

**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 As a part of R.1995 d.191, old Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and a new Subchapter 2 was adopted, effective April 3, 1995.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).

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## 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.

(b) The name of the dentist of record shall be conspicuously identified on the patient record. If the dentist of record is not identified on the patient record, it shall be presumed that the dentist of record is the owner(s) of the practice in which the patient was treated.

(c) Each dentist or dental hygienist shall sign or initial each entry on the patient record pertaining to the treatment he or she rendered. If no such entry appears on the patient record, it shall be presumed that such treatment was rendered by the dentist of record, unless the latter shall establish, to the satisfaction of the Board, the identity of the individual who rendered such treatment.

(d) In a multi-dentist practice, the dentist of record shall not change unless the subsequent treating dentist acknowledges in writing in the patient record that he or she is currently the dentist of record for the patient. The dentist of record shall be changed when such individual leaves the practice where treatment was provided and the patient elects to continue treatment in the facility in which treatment began.

(e) A new dentist of record shall be presumed to have obtained or reviewed the patient's medical history and dental records, examined the patient, and either developed a new treatment plan or concurred with the continuance of the pre-existing treatment plan.

(f) Any licensee found to have rendered deficient treatment and the owner of the facility in which the licensee rendered the deficient treatment shall be jointly and severally responsible for the reimbursement to the patient of any fees as may be directed by the Board.

New Rule, R.1988 d.81, effective February 16, 1988.  
See: 19 N.J.R. 1629(a), 20 N.J.R. 403(c).  
Recodified from N.J.A.C. 13:30-8.17 by R.1990 d.205, effective April 2, 1990.  
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30-8.16 Right to hearing

Prior to any suspension, revocation or refusal to renew a license, the licensee shall have the right to request a hearing which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

New Rule, R.1990 d.205, effective April 2, 1990.  
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

### 13:30-8.17 Delegation of physical modalities to unlicensed dental assistants

(a) A dentist may direct an unlicensed assistant to administer to the dentist's patients certain physical modalities in the limited circumstances set forth in this section.

(b) Physical modalities, for the purpose of this section, shall be limited to heat, cold, ultrasound, and electrogalvanic stimulation. An unlicensed assistant shall not be permit-

ted to perform any rehabilitative exercise programs. No other modalities including, but not limited to, transcutaneous electrical nerve stimulation ("T.E.N.S.") and phonophoresis, shall be performed by an unlicensed assistant.

(c) A dentist may direct the administration of the physical modalities by the unlicensed assistant provided all of the following conditions are satisfied:

1. The dentist shall examine the patient to ascertain the nature of the dental condition or disease; to determine whether the application of a physical modality will encourage the alleviation of dentally related pain and the promotion of healing; to assess the risks of the modality for a given patient and the diagnosed condition, injury or disease, and to decide that the anticipated benefits are likely to outweigh those risks.

2. The dentist shall examine the patient prior to each visit and shall determine all components of the treatment to be performed at the present patient visit. This determination shall include all types of modalities to be employed, a delineation of the precise area to which the application of each modality shall be limited, the dosage, wattage, or other applicable setting, the length of the treatment, and any and all other factors peculiar to the risks of that modality such as strict avoidance of certain parts of the body or static placement of the applicator. This information shall be written on the patient's chart prior to each patient's treatment after the dentist has examined the patient, and it shall be made available at all times to the unlicensed assistant carrying out the instructions. Each dentist who employs such assistants shall submit written notice to the Board of such employment prior to permitting an unlicensed assistant to perform physical modalities as provided in this section.

3. The dentist shall provide instruction to and shall ascertain a satisfactory level of education, competence and comprehension of each unlicensed assistant in regard to all modalities used in that office prior to the use of any modality by an unlicensed assistant. The dentist shall prepare and maintain a written document listing the names of all such unlicensed assistants and outlining the instructions given to each unlicensed assistant. The dentist shall submit such document to the Board upon request.

4. The dentist shall evaluate the patient prior to any subsequent scheduled application of the modality to ascertain that continued treatment is appropriate and that no contraindications to treatment have become apparent.

5. The dentist shall be physically present in the dental office at all times that treatment orders are being carried out by the unlicensed assistant and shall be within reasonable proximity to the treatment room.

(d) A dentist shall have due regard for the specialized training and experience of registered physical therapists. The application of these physical modalities in cases of injuries, diseases or conditions requiring prolonged treatment, if not administered personally by the dentist, shall normally be referred to a licensed physical therapist or other appropriate health care provider.

(e) On a health insurance claim form pertaining to such service and requiring certification by the dentist, the dentist shall identify the specific modality applied and shall not generically identify the treatment as physical therapy.

New Rule, R.1991 d.351, effective July 15, 1991.  
See: 23 N.J.R. 2647(b), 23 N.J.R. 2159(a).

**13:30-8.18 Continuing dental education; requirements; exceptions; resumption of practice**

(a) Continuing education shall be a mandatory requirement for license renewal, except that the Board shall not require completion of continuing dental education credits for initial registration of dentists. All licensed dentists shall submit proof of completion of 40 hours of continuing dental education every two years at the time of registration renewal, except for the following:

1. Any licensee who has no authority to practice dentistry in New Jersey because the licensee holds an inactive registration issued to a person not practicing in this State or a retired registration issued to a person who, for at least 25 years, practiced dentistry in this State and then retired from practice.

2. Any such licensee who desires to resume the practice of dentistry in this State shall submit proof of completion of a minimum of 20 hours of continuing education for each year of inactive or retired registration retroactive to July 16, 1992 not to exceed a cumulative total of 40 hours.

3. A licensee who was initially licensed during the preceding biennial period. Such licensee shall submit proof of completion of continuing dental education credit on a pro rata basis as follows:

- i. Licensed October-January in the first year of period ..... 40 credits
- ii. Licensed February-April in first year of period ..... 35 credits
- iii. Licensed May-July in first year of period ..... 30 credits
- iv. Licensed August-October in the first year of period ..... 25 credits
- v. Licensed November-January in second year of period ..... 20 credits
- vi. Licensed February-April in second year of period ..... 15 credits
- vii. Licensed May-July in second year of period ..... 10 credits
- viii. Licensed August-October in second year of period ..... Five credits

(b) One hour of continuing education credit shall be granted for each hour of instruction at lectures, seminars, clinical or laboratory participatory courses, the program portion of dinner and other meetings of national, constituents, and components of dental professional associations recognized by the Board, or other educational methods as may be approved by the Board, excluding time spent at meals, breaks or business sessions. Credit shall be granted only for full instructional hours, but not for less than one instructional hour. Successful completion of an entire course or segment of course instruction is required in order to receive any continuing education credit. Unless otherwise provided, only in class participation, not student time devoted to preparation, will be counted.

(c) It shall be the responsibility of each licensee to maintain an authenticated record of all continuing education activity completed and to be prepared to submit evidence of completion of the credit requirements to the Board upon request. Each licensee must obtain from the continuing education course sponsor and retain for a period of four years an authenticated record of attendance which shall include, at a minimum, the following:

1. The participant's name;
2. The title or subject area of the course;
3. The instructor;
4. The course sponsor;
5. The date and location of the course;
6. The number of hours; and
7. Verification of successful completion by the course sponsor.

(d) The Board shall monitor compliance with the mandatory continuing dental education requirement by requesting some licensees, at the discretion of the Board, to provide documentary proof of successful completion of continuing education credits.

(e) All continuing education activities to be accepted for credit shall have significant intellectual or practical content which deals primarily with matters directly related to the practice of dentistry or with the professional responsibilities or ethical obligations of licensees. Subjects such as estate planning, financial or investment/tax planning, personal health or others so deemed by the Board from time to time shall not be acceptable for continuing education credit.

(f) A continuing education sponsor may receive prior approval for a course of acceptable subject matter and be assigned a designated number of continuing education credits by the Board if the program sponsor provides, in writing and on a form provided by the Board, information required by the Board to document that the course meets the following requirements:

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.