shall be returned to the sponsor and may result in a failure to grant prior approval of the program. Although failure to obtain prior approval shall not preclude acceptance of the program, there shall be no assurance that the Board will grant approval retroactively.

(h) A licensee may select from any of the areas of study listed below, except that for purposes of obtaining continuing education credits towards the mandatory requirement the licensee may not exceed the maximum number of hours permitted in each category for each biennial period.

1. Educational and scientific courses:

i. A licensee may obtain all of the required continuing education hours in this category.

ii. The following shall satisfy the entire continuing education requirement (40 hours) for a biennial registration period:

(1) Completion of an accredited one-year dental residency program; or

(2) Attendance at, or completion of, an approved advanced education program leading to specialty certification in endodontics, oral surgery, oral pathology, orthodontics, pediatric dentistry, periodontics, prosthodontics or public health.

iii. A maximum of six hours of continuing education credit shall be given to a student or an instructor for basic C.P.R. courses.

iv. A maximum of 10 hours of continuing education credit shall be given for videotape, audiotape or correspondence courses. The course must include a written post-test in order to be eligible for credit, and such test shall be retained by the licensee as an additional record of completion of the course.

v. A maximum of seven hours of continuing education credit shall be given for practice management/managed care courses.

2. Papers, publications and scientific presentations:

i. A licensee may obtain a maximum of 20 hours of continuing education credit in this category.

ii. A maximum of 10 hours of continuing education credit shall be given for each original scientific paper

authored by the licensee and published in a refereed journal. At the discretion of the Board, these 10 hours may be divided among all co-authors.

iii. For each original presentation of a paper, essay or formal lecture to a recognized group of fellow professionals, the presenter shall receive two hours of continuing education credit for every hour of presentation.

3. Teaching and research appointments:

i. A licensee involved in teaching or research activities at least one full day or the equivalent of one full day per week per academic year and who holds at least a part-time faculty or research appointment shall receive four hours of continuing education credit annually for each full day or two hours annually for each half day.

ii. A licensee may obtain a maximum of 20 continuing education credit hours in this category in a biennial period.

4. Table clinics and scientific exhibits:

i. A licensee may obtain a maximum of eight continuing education hours in this category.

ii. The original presentation of a table clinic or scientific exhibit at a professional meeting will provide a maximum of one hour of continuing education credit per clinic or exhibit for each two hours of presentation.

(i) Those licensees who complete 20 hours of continuing education credit in accordance with the requirements for parenteral conscious sedation and/or general anesthesia permit holders pursuant to N.J.A.C. 13:30-8.2 and 8.3 shall be given credit for all 20 hours towards fulfilling the general requirement for professional continuing education under this section so long as the credits otherwise comply with the provisions of this section.

(j) A maximum of seven continuing education credits completed by a licensee in excess of the requirement as herein provided may be credited to the subsequent registration period.

(k) Any continuing education courses directed or ordered by the Board as a remedial measure shall not be eligible to fulfill the general mandatory continuing education requirement.

(l) The Board may, in its discretion, waive all or a portion of the requirements for continuing dental education on an individual basis for reasons of hardship such as illness or disability or other good cause. Any licensee seeking a waiver of the continuing education requirement must apply to the Board in writing and set forth with specificity the reasons for requesting the waiver. The licensee also shall provide the Board with such additional information as it may reasonably request in support of the application.

New Rule, R.1993 d.413, effective August 16, 1993.  
 See: 25 N.J.R. 1344(a), 25 N.J.R. 3837(b).  
 Amended by R.1994 d.621, effective December 19, 1994.  
 See: 26 N.J.R. 1948(a), 26 N.J.R. 5032(b).  
 Amended by R.1998 d.165, effective April 6, 1998.  
 See: 29 N.J.R. 5046(b), 30 N.J.R. 1293(a).  
 Rewrote the section.

**13:30-8.19 through 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 have the following meanings unless the context indicates otherwise:

1. "Board" means the New Jersey State Board of Dentistry.
2. "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.
3. "Divest" means to relinquish interest of all shares or equity interest in a professional corporation.
4. "Licensee" means any person licensed by the Board to engage in the practice of dentistry.
5. "Professional practice" means that activity which is defined as "practicing dentistry" pursuant to N.J.S.A. 45:6-19.

6. "Professional corporation" means a corporation comprised of one or more persons, each of whom is duly licensed by the Board, which has been organized pursuant to the Professional Service Corporation Act (N.J.S.A. 14A:17 et seq.) for the purpose of engaging in professional practice.

(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).