

8. The suppression, omission or concealment of any material fact under circumstances which a licensee knows or should know that the omission is improper or prohibits a prospective patient from making a full and informed judgment, on the basis of the information set forth in the advertisement; and

9. Any print, language or format which directly or indirectly obscures a material fact.

(d) The Board may require a licensee to substantiate the truthfulness of any objective assertion or representation set forth in an advertisement.

(e) All advertisements shall contain the licensee's name and the phrase "General Dentist," or, if the licensee holds a specialty permit pursuant to N.J.A.C. 13:30-6.1, the phrase "N.J. Specialty Permit No. \_\_\_\_\_" and the specialty for which the permit is granted.

(f) If a dentist, other than a specialist granted a specialty permit by the Board, wishes to advertise services in one or more of the special areas of dentistry in N.J.A.C. 13:30-6.1(c), such advertisement shall contain the licensee's name and the phrase "General Dentist" immediately preceding or following each specialty area claim in a type size and style at least as prominent as any service described as being offered in the practice. The advertisement shall not use the terms "specialist," "specialty," "specializing," "practice limited to," or any other word or phrase connoting that the licensee is a specialist. The advertisement of services exclusively in one specialty area shall be limited to those licensees who practice that specialty at all times and in all locations.

(g) If a dentist advertises under a banner heading for any of the special areas of dentistry in N.J.A.C. 13:30-6.1(c) in any directory (for example, telephone book yellow pages), such advertisement shall contain the licensee's name, and either the phrase "General Dentist" or "N.J. Specialty Permit No. \_\_\_\_\_" and the specialty in which the permit is granted.

(h) If a dentist wishes to advertise services in an area of dentistry other than the recognized special areas of dentistry in N.J.A.C. 13:30-6.1(c), such advertisement shall not use the term "specialist," "specialty," "specializing," "practice limited to," or any other word or phrase connoting that the licensee is a specialist or that the area of dentistry is a recognized specialty.

(i) If a licensee advertises that he or she has obtained master, member, fellow or diplomate status in any dental organization, the advertisement shall disclose the licensee's status as either a general dentist or as the holder of a specialty permit pursuant to N.J.A.C. 13:30-6.1, the name of the dental organization, and if the advertisement concerns an area of practice not recognized as a specialty pursuant to

N.J.A.C. 13:30-6.1(c), that the services provided are not a recognized dental specialty.

(j) A licensee may use a patient's photograph as part of an advertisement provided the licensee obtains the patient's written permission to do so. A licensee may use a photograph of a model as part of an advertisement to represent services that may be performed by the licensee provided the licensee discloses in the advertisement that the photograph does not represent services actually performed by the licensee.

(k) A licensee shall not engage in uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence. This subsection shall not prohibit the offering of services by a licensee to any bona fide representative of prospective patients including employers, labor union representatives, or insurance carriers.

(l) Advertising making reference to setting forth a fee or the provision of a free service shall contain a fixed or a stated range of fees for a specifically described professional service.

1. Such advertisements shall disclose all the relevant variables and considerations which are ordinarily included in such a service so that the fees will not be misunderstood, including the actual components of the specific professional service described, and any other services that are recommended as part of advertised professional service for which a fee may be charged. In the absence of such a disclosure, the stated fees shall be presumed to include everything ordinarily required for such a service.

(m) Offers of discounts or fee reductions or free services shall indicate the advertiser's fixed or stated range of fees against which the discount is to be made and/or the value of the free service.

1. The fixed or stated range of fees or value of free service shall mean and be established on the basis of the advertiser's most commonly charged fee for the stated service within the most recent 60 days prior to, or to be charged in the first 60 days following, the effective date of the advertisement.

2. Offers of across-the-board discounts shall include a representative list of services and the fixed or stated range of fees against which discounts are to be made for these services. The list for general dentistry shall include a sampling of the advertiser's most frequently performed services from the areas of preventive, diagnostic, restorative, endodontic, periodontic, prosthodontic (fixed and removable) dentistry, and oral surgery.

i. "Across-the-board discounts" shall mean the offer of a specified discount on an undefined class of services or the offer of a specified discount to a defined class of patients (for example, "15 percent discount during

April on all dental services” or “15 percent discount to senior citizens on all dental services”).

ii. Example of Representative List of Services:

	<u>Regular Fee</u>	<u>Discount Fee</u>
Prophylaxis .....	\$	\$
Examination .....		
Complete X-Rays .....		
One Surface Filling .....		
Root Canal .....		
Crown .....		
Periodontal services.....		
Complete Denture.....		
Simple Extraction .....		

3. The effective period during which a fee or discount shall remain in effect shall be set forth on the face of the advertisement. In the absence of such disclosure and solely for the purposes of enforcement, the effective period shall be deemed to be 30 days from the date of the advertisement’s initial publication.

4. A licensee who holds a specialty permit, as permitted by N.J.A.C. 13:30-6.1, shall in a manner similar to that in (m)2 above, include a representative list of the most frequently performed services in the advertiser’s office.

(n) All licensee advertisements shall contain the name, address and telephone number of the licensee, professional service corporation or trade name under which the practice is conducted and shall also set forth the names of all licensees who are principals, partners, or officers in the professional service facility identified in the advertisement.

(o) A licensee shall be presumed to have approved and shall be personally responsible for the form and contents of an advertisement which contains the licensee’s name, office address, or telephone number or which is published or caused to be published by an entity to which the licensee has paid a fee or when the licensee has agreed to have his or her name listed as a participant pursuant to (p) below. A licensee who employs or allows another to employ for his benefit an intermediary source or other agent in the course of advertising shall be personally responsible for the form and contents of said advertisement.

(p) Two or more licensees who are not associates, as defined in N.J.A.C. 13:30-8.13, may collectively advertise dental services. If the design of the collective advertisement could reasonably have the appearance to the public of being a dental referral service, the advertisement shall be accompanied by the phrase, prominently displayed in capital letters, in type no smaller than the smallest type in the advertisement, and in no event less than 10 point type: “THIS IS AN ADVERTISEMENT PAID FOR BY THE PARTICIPATING DENTISTS—IT IS NOT A DENTIST REFERRAL SERVICE.” Whenever such advertisement has an audio component, the phrase shall be recited by the narrator at least once prior to the conclusion of the advertisement at decibel level equal to the highest decibel level used in the advertisement and at a speed equal to or slower than any other statement contained in the advertisement.

1. An advertisement shall contain the name, address, telephone number and license number of at least one licensee who is a participant in the collective advertising program. A licensee whose name, address, telephone number and license number appears in a collective advertisement shall provide a list of all other program participants to the Board or a member of the public upon oral or written request. If more than 50 percent of the patients who respond to a collective advertisement are directed to one licensee or one dental practice, disclosure of that fact shall be made clearly and unambiguously in all advertisements.

(q) A licensee shall be required to keep copies of all advertisements for a period of three years and such copies shall be made available to the Board upon request. A video or audio tape of every advertisement communicated by electronic media, or a printed copy of an advertisement communicated on the Internet, shall also be retained by the licensee. All copies of advertisements in the licensee’s possession shall indicate the date and place of publication.

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 SUBCHAPTER 7. (RESERVED)  
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SUBCHAPTER 8. GENERAL PROVISIONS

13:30-8.1 Fee schedules

(a) The application fees charged by the Board of Dentistry shall be the following:

1. Dentists ..... \$125.00
2. Dentists Hygienists ..... \$ 75.00
3. Registered Dental Assistants and Limited  
    Registered Dental Assistants ..... \$ 35.00
4. Supervisor of three-month internship program for training of registered dental assistants ..... \$35.00

(b) The biennial registration fees charged by the Board of Dentistry shall be the following:

1. Dentists:
  - i. Initial registration fee:
    - (1) If paid during the first year of a biennial renewal period ..... \$170.00
    - (2) If paid during the second year of a biennial renewal period ..... \$85.00
  - ii. Active registration renewal ..... \$170.00
  - iii. Inactive registration renewal ..... \$70.00
  - iv. Initial branch office registration, dentist:
    - (1) If paid during the first year of a biennial renewal period ..... \$44.00

- (2) If paid during the second year of a biennial renewal period . . . . . \$22.00
- v. Branch office registration renewal, dentist . . . . . \$44.00
- 2. Dental Hygienists:
  - i. Initial registration fee:
    - (1) If paid during the first year of a biennial renewal period . . . . . \$50.00
    - (2) If paid during the second year of a biennial renewal period . . . . . \$25.00
  - ii. Active registration renewal . . . . . \$50.00
  - iii. Inactive registration renewal . . . . . \$26.00
  - iv. Initial branch office registration, dental hygienists
    - (1) If paid during the first year of a biennial renewal period . . . . . \$26.00
    - (2) If paid during the second year of a biennial renewal period . . . . . \$13.00
  - v. Branch office renewal registration, dental hygienists . . . . . \$26.00
- 3. Registered Dental Assistants:
  - i. Initial registration fee:
    - (1) If paid during the first year of a biennial renewal period . . . . . \$50.00
    - (2) If paid during the second year of a biennial renewal period . . . . . \$25.00
  - ii. Active registration renewal . . . . . \$50.00
- (c) Late fee for dentists, dental hygienists, registered dental assistants and limited registered dental assistants . . . . . \$100.00
- (d) Reinstatement fee for dentists, dental hygienists, registered dental assistants and limited registered dental assistants . . . . . \$200.00
- (e) Other fees:
  - 1. Limited teaching certificate
    - i. Application . . . . . \$125.00
    - ii. Annual renewal . . . . . \$ 80.00
  - 2. Resident permit . . . . . \$ 10.00
  - 3. Registration of dentists by reciprocity--application fee . . . . . \$250.00
  - 4. Registration of dental hygienists by credentials--application fee . . . . . \$125.00
  - 5. Verification of licensure . . . . . \$ 25.00
  - 6. Duplicate wall certificate . . . . . \$ 50.00
  - 7. Duplicate license . . . . . \$ 50.00
  - 8. Change of address . . . . . \$ 15.00
  - 9. Dental clinic permit:
    - i. Application . . . . . \$100.00
    - ii. Annual renewal . . . . . \$ 50.00

(f) Except for the fee herein established, other fees prescribed by statute shall continue to be assessed by the Board in the lawful amount.

New Rule, R.1975 d.259, effective August 25, 1975.  
 See: 7 N.J.R. 482(b).  
 Amended by R.1976 d.11, effective January 14, 1976.  
 See: 7 N.J.R. 508(a), 8 N.J.R. 84(a).  
 Repeal and New Rule, R.1980 d.527, effective December 4, 1980.  
 See: 11 N.J.R. 453(a), 13 N.J.R. 41(d).  
 Section was "Fee schedule".  
 Amended by R.1985 d.196, effective April 15, 1985.  
 See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).  
 Amended by R.1986 d.168, effective May 5, 1986.

See: 18 N.J.R. 398(a), 18 N.J.R. 995(b).  
 Fees raised; new (b); old (b) recodified to (c).  
 Amended by R.1989 d.581, effective November 20, 1989.  
 See: 21 N.J.R. 2466(a), 21 N.J.R. 3670(a).  
 Fees increased throughout. Added new (a); relettered old (a)-(c) as new (b)-(d), with new (b)2ii and (c)2ii.  
 Amended by R.1990 d.205, effective April 2, 1990.  
 See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).  
 New (d) added regarding other fees, (d) recodified to (e).  
 Amended by R.1993 d.598, effective November 15, 1993.  
 See: 25 N.J.R. 3927(a), 25 N.J.R. 5352(d).  
 Amended by R.1995 d.502, effective September 5, 1995.  
 See: 27 N.J.R. 2369(a), 27 N.J.R. 3363(a).  
 Amended by R.1995 d.504, effective September 5, 1995.  
 See: 27 N.J.R. 2367(a), 27 N.J.R. 3362(a).  
 Amended by R.1997 d.44, effective January 21, 1997.  
 See: 28 N.J.R. 4719(a), 29 N.J.R. 367(a).  
 Amended by R.1997 d.492, effective November 17, 1997.  
 See: 29 N.J.R. 3108(a), 29 N.J.R. 4859(a).  
 Added (a)4.  
 Amended by R.1998 d.115, effective March 2, 1998.  
 See: 29 N.J.R. 5049(a), 30 N.J.R. 859(a).  
 In (b), changed dollar amounts throughout; and in (e), added 8.  
 Amended by R.1999 d.283, effective August 16, 1999.  
 See: 31 N.J.R. 1457(a), 31 N.J.R. 2359(b).  
 In (b), increased fees throughout; and in (e), increased the fee in 8, and added 9.

**Case Notes**

Board obligated to refund monies collected in excess of statutory authority pursuant to former fee regulation judicially invalidated. In Re Fees of the State Bd. of Dentistry, 84 N.J. 582, 423 A.2d 640 (1980).

Former rule held invalid as establishing fees in excess of those required to defray Board's proper expenses. In re Increase in Fees by the New Jersey State Bd. of Dentistry, 166 N.J.Super. 219, 399 A.2d 665 (App.Div.1979), reversed on other grounds 84 N.J. 582, 423 A.2d 640 (1980).

**13:30-8.2 Parenteral conscious sedation**

(a) The use of parenteral conscious sedation (hereinafter referred to as "PCS") by a dentist without first having met the minimum standards of training and procedure as stated herein shall constitute a deviation from the normal standards of practice required of a licensee.

(b) Parenteral conscious sedation is defined as a depressed level of consciousness produced by the parenteral administration of pharmacologic substances that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. This modality includes administration of medications via all parenteral routes, that is, intravenous, intramuscular, subcutaneous, submucosal, or inhalation, but does not include nitrous-oxide inhalation analgesia.

(c) No dentist shall use PCS for dental patients unless such dentist possesses a PCS permit issued by the State Board of Dentistry. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially.

(d) Any dentist who wishes to obtain a Board permit to employ PCS shall complete an application as provided by the Board office and shall provide certified or verifiable proof that the dentist has completed a minimum of 100 hours of continuing education in didactic training and 100 hours in clinical training in PCS within three years preceding the application.

(e) Every applicant for a permit to use PCS shall obtain emergency training by completing "Basic Life Support: Course C" of the American Heart Association or its equivalent and shall maintain current certification in the course. The applicant shall furnish proof of this training and certification to the Board upon application for a permit and proof of recertification upon biennial renewal of the permit.

(f) Every applicant for a permit to use PCS additionally shall certify to the Board that the dentist employs no fewer than two persons who will be present in the office, at least one of whom will assist in monitoring the patient whenever PCS is employed. The applicant shall further certify that these persons are trained in and capable of monitoring vital signs and of assisting in emergency procedures and that they maintain current certification in "Basic Life Support: Course C" or its equivalent.

(g) Every applicant for a permit to use PCS shall certify as part of the application that he or she possesses basic equipment and supplies to deal with emergency situations. The permit holder's facility shall contain the following readily accessible and properly operating equipment: emergency drug kit; positive pressure oxygen; stethoscope; suction; nasopharyngeal tubes; oropharyngeal tubes; and a blood pressure monitoring device.

(h) Any licensee who holds a current general anesthesia permit issued by the Board of Dentistry shall be authorized to use PCS and shall not be required to make application for a permit pursuant to this section.

(i) Any dentist who utilizes the services of a PCS permit holder or an M.D. or D.O. who is a member of the anesthesiology staff of an accredited hospital shall not be deemed to be practicing PCS, provided that such permit holder or anesthesiologist must remain present and bears full responsibility during the entire procedure and until any patient has recovered fully and has been dismissed. Any permit holder invited by a dentist to provide PCS services shall bear full responsibility for compliance with all terms and conditions of this rule including, but not limited to, the minimum requirements for equipment and assisting staff.

(j) Prior to the administration of a PCS agent for the purpose of controlling pain, a physical evaluation shall be made by the permit holder and a complete medical history shall be obtained which shall include previous medications, allergies and sensitivities. Said history shall be maintained in the files of each dentist for a period of not less than seven years. Specific records on the use of PCS shall be kept as part of every patient chart and shall include the type of agent, the dosage and the duration of sedation.

(k) Every licensee who holds a PCS permit shall present satisfactory proof to the Board upon biennial renewal that the holder has completed at least 20 credit hours during the previous two year period in continuing education courses devoted to PCS and presented by an accepted program in a suitable institution. Satisfactory credit hours to fulfill this continuing education requirement may be obtained from the following:

1. Professional service review organizations;
2. Teaching;
3. Lectures;
4. Seminars; or
5. Other methods approved by the Board.

(l) Any designee of the Board shall be authorized during ordinary business hours to enter and inspect any dental office for the purpose of enforcing the provisions of this rule.

(m) Any licensee who administers PCS without first having obtained a permit from the Board or any licensee who fails to comply with the rules set forth herein, shall be deemed to have engaged in professional misconduct and/or gross malpractice or negligence and may be subjected to appropriate disciplinary action including an action for the suspension or revocation of the licensee's license to practice dentistry in the State of New Jersey.

New Rule, R.1976 d.353, eff. November 10, 1976.

See: 8 N.J.R. 199(a), 8 N.J.R. 561(a).

Repealed by R.1987 d.419, effective October 19, 1987.

See: 19 N.J.R. 849(a), 19 N.J.R. 1909(b).

Section was "Additional dental hygiene functions".

New Rule, R.1990 d.174, effective March 19, 1990.

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

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

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

### 13:30-8.3 Use of general anesthesia

(a) The use or employment of general anesthesia by a dentist without first having met the minimum standards of training and procedure as stated herein shall constitute a deviation from the normal standards of practice required of a licensee.

(b) General anesthesia consists of the deliberate use of any drug, combination of drugs, element or other material with the specified intent to induce a loss of sensation and consciousness.

(c) No dentist shall employ or use general anesthesia on an outpatient basis for dental patients unless such dentist possesses a permit or authorization issued by the State Board of Dentistry. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially.