

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).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 30, New Jersey Board of Dentistry, expires on September 6, 2005. See: 37 N.J.R. 1149(a).

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Subchapter 7, Forms, was repealed by R.1987 d.12, effective January 5, 1987.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as R.1995 d.191, effective March 10, 2000, and Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, was adopted as new rules by R.1995 d.191, effective April 3, 1995.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5, Standards for Approval of Dental Schools, and Subchapter 6, Standards for Approval of Schools of Oral Hygiene, were repealed and Subchapter 1A, Dental Hygienists, Subchapter 2, Dental Assistants, Subchapter 5, Continuing Education, and Subchapter 6, Advertising, were adopted as new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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. LICENSURE TO PRACTICE DENTISTRY

- 13:30-1.1 Purpose and scope
- 13:30-1.2 Application for licensure to practice dentistry
- 13:30-1.3 Resident permit
- 13:30-1.4 Exemption from licensure
- 13:30-1.5 Retired or inactive licensure
- 13:30-1.6 through 13:30-1.16 (Reserved)

SUBCHAPTER 1A. DENTAL HYGIENISTS

- 13:30-1A.1 Application for licensure as registered dental hygienist
- 13:30-1A.2 Scope of practice of licensed dental hygienist
- 13:30-1A.3 Inactive licensure
- 13:30-1A.4 Resumption of active practice by inactive dental hygienist

SUBCHAPTER 2. DENTAL ASSISTANTS

- 13:30-2.1 Definitions
- 13:30-2.2 Application for registration as dental assistant
- 13:30-2.3 Application for registration as limited registered dental assistant in orthodontics
- 13:30-2.4 Scope of practice of registered dental assistant
- 13:30-2.5 Scope of practice of limited registered dental assistant in orthodontics-
- 13:30-2.6 Scope of practice of unregistered dental assistant

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 certificate of renewal
- 13:30-4.6 Changes require Board approval
- 13:30-4.7 Provision of services
- 13:30-4.8 (Reserved)
- 13:30-4.9 Standards of service and facilities
- 13:30-4.10 Inspection; requirements of director

SUBCHAPTER 5. CONTINUING EDUCATION

- 13:30-5.1 Continuing dental education requirements for dentists
- 13:30-5.2 Continuing education requirements for dental hygienists
- 13:30-5.3 Continuing education requirements for registered dental assistants and limited registered dental assistants in orthodontics

SUBCHAPTER 6. ADVERTISING

- 13:30-6.1 Announcement of practice in a special area of dentistry
- 13:30-6.2 Professional advertising

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. GENERAL PROVISIONS

- 13:30-8.1 Fee schedules
- 13:30-8.1A Deep sedation; sleep dentistry
- 13:30-8.2 Parenteral conscious sedation
- 13:30-8.3 Use of general anesthesia
- 13:30-8.4 Enteral sedation with single or multiple pharmacological agents

- 13:30-8.5 Complaint review procedures
- 13:30-8.6 (Reserved)
- 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
- 13:30-8.11 Removable prosthesis identification
- 13:30-8.12 Notification of change of address; service of process
- 13:30-8.13 Permissible business structures, prohibition on referral fees and fee splitting
- 13:30-8.14 Dental X-rays; lead shields
- 13:30-8.15 Dentist of record; fee reimbursement
- 13:30-8.16 Opportunity to be heard
- 13:30-8.17 Delegation of physical modalities to unlicensed dental assistants
- 13:30-8.18 (Reserved)
- 13:30-8.19 Practice name
- 13:30-8.20 Nitrous oxide/oxygen inhalation analgesia; duties of a licensed dentist, delegation to licensed dental hygienist and registered dental assistant
- 13:30-8.21 Divestiture of interest in professional corporations by disqualified licensees
- 13:30-8.22 Validity of diagnostic tests for traumatically induced temporomandibular dysfunction

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.

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

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.

Recodified from N.J.A.C. 13:30-1.1 and amended by R.2000 d.147, effective April 3, 2000.

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

Rewrote the section. Former N.J.A.C. 13:30-1.2, Resident permit, recodified to N.J.A.C. 13:30-1.3.

13:30-1.3 Resident permit

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

(b) An applicant for a resident permit shall submit to the Board a completed application which shall contain the following:

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 certification by the board of dentistry in any 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;

3. An affidavit of good moral character; and

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

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).

Recodified from N.J.A.C. 13:30-1.2 and amended by R.2000 d.147, effective April 3, 2000.

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

Rewrote the section. Former N.J.A.C. 13:30-1.3, Recognition of Northeast Regional Board Examination after five years, repealed.

13:30-1.4 Exemption from licensure

(a) The following individuals shall not be required to obtain a license to practice dentistry pursuant to N.J.S.A. 45:6-19:

1. Physicians or surgeons, licensed in New Jersey, who treat diseases of the mouth, unless such individuals undertake to reproduce lost or missing teeth or to restore or replace lost or missing teeth in the mouth;

2. Dentists discharging their duties in the United States Army, Navy, Air Force, Public Health Service or Veterans Bureau;

3. Licensed dentists of other states or jurisdictions appearing as clinicians at meetings of the American Dental Association or its constituents and components or other dental organizations or associations approved by the Board;

4. Licensed dentists of other states or jurisdictions appearing as instructors of continuing education courses approved by the Board pursuant to N.J.A.C. 13:30-5.1; and

5. Licensed dentists of other states or jurisdictions engaged as expert witnesses in disciplinary matters or court actions in New Jersey.

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

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

13:30-1.5 Retired or inactive licensure

(a) A licensee who has practiced dentistry for at least 25 years may, upon application to the Board, be licensed as a retired dentist. A retired licensee shall not engage in the practice of dentistry for the entire biennial period in which he or she has been granted retired status. A retired licensee may resume the practice of dentistry upon submission of evidence to the Board of having completed the continuing education requirements of N.J.A.C. 13:30-5.1(a)1.

(b) A licensee 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 dentistry for the entire biennial period. An inactive licensee may resume the practice of dentistry upon submission of evidence to the Board of having completed the continuing education requirements as set forth in N.J.A.C. 13:30-5.1(a)1.

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

See: 32 N.J.R. 215(a), 32 N.J.R. 1221(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.
 See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-1.13 (Reserved)

Repealed by R.1973 d.194, effective December 11, 1973.
 See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

13:30-1.14 (Reserved)

Repealed by R.1973 d.194, effective December 11, 1973.
 See: 5 N.J.R. 154(c), 5 N.J.R. 291(c).

13:30-1.15 (Reserved)

Administrative correction to (b).
 See: 21 N.J.R. 2386(a).
 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): raised fee from \$50.00 to \$75.00.
 Repealed by R.1990 d.205, effective April 2, 1990.
 See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-1.16 (Reserved)

Administrative correction to (a)2.
 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).

SUBCHAPTER 1A. DENTAL HYGIENISTS

13:30-1A.1 Application for licensure as registered dental hygienist

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

(b) An applicant for licensure as a dental hygienist shall submit a completed application to the Board which shall contain the following information and materials:

1. 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;

2. A passport size photograph of the applicant certified by the secretary or dean of the institution from which the applicant has completed the program in dental hygiene;

3. The results of the successful completion of the National Dental Hygiene Board examination;

4. The results of the successful completion of the Northeast Regional Board examination, except as provided in (d) and (e) below;

5. The results of the successful completion of the New Jersey Jurisprudence examination taken within one year of the date of application;

6. 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;

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) As part of its review of applicants for licensure as registered dental hygienists, the Board shall consider and evaluate any prior record of disciplinary action or pending disciplinary action against the applicant or investigation of the applicant in any other state or jurisdiction and the applicant's complete professional employment history.

(d) Upon a written request from an applicant, the Board may grant a waiver of Northeast Regional Board performance testing. The candidate requesting such a waiver shall submit, 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;

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) In addition to the activities set forth in (b) above, a licensed dental hygienist practicing under the direct supervision of a licensed dentist pursuant to N.J.A.C. 13:30-8.20 may monitor a patient to whom the supervising dentist has administered nitrous oxide/oxygen inhalation analgesia, provided that:

1. The licensed dental hygienist has successfully completed a Board-approved course offered in a CODA (Commission on Dental Accreditation of the American Dental Association) approved college or university clinical setting or hospital setting which emphasizes the administration of nitrous oxide simultaneous with the administration of oxygen and safe and effective patient monitoring;
 - i. The course shall be submitted to the Board for review and approval of course outline, content and objectives, curriculum vitae of instructors and whether the training is visual, hands-on or lecture;
 - ii. The nitrous oxide/oxygen administration course shall be at least 14 hours in length, which shall include at least seven hours of didactic training and seven hours of clinical training; and
 - iii. The clinical training shall include, at a minimum, 10 monitored administrations of nitrous oxide/oxygen inhalation analgesia;
2. The licensed dental hygienist holds a current certification in Basic or Advanced Cardiac Life Support by the American Heart Association, the American Red Cross or an equivalent association approved by the Board;

3. The licensed dental hygienist completes a three-hour didactic or clinical course in nitrous oxide/oxygen inhalation analgesia in every other registration renewal period. Completion of the recertification course shall be in addition to the continuing education requirements set forth at N.J.A.C. 13:30-5.2;

4. The licensed dental hygienist monitors the patient and maintains the therapeutic level of nitrous oxide/oxygen inhalation analgesia as established by the dentist; and

5. Upon any untoward reaction of the patient, the licensed dental hygienist immediately turns off the nitrous oxide/oxygen inhalation analgesia and summons the dentist.

(d) The monitoring of nitrous oxide/oxygen inhalation analgesia by a registered dental hygienist without first having met the minimum standards of training and procedures as contained in this section shall constitute a deviation from normal standards of practice required of a licensee.

(e) 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.

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

(g) A licensed dental hygienist who engages in the activities outlined in (b) and (c) 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 and 45:1-25.

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

(i) 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.

Amended by R.2003 d.414, effective October 20, 2003.
See: 34 N.J.R. 3426(a), 35 N.J.R. 4902(a).

Added new (c) and (d); recodified existing (c) through (g) as (e) through (i); in new (g) and (h), inserted "and (c)" following "in (b), and added "N.J.S.A. 45:1-25" in (g).

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 registered dental assistant practicing under the direct supervision of a licensed dentist pursuant to N.J.A.C. 13:30-8.20 may monitor a patient to whom the supervising dentist has administered nitrous oxide/oxygen inhalation analgesia provided the registered dental assistant does not perform any other function while monitoring the patient, and provided that:

1. The registered dental assistant has successfully completed a Board-approved course offered in a CODA (Commission on Dental Accreditation of the American Dental Association) approved college or university clinical setting or hospital setting which emphasizes the administration of nitrous oxide simultaneous with the administration of oxygen and safe and effective patient monitor:

i. The course shall be submitted to the Board for review and approval of course outline, content and objectives, curriculum vitae of instructors and whether the training is visual, hands-on or lecture;

ii. The nitrous oxide/oxygen administration course shall be at least 14 hours in length, which shall include at least seven hours of didactic training and seven hours of clinical training; and

iii. The clinical training shall include, at a minimum, 10 monitored administrations of nitrous oxide/oxygen inhalation analgesia.

2. The registered dental assistant holds a current certification in Basic or Advanced Cardiac Life Support by the American Heart Association, the American Red Cross or an equivalent association approved by the Board;

3. The registered dental assistant completes a three-hour didactic or clinical course in nitrous oxide/oxygen inhalation analgesia in every other registration renewal

period. Completion of the recertification course shall be in addition to the continuing education requirements set forth at N.J.A.C. 13:30-5.3.

4. The registered dental assistant monitors the patient and maintains the therapeutic level of the nitrous oxide/oxygen inhalation analgesia as established by the dentist; and

5. Upon any untoward reaction of the patient, the registered dental assistant immediately turns off the nitrous oxide/oxygen inhalation analgesia and summons the dentist.

(c) The monitoring of nitrous oxide/oxygen inhalation analgesia by a registered dental assistant without first having met the minimum standards of training and procedures as contained in this section shall constitute a deviation from normal standards of practice required of a licensee.

(d) A registered dental assistant who engages in the activities outlined in (b) and (c) above without direct supervision shall be deemed to be engaging in the unauthorized practice of dental assisting and shall be subject to the penalties set forth in N.J.S.A. 45:1-25.

(e) 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.

Amended by R.2003 d.414, effective October 20, 2003.

See: 34 N.J.R. 3426(a), 35 N.J.R. 4902(a).

Added new (b) through (d); recodified existing (b) as (e).

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.

(c) A registered dental assistant internship program in general dentistry shall be conducted in the office and under the direct supervision of a New Jersey dentist licensed for general practice.

(d) A limited registered dental assistant internship program in a dental specialty shall be conducted in the office and under the direct supervision of a New Jersey licensed dentist who has obtained a Board specialty permit number pursuant to the provisions of N.J.A.C. 13:30-6.1.

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), inserted N.J.A.C. reference in the first sentence; in (c), substituted a reference to registered dental assistant internship programs for a reference to internship programs; and in (d), substituted a reference to limited registered dental assistant internship programs for reference to internship programs, and changed N.J.A.C. reference.

13:30-2A.5 Three-month internship program; required clinical training for a registered dental assistant

(a) A supervisor shall not commence a three-month internship program until the intern has successfully completed all of the requirements set forth in N.J.A.C. 13:30-2A.2.

(b) For clinical training for a registered dental assistant, the supervisor shall use a teaching module which has been approved by the Board and which includes, at a minimum, instruction and clinical training in the following functions:

1. Making impressions for study models;
2. Making bite registrations;
3. Placing and removing retraction cord;
4. Selecting, placing and removing rubber dam armamentarium;
5. Preparing, placing and removing matrices and wedges;
6. Constructing mouthguard appliance;
7. Selecting orthodontic bands;
8. Selecting arch wires;
9. Placing amalgam in cavity preparations;
10. Placing gold foil in cavity preparations;
11. Fabricating acrylic temporary crown restorations;
12. Removing orthodontic arch wires and ligature wires;
13. Cementing temporary crown and bridges and placing sedative restorations;
14. Removing excess cement;
15. Placing and removing dressings utilized following periodontal surgery and other surgical procedures; and
16. Removing sutures.

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), rewrote the introductory paragraph, deleted a former 3, recodified former 4 through 17 as 3 through 16, and rewrote the new 16.

13:30-2A.6 Three-month internship program; required clinical training for a limited registered dental assistant in orthodontics

(a) A supervisor shall not commence a three-month internship program until the intern has successfully completed all of the requirements set forth in N.J.A.C. 13:30-2A.2.

(b) For clinical training for a limited registered dental assistant in orthodontics, the supervisor shall use a teaching module which has been approved by the Board and which includes, at a minimum, instruction and clinical training in the following functions:

1. Making impressions for study models;
2. Making bite registrations;
3. Fabricating mouthguard appliances in the laboratory;
4. Selecting orthodontic bands;
5. Selecting arch wires;
6. Removing orthodontic arch wires and ligature wires; and
7. Removing excess cement.

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), rewrote the introductory paragraph, deleted a former 3, and recodified former 4 through 8 as 3 through 7.

13:30-2A.7 Supervisor of three-month internship program; general provisions

(a) A New Jersey licensed dentist seeking Board approval to supervise an internship program shall forward to the Board a written request which includes:

1. The dentist's name, current office address, current office telephone number and license number;
2. A statement indicating whether the dentist shall conduct an internship program in general dentistry or in a dental specialty;
3. If the dentist intends to conduct an internship program in a dental specialty, the dentist's specialty permit number;
4. An outline of the teaching module which the dentist shall use in the internship program;
5. A detailed description of the texts, videotapes, audiotapes or other program materials which the dentist shall utilize in the internship program; and
6. The application fee as set forth in N.J.A.C. 13:30-8.1.

(b) Upon receipt and evaluation of the materials set forth in (a) above, the Board shall determine whether the dentist is approved to conduct the internship program, and shall advise the applicant in writing of its determination.

New Rule, R.1997 d.492, effective November 17, 1997.

See: 29 N.J.R. 3108(a), 29 N.J.R. 4859(a).

Former N.J.A.C. 13:30-2A.7, "Responsibilities of supervisor", recodified to N.J.A.C. 13:30-2A.8.

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)3, deleted "shall have a Board specialty permit, and shall include the" following "dentist's"; and in (b), substituted a reference to dentists for a reference to applicants.

13:30-2A.8 Responsibilities of supervisor

(a) A licensed dentist may supervise no more than two interns in an approved program at any one time. A multi-dentist practice shall not supervise more than two interns at any one time.

(b) The supervisor shall at all times be responsible for, and shall provide direct supervision of, the work performed by the intern. For purposes of this subsection, "direct supervision" means:

1. When direct patient services are being provided, the supervisor shall be chairside at all times and readily available to provide advice, instruction and assistance to the intern and the patient; and

2. In all other instances, the supervisor shall be in the same facility as, and in proximity to, the location where the intern renders services.

(c) The supervisor shall ensure that before an intern performs any direct patient services, the patient receives an oral explanation regarding the intern's status. The supervisor shall also ensure that the intern wears a badge which identifies himself or herself as an intern whenever rendering services or otherwise engaging in professional activity.

(d) The supervisor shall at all times be personally responsible for ensuring that the intern complies with accepted standards of practice, as set forth in this subchapter and N.J.S.A. 45:6-1 et seq.

(e) The supervisor shall assign only those patient treatments which are within the scope of practice of the supervisor and the scope of practice of the intern as set forth in N.J.A.C. 13:30-2A.5 and 2A.6; which the intern can perform safely and effectively; and which are consistent with the level of training of the intern.

(f) The supervisor shall notify the Board in writing within 10 days of the termination of any internship agreement for any reason.

(g) The supervisor shall file a final report with the Board, on a form provided by the Board, within 30 days after the intern completes the internship program. The final report shall include at least the following information:

1. The name, address and current telephone number of the intern;

2. An itemized list and description of the functions which the supervisor included in the teaching module and whether the intern demonstrated proficiency in each function;

3. A description of any deficiency which the intern demonstrated during the program, an outline of any steps which the supervisor employed to address the deficiency, and whether the intern ultimately corrected the deficiency; and

4. A detailed description of any extraordinary circumstances or significant information which arose throughout the course of the internship.

Recodified from N.J.A.C. 13:30-2A.7 by R.1997 d.492, effective November 17, 1997.

See: 29 N.J.R. 3108(a), 29 N.J.R. 4859(a).

Former N.J.A.C. 13:30-2A.8, "Responsibilities of the intern", recodified to N.J.A.C. 13:30-2A.9.

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), rewrote the last sentence; in (d), changed N.J.S.A. reference; in (e), substituted "scope of practice of the intern as set forth in N.J.A.C. 13:30-2A.5 and 2A.6" for "intern" following "and the"; and in (g), inserted a reference to the Board.

13:30-2A.9 Responsibilities of the intern

(a) The intern shall wear a badge which identifies himself or herself as an intern when rendering services or otherwise engaging in professional activity.

(b) The intern shall not provide services independently or without the supervision required pursuant to N.J.A.C. 13:30-2A.8 and shall not provide any services for which he or she is not trained or for which he or she is currently being trained.

(c) The intern shall comply with the standards of practice set forth in this chapter as well as all applicable requirements of N.J.S.A. 45:6-1 et seq.

Recodified from N.J.A.C. 13:30-2A.8 by R.1997 d.492, effective November 17, 1997.

See: 29 N.J.R. 3108(a), 29 N.J.R. 4859(a).

Former N.J.A.C. 13:30-2A.9, "Examination", recodified to N.J.A.C. 13:30-2A.10.

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

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

Rewrote (b) and (c).

13:30-2A.10 Examination

(a) An intern who has completed a three-month internship program shall be permitted to continue to work under direct supervision pending the results of the Dental Assisting National Board (DANB) certification examination.

(b) An intern who fails the DANB certification examination shall be permitted to continue to work as an intern under direct supervision provided the intern registers for the next scheduled examination.

(c) An intern who fails the DANB examination for the second time shall be required to repeat the internship program.

Recodified from N.J.A.C. 13:30-2A.9 by R.1997 d.492, effective November 17, 1997.

See: 29 N.J.R. 3108(a), 29 N.J.R. 4859(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 (b) and (c), references to DANB certification examinations for references to certification examinations.

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

13:30-3.1 Qualifications of applicants

(a) A dentist desiring to teach in any branch of dentistry shall hold an active New Jersey license to practice dentistry or shall have procured a Limited Teaching Certificate from the New Jersey State Board of Dentistry, renewable annually prior to October 1.

(b) An applicant for such limited license must have general and technical knowledge similar to that required in this State for a license to practice dentistry without limitation.

(c) An applicant for a limited teaching certificate shall submit a certification from the secretary or dean of a dental school, college or department of a university approved by the Board or by the Commission on Dental Accreditation, verifying that the applicant has obtained a dental degree from such institution.

(d) An applicant for a limited teaching certificate shall submit a certification verifying the successful completion of 20 hours of continuing education during the preceding year, consistent with the requirements of N.J.A.C. 13:30-5.1, provided, however, that no applicant shall receive credit for more than 10 hours of continuing education obtained as a result of a teaching appointment.

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

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

(d) deleted and language replaced in section on fee schedule.

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

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

Rewrote the section.

13:30-3.2 Application procedure

(a) The applicant for a limited teaching certificate shall:

1. Obtain from the Executive Director of the Board an application for a limited teaching certificate;

2. Submit a completed application which shall include a certification of graduation from an accredited dental school by an authorized official of the dental school and a

certification verifying the completed continuing education requirements;

3. Give two character references from licensed New Jersey dentists; and

4. Have the completed application notarized.

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

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

Language regarding fee reorganized in section on fee schedule.

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).

13:30-3.3 Limitations on certificate

(a) Teaching certificates shall be valid only in and upon the premises designated in the certificate in which the science of dentistry in any of its branches is taught.

(b) No limited teaching certificate shall be deemed to authorize the licensee to engage in the private practice of dentistry either within or without the premises designated in the certificate.

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

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

13:30-3.4 Educational institutions

(a) Every educational institution where the science of dentistry is practiced, demonstrated or taught in any of its branches shall submit to the Board each year prior to October 1, a roster of all persons engaged in teaching any of the clinical subjects or who act as demonstrators or teachers in the laboratories or clinics where the practice of dentistry of any kind is performed on patients.

(b) The Board shall prescribe a form for such roster and make rules governing their submission.

SUBCHAPTER 4. INDUSTRIAL OR CORPORATE CLINICS

13:30-4.1 Industrial or corporate clinic defined

“An industrial or corporate clinic” means a privately owned clinic maintained and operated by an industrial corporation, an organization composed of the management of several industries, or a labor organization(s) or any combinations thereof where dentistry in any or all of its branches is practiced, demonstrated or taught on a non-profit basis for the benefit of the employees of the industries involved and their dependents or for the benefit of the members of the labor organization(s) and their dependents.

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

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

13:30-4.2 Application for permit

(a) All industrial or corporate agencies that wish to operate a dental clinic in New Jersey shall make application to the New Jersey State Board of Dentistry and pay the fee set forth in N.J.A.C. 13:30-8.1 for a permit to operate such a clinic.

(b) A dental clinic permit shall be effective upon the date the Board approves the application and shall terminate on December 31, of the same year.

(c) All industrial or corporate agencies that wish to operate a dental clinic in New Jersey shall define in the dental clinic application the type of services to be rendered at the clinic.

(d) All industrial or corporate agencies that wish to operate more than one dental clinic shall apply for a separate permit for each dental clinic to be operated.

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

13:30-4.3 Documents submitted with application for permit

(a) The following information and materials shall accompany the application for a dental clinic permit:

1. A floor plan of the clinic (to scale) setting forth:
 - i. Operatories;
 - ii. Recovery rooms;
 - iii. Reception room or rooms;
 - iv. Rest-room facilities;
 - v. Laboratory facilities;
 - vi. Storage-room facilities; and
 - vii. Record room;
2. A list of all personnel connected with the clinic setting forth:
 - i. The name, home address and license number of the director;
 - ii. The name, home address and license number of each dentist;
 - iii. The name, home address and license number of each dental hygienist;
 - iv. The name and home address of each dental assistant;
 - v. The name and home address of each dental technician;
 - vi. The names, titles and home addresses of all other personnel;

vii. If the clinic is to be operated by a public corporation, the names and addresses of all directors and officers of the corporation;

viii. If the clinic is to be operated by a closed corporation, the names and addresses of all directors, officers and stockholders of the corporation;

ix. If the clinic is to be operated by an entity other than a public or closed corporation, the names and addresses of all persons having any responsibility with respect to the maintenance, operation, or establishment of the clinic in either a professional or business capacity; and

x. Information concerning whether any person listed in the clinic application pursuant to (a)2 above has been convicted of a crime, including the dates of the conviction and a description of the nature of the conviction or whether any criminal charges are pending;

3. A copy of all contracts involving the clinic including:

- i. A list of services to which eligible persons are entitled;
 - ii. A copy of the contract between the owner of the clinic and the dental director;
 - iii. A copy of the contract between the owner of the clinic and the dentists;
 - iv. A copy of the contract between the owner of the clinic and the dental hygienists and all other personnel;
 - v. If the dental director engages the services of dentists and dental hygienists and other personnel, a copy of such contracts;
 - vi. If the dentists are to be remunerated on a fee for service basis, a copy of the fee schedule; and
4. A proposed budget for the operation of the clinic and a financial statement of the applicant.

(b) All contracts specified in (a)3 above shall be filed with the New Jersey State Board of Dentistry and no change shall be made to such contracts without prior Board approval.

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

13:30-4.4 Permits not transferable

Clinic permits shall not be transferable.

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

13:30-4.5 Annual certificate of renewal

(a) Every dental clinic in New Jersey that has been issued a permit to operate pursuant to this subchapter shall procure from the Executive Director of the Board on or before January 1 each year an annual certificate of renewal. Such certificate shall be issued by the Executive Director upon the payment of the renewal fee set forth in N.J.A.C. 13:30-8.1.

(b) The Executive Director of the Board shall on or before December 1 each year, mail to each holder of a clinic permit a printed renewal application to be filled out and returned by the permit holder to the Executive Director.

(c) Upon receipt of the renewal application, the annual certificate of renewal shall be issued and transmitted to the permit holder.

(d) Any industrial or corporate clinic that fails to procure an annual certificate of renewal or gives misleading or false information on a request for an annual certificate of renewal shall be subject to disciplinary action pursuant to the provisions of N.J.S.A. 45:1-25.

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

13:30-4.6 Changes require Board approval

No industrial or corporate clinic shall make a change in its administrative organization, personnel, construction, physical plant or, stated objectives without first apprising the Board of such contemplated changes and receiving written approval from the Board.

Amended by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).
Deleted "fundamental" following "make a", and deleted "changes" following "plant".

13:30-4.7 Provision of services

No dental procedure shall be performed in any dental clinics operated, conducted or maintained in this State pursuant to this subchapter except by licensed dentists or licensed dental hygienists in accordance with the provisions of N.J.S.A. 45:6-1 et seq. and this chapter.

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

13:30-4.8 (Reserved)

Repealed by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).
Section was "Crime involving moral turpitude".

13:30-4.9 Standards of service and facilities

(a) A dental clinic shall provide only those services set forth in the clinic permit application pursuant to N.J.A.C. 13:30-4.2.

(b) The dental clinic permit holder shall ensure that:

1. The services rendered at the dental clinic are provided consistent within the requisite standard of care for Board licensees;

2. The clinic facilities consist of adequate dental equipment and armamentarium, including proper and efficiently operating sterilizing and sanitary devices;

3. The recovery rooms and emergency equipment meet hospital standards;

4. The rest rooms and waiting rooms are of sufficient number and size to accommodate the number of patients to be treated at the clinic; and

5. The clinic complies with all rules adopted for such places of health service as promulgated by the New Jersey State Department of Health and Senior Services and any other State and/or local governmental agency.

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

13:30-4.10 Inspection; requirements of director

(a) Members of the New Jersey State Board of Dentistry or their duly appointed representatives may visit the dental clinic for the purpose of inspection.

(b) The director of the clinic shall be a dentist. The director and all dentists or dental hygienists employed in the dental clinic shall be licensed to practice dentistry or dental hygiene in the State of New Jersey.

(c) The director shall be responsible for all activities performed by clinic personnel, including any dental decisions made by professional and auxiliary personnel employed in the clinic.

(d) The director shall be responsible for the use of the dental clinic by any person engaged in the illegal practice of dentistry and shall be subject to prosecution if any offenders are found guilty of such illegal practice.

(e) All names of persons employed by the dental clinic and their titles of employment shall be furnished to the Board at the time of permit renewal.

(f) Dental hygienists employed by the dental clinic shall provide only those services permitted pursuant to N.J.A.C. 13:30-1A.2.

(g) The director shall furnish to the Board the clinic's method of operation as to control, direction and authority in dental matters including:

1. To whom the director reports; and

2. Type of service rendered by the clinic.

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

SUBCHAPTER 5. CONTINUING EDUCATION

13:30-5.1 Continuing dental education requirements for dentists

(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 a certification verifying 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 holds an inactive license or a retired license pursuant to N.J.A.C. 13:30-1.6 shall be exempt from the requirements of this subchapter, except as provided in (a)1i and ii below:

i. Any inactive or retired licensee, any licensee who has had his or her license revoked or suspended, who has ceased practicing dentistry in all states or jurisdictions in which the licensee may practice and who desires to resume the practice of dentistry in New Jersey shall complete a minimum of 20 hours of continuing education for each year of inactive, retired, revoked or suspended licensure, not to exceed a cumulative total of 80 hours, 40 hours of which shall have been obtained within two years of the date of application for resumption of practice.

ii. Any inactive or retired licensee, or any licensee who has had his or her license revoked or suspended, who has continued the practice of dentistry in any state or jurisdiction other than New Jersey and who desires to resume the practice of dentistry in New Jersey shall complete a minimum of 20 hours of continuing education for each year of inactive, retired, revoked or suspended registration, not to exceed a cumulative total of 40 hours, 20 hours of which shall have been obtained within two years of the date of application for resumption of practice.

2. A licensee whose license has expired pursuant to N.J.A.C. 13:30-1.7 shall complete a minimum of 40 hours of continuing education for each biennial period the license was expired.

3. A licensee who was initially licensed during the preceding biennial period, except as provided in (a)4 below, shall submit a certification verifying the completion of continuing dental education credits on a pro rata basis as follows:

- i. Licensed November-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 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; and
- viii. Licensed August-October in second year of period Five credits.

4. An individual who graduates from a dental school or who completes a residency program in the first year of the biennial period shall complete 20 credits of continuing education. An individual who graduates from a dental school or who completes a residency program in the second year of the biennial period shall be exempt from continuing education requirements for that biennial period.

(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, shall be counted toward continuing dental education.

(c) It shall be the responsibility of each licensee to maintain a 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 shall obtain from the continuing education course sponsor and retain for a period of four years a 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's name;
- 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, and personal health shall not be acceptable for continuing education credit.

(f) If a continuing education sponsor desires prior approval for a course of acceptable subject matter and seeks to be assigned a designated number of continuing education credits by the Board, the program sponsor shall provide, 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 shall 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 an inability to grant approval prior to commencement of the program. Although an inability to obtain prior approval may not preclude acceptance of the program, there is no assurance that the Board will grant approval retroactively.

(h) A licensee may obtain continuing education credits from any of the areas of study listed below. A licensee shall not exceed the maximum number of hours permitted in each area of study for each biennial period, as set forth in (h)1 through 4 below.

1. Educational and scientific courses related to the practice of dentistry;
 - i. A licensee may obtain 40 hours of continuing education in this category.
 - ii. The following shall satisfy the requirement of 40 hours of continuing education 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 15 hours of continuing education credit shall be given to a student or an instructor for

basic Cardiopulmonary Resuscitation courses or Advanced Cardiac Life Support courses.

iv. A maximum of 10 hours of continuing education credit shall be given for videotape, audiotape or written or electronic correspondence courses. The videotape, audiotape or correspondence course shall include a written post-test, 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, the 10 hours may be divided among co-authors based upon the length of the scientific paper and the contributions of each author.

iii. For each original presentation of a paper, essay or formal lecture to a recognized group of fellow professionals, a licensee 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 of teaching or research activity or two hours annually for each half day of teaching or research activity.

ii. A licensee may obtain a maximum of 20 hours of continuing education credit 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. A licensee may obtain up to one hour of continuing education for each two hours of original presentation of a table clinic or scientific exhibit at a professional meeting.

(i) Licensees who complete the required 20 hours of continuing education credit pursuant to the requirements for parenteral conscious sedation and/or general anesthesia permit holders as set forth in N.J.A.C. 13:30-8.2 and 8.3 shall be given credit for all 20 hours so completed. Licensees who

complete the required 20 hours of continuing education credit pursuant to the requirements for enteral sedation permit holders as set forth in N.J.A.C. 13:30-8.4 shall be given credit for all 20 hours so completed.

(j) A maximum of seven continuing education credits completed by a licensee in excess of the 40 credit hours required pursuant to (a) above may be credited to the subsequent biennial registration period.

(k) Any continuing education courses taken by a licensee at the direction or order of the Board as a remedial measure shall not be used to fulfill the continuing education requirement set forth in (a) above.

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

Amended by R.2005 d.304, effective September 6, 2005.

See: 36 N.J.R. 3629(a), 37 N.J.R. 3432(a).

Added the last sentence in (i).

13:30-5.2 Continuing education requirements for dental hygienists

(a) All licensed dental hygienists shall submit a certification verifying the completion of 10 hours of continuing education every two years at the time of registration renewal, except as provided in (b) and (c) or (e) below. No more than four hours of continuing education in the two year period may be obtained through written or electronic home study courses.

(b) A licensed dental hygienist who is inactive pursuant to N.J.A.C. 13:30-1A.3, or has had his or her license revoked or suspended, shall be exempt from the provisions of this section, except that any inactive, revoked or suspended dental hygienist who desires to resume the practice of dental hygiene shall complete a minimum of five hours of continuing education if such licensee is inactive, revoked or suspended for one year or less. If a licensee has been inactive, revoked or suspended for more than one year, the licensee shall complete a minimum of 10 hours of continuing education.

(c) A licensed dental hygienist whose license has expired, pursuant to N.J.A.C. 13:30-1A.5, shall complete a minimum of 10 hours of continuing education for each biennial period the license was expired.

(d) An individual who graduates from a program in dental hygiene in the first year of the biennial period shall complete five credits of continuing education for biennial renewal. An

individual who graduates from a program in dental hygiene in the second year of the biennial period shall be exempt from continuing education requirements for that biennial period.

(e) The following shall be considered acceptable forms of continuing education:

1. Scientific courses applicable to the delivery of dental care by dental hygienist, including preventive services, radiography, dental photography, nutrition, patient counseling, community health, Cardiopulmonary Resuscitation or Advanced Cardiac Life Support certification, and infection control;

2. Courses which directly relate to or concern the practice of dentistry, including organization and office management, office design, communication skills, behavioral science, dental-legal matters and methods of health care delivery; and

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 two hours of continuing education credit annually for each full day of teaching or research and one credit annually for each half day of teaching or research.

- ii. A licensee may obtain a maximum of 10 continuing education credit hours for teaching and research appointments in a biennial period.

(f) The Board shall recognize as acceptable the courses of study and amount of hours credited in continuing education programs approved by the following, provided that the courses satisfy the minimum requirements set forth in this subchapter:

1. The American Dental Association and its constituents and components;

2. The Academy of General Dentistry and its constituents and components;

3. The American Dental Hygienists Association and its constituents and components;

4. The American Dental Assistants' Association and its constituents and components; and

5. Accredited colleges or universities.

(g) A licensee shall maintain a record of all continuing education activity completed and shall submit a certification verifying the completion of the credit requirements to the Board upon request. Each licensee shall obtain from the continuing education course sponsor and retain for a period of four years a 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's name;
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.

(h) The Board may inspect the licensee's records upon request as may be necessary to insure that the continuing education requirements have been satisfied.

13:30-5.3 Continuing education requirements for registered dental assistants and limited registered dental assistants in orthodontics

(a) All registered dental assistants and limited registered dental assistants in orthodontics shall submit a certification verifying the completion of 10 hours of continuing education every two years at the time of registration renewal. No more than four hours of continuing education in the two year period may be obtained through written or electronic home study courses.

(b) The following shall be considered acceptable forms of continuing education:

1. Scientific courses applicable to the delivery of dental care by dental auxiliaries, including preventive services, radiography, dental photography, nutrition, patient counseling, community health, Cardiopulmonary Resuscitation or Advanced Cardiac Life Support certification, and infection control;
2. Courses which directly relate to or concern the practice of dentistry, including organization and office management, office design, communication skills, behavioral science, dental-legal matters and methods of health care delivery; and
3. Teaching and research appointments:
 - i. A registrant 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 two hours of continuing education credit annually for each full day of teaching or research and one credit annually for each half day of teaching or research.
 - ii. A registrant may obtain a maximum of 10 continuing education credit hours for teaching and research appointments in a biennial period.

(c) The Board shall recognize as acceptable the courses of study and amount of hours credited in continuing education programs approved by the following, provided that

the courses satisfy the minimum requirements set forth in this subchapter:

1. The American Dental Association and its constituents and components;
2. The Academy of General Dentistry and its constituents and components;
3. The American Dental Hygienists Association and its constituents and components;
4. The American Dental Assistants' Association and its constituents and components; and
5. Accredited colleges or universities.

(d) A registrant shall maintain a record of all continuing education activity completed and shall submit a certification verifying the completion of the continuing education credit requirements to the Board upon request. Each registrant shall obtain from the continuing education course sponsor and retain for a period of four years a 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's name;
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.

(e) The Board may inspect the registrant's records upon request as may be necessary to insure that the continuing education requirements have been satisfied.

SUBCHAPTER 6. ADVERTISING

13:30-6.1 Announcement of practice in a special area of dentistry

(a) A licensee who seeks to announce to the public that he or she is a specialist or specializes in one or more area(s) of dental practice listed in (c) below shall first obtain a permit to do so from the Board of Dentistry.

(b) A licensee shall apply to the Board for permission to announce a dental specialty. When granted a permit to announce a specialty in a designated area(s) of dentistry, a licensee shall display the specialty permit or a copy of the specialty permit in all office location(s) during the period of specialty practice. If a licensee discontinues a specialty practice, the specialty permit shall be returned to the Board.

(c) The following special areas of dentistry may be announced as specialty dental practices:

1. Endodontics;
2. Oral or maxillofacial surgery;
3. Oral or maxillofacial radiology;
4. Oral pathology;
5. Orthodontics;
6. Pediatric dentistry (also called Pedodontics);
7. Periodontics;
8. Prosthodontics; and
9. Public health.

(d) The Board shall grant permission to announce a dental specialty or specialization of a dental practice to:

1. A licensed dentist who is certified or eligible for certification by a specialty board recognized by the American Dental Association appropriate to that area of dental practice listed in (c) above; or
2. A licensed dentist who successfully completes a post-doctoral education of two or more years in duration in one or more of the specialty areas listed in (c) above and which, at the time of completion, was accredited or provisionally accredited by the American Dental Association Council on Dental Education.

(e) A licensed dentist permitted to announce a specialty in an area of dentistry pursuant to (d) above shall avoid any inference, implication or announcement by press, sign, card, letterhead or printed matter or any other means of public advertising that another licensed dentist who is associated with or employed in the same practice, but who is not permitted to announce a specialization, is also qualified for the announcement in the specialty practice area.

(f) This section shall not prohibit any licensed dentist from engaging in any aspect of the practice of dentistry in accordance with N.J.S.A. 45:6-1 et seq., and the rules in this chapter.

(g) Applications for a specialty permit may be obtained by writing to the Office of the Board of Dentistry, 124 Halsey Street, PO Box 45005, Newark, New Jersey 07101.

13:30-6.2 Professional advertising

(a) The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Advertisement” means any attempt directly or indirectly by publication, dissemination, solicitation, endorsement or circulation or in any other way to attract directly or indirectly any person to enter into an express or implied agreement to accept dental services or treatment related thereto.

“Electronic media” means radio, television and the Internet.

“Print media” means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers and other similar documents or comparable publications, the content of which is disseminated by means of the printed word. “Printed media” shall also include stationery and business cards.

“Range of fees” means an expressly stated upper and lower limit on the fee charged for a professional service.

“Routine professional service” means a service which the advertising licensee, professional association or institution providing dental care routinely performs.

(b) A licensed dentist who is actively engaged in the practice of dentistry in the State of New Jersey may advertise in print or electronic media in a dignified manner. For purposes of this section, “dignified manner” means that an advertisement does not rely in any way on techniques to obtain attention that depend upon absurdity or that demonstrate a clear and intentional lack of relevance to the selection of a dentist; included in this category are all advertisements that contain any extreme portrayal of dentists exhibiting characteristics clearly unrelated to the competence of the dentist.

(c) No advertisement shall contain:

1. Any statement or claim which is false, fraudulent, misleading or deceptive;
2. Claims that the service performed or the materials used are professionally superior to that which is ordinarily performed or used;
3. Promotion of a professional service which the licensee knows or should know is beyond the licensee’s ability to perform;
4. Techniques of communication which appear to intimidate, exert undue pressure or undue influence over a prospective patient;
5. The use of any personal testimonial attesting to the technical quality or technical competence of a service or treatment offered by a licensee. Other testimonials shall be permitted provided the testimonials do not violate any other section of this chapter;
6. The communication of personally identifiable facts, data, or information about a patient without first obtaining the written consent of the patient;
7. The use of any misrepresentation;

(i) A dentist may administer, dispense or prescribe enteral sedation only in a dental treatment setting and shall:

1. Provide for appropriate monitoring of the patient during the administration of the enteral sedation;
2. Be prepared to manage any reasonably foreseeable complications, including, but not limited to, the capability of rescuing the patient from a deeper level of sedation than intended; and
3. Be in attendance immediately in the operatory to ensure the patient's protective reflexes are sufficient to protect the patient's airway and the patient can breathe spontaneously and without assistance and until the patient is determined by the dentist to be appropriately stable for discharge.

(j) An applicant for an enteral sedation permit shall certify to the Board upon application for a permit and upon biennial renewal of the permit that the dentist employs a licensed health care professional who will be present in the office, trained to assist in the monitoring of the patient whenever enteral sedation is employed. The applicant shall further certify such health care professional is trained in, and capable of, monitoring vital signs and assisting in emergency procedures and that the health care professional maintains current certification in "Basic Life Support: Course C" or its equivalent or in Advanced Cardiac Life Support or its equivalent.

(k) An applicant for an enteral sedation permit shall certify as part of the application for a permit and upon biennial renewal of the permit 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:

1. Suction equipment capable of aspirating gastric contents from the mouth and pharynx;
2. A portable oxygen delivery system including full face masks and a bag valve-mask combination with appropriate connectors capable of delivering positive pressure and oxygen-enriched patient ventilation;
3. A blood pressure cuff (sphygmomanometer) of appropriate size and a stethoscope or equivalent monitoring devices;
4. A pulse oximeter or equivalent device;
5. An emergency drug kit; and
6. Emergency backup lighting, suction and a pulse oximeter or equivalent device.

(l) Prior to the administration, dispensing or prescribing of enteral sedation, a physical evaluation of the patient shall be conducted by the permit holder and a complete medical history shall be obtained which shall include the patient's previous medications, allergies and sensitivities. The patient

history shall be maintained in the patient's record for a period of not less than seven years. Specific notations on the use of enteral sedation shall be kept as part of every patient record and shall include the type of agent, the dosage, the duration of sedation, the patient's vital signs during administration and recovery, and any untoward reaction.

(m) A dentist who holds an enteral sedation permit shall certify to the Board upon biennial license renewal that the holder has completed at least 20 hours during the previous two-year period in continuing education courses, consistent with the requirements set forth in N.J.A.C. 13:30-5.1, in at least one of the following areas:

1. Physiology;
2. Pharmacology;
3. Patient evaluation;
4. Patient monitoring; and/or
5. Medical emergencies.

(n) 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 section.

(o) A dentist who utilizes the services of an enteral sedation permit holder or an M.D. or D.O. who is a member of the anesthesiology staff of an accredited hospital or who is authorized to perform anesthesia services by the Board of Medical Examiners pursuant to N.J.A.C. 13:35-4A shall not be deemed to be administering enteral sedation, provided that the enteral sedation permit holder, M.D. or D.O. remains present during the administration of the enteral sedation and bears full responsibility during the entire procedure until the patient has recovered fully and has been discharged.

(p) An enteral sedation permit holder invited by a dentist to provide enteral sedation services at a specific location shall bear full responsibility for compliance with all provisions of this section including the minimum requirements for assisting staff and equipment set forth in (j) and (k) above. When an enteral sedation permit holder utilizes mobile equipment and supplies to administer enteral sedation pursuant to this section, the mobile equipment and supplies of the permit holder shall be inspected by the Board or its designee not less than once every three years. "Mobile equipment and supplies," for purposes of this subsection, means any equipment and/or supplies which are transported and used by a permit holder to administer enteral sedation in one or more locations. When more than one permit holder utilizes the mobile equipment and supplies, it shall be the responsibility of the permit holder using the equipment and supplies to ensure that the mobile equipment and supplies satisfy the requirements of this section as set forth in (k) above prior to the administration of enteral sedation.

Former 13:30-8.4 repealed by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).
New Rule, R.2005 d.304, effective September 6, 2005.
See: 36 N.J.R. 3629(a), 37 N.J.R. 3432(a).

13:30-8.5 Complaint review procedures

(a) Complaints to the Board shall be in writing.

1. The complaint shall specify the name and address of the licensee(s) involved, the name and telephone number of the complainant, the date(s) of the alleged misconduct, and a brief but detailed explanation of the grounds for the complaint.

2. The Executive Director of the Board shall review all complaints for sufficiency. When insufficient information is given, he or she shall notify the complainant to supply the needed information without delay. Complaints may be received by telephone, but shall be confirmed in writing as indicated above.

(b) The Executive Director shall then forward the completed complaint to the licensee(s) involved with a request for all records, X-rays, models, and any other pertinent materials as well as a complete narrative in response to allegations contained in the complaint. Should sensitive material be contained in the complaint, the Executive Director may, with the consent of the Board, withhold all or part of said complaint from forwarding to the licensee(s).

1. The Executive Director shall review all responses for sufficiency. When insufficient information is given, he or she shall notify the licensee(s) to supply the information without delay.

(c) All completed complaints along with the responses of the licensee(s) shall then be forwarded to a dentist member of the Board for review and to report for consideration at the next scheduled Board meeting concerning review of complaints.

(d) The Board shall review each complaint in order to make one or more of the following determinations:

1. That the information contained in the complaint and/or the response is insufficient. In such cases, the Board shall notify the complainant or the licensee(s) to provide the needed information without delay;

2. That the information contained in the complaint and/or response is insufficient and requires information from a subsequent treating licensee(s). In such cases, the Board shall request needed information from said subsequent treating licensee(s) without delay;

3. That the complaint is of a nature that requires the complainant to be directly examined by another dentist to determine the state of the patient's dental health and the quality of the services which are the subject matter of the complaint;

4. That the complaint requires an investigative hearing as provided by N.J.S.A. 45:1-18; and/or

5. That the complaint is of a nature that requires referral for investigative purposes to the appropriate governmental agency.

(e) Upon completion of its review of a complaint the Board shall make one of the following determinations:

1. No cause for Board action;

2. Probable cause for action with attendant offer of settlement by mutual consent;

3. Referral to the Division of Law for action pursuant to N.J.S.A. 45:1-14 et seq.; and/or

4. Other direction or informal resolution as the Board shall deem appropriate.

New Rule, R.1976 d.422, effective December 17, 1976.

See: 8 N.J.R. 248(a), 9 N.J.R. 41(a).

Amended by R.1989 d.63, effective February 6, 1989.

See: 20 N.J.R. 2680(a), 21 N.J.R. 338(a).

Repealed (a)3.

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

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

(b)-(g) deleted, new (b)-(e) added.

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

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

Case Notes

Telephone complaints permitted, but must be confirmed in writing; Board secretary required to maintain complaint log book; complainant's identity and complaint contents may be withheld during investigation, but professional has a right to disclosure of that information upon completion of the investigation. *Grodjesk v. Faghani*, 198 N.J.Super. 449, 487 A.2d 759 (App.Div.1985) modified and remanded 104 N.J. 89, 514 A.2d 1328 (1986).

13:30-8.6 (Reserved)

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

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

Section was "Professional advertising".

13:30-8.7 Patient records

(a) A contemporaneous, permanent patient record shall be prepared and maintained by a licensee for each person seeking or receiving dental services, regardless of whether any treatment is actually rendered or whether any fee is charged. Licensees also shall maintain records relating to charges made to patients and third party carriers for professional services. All treatment records, bills and claim forms shall accurately reflect the treatment or services rendered. Such records shall include, at a minimum:

1. The name, address, and date of birth of the patient and, if a minor, the name of the parent or guardian;

2. The patient's medical history;

3. A record of results of a clinical examination where appropriate or an indication of the patient's chief complaint;

4. A treatment plan;

5. The dates of each patient visit and a description of the treatment or services rendered at each visit;

6. Radiographs, if any, of a diagnostic quality and a description of all diagnostic models made, identified with the patient's name and the date;

7. The date and a description of any medications prescribed, dispensed or sold including the dosage or a copy of any written prescriptions;

8. Complete financial data concerning the patient's account, including each amount billed to or received from the patient or third party payor and the date of each such bill and payment;

9. Copies of all claim forms submitted to third party payors by a licensee or the licensee's agent or employee;

10. Payment vouchers received from third party payors; and

11. A record of any recommendations or referrals for treatment or consultation by a specialist, including those which were refused by the patient.

(b) A patient record may be prepared and maintained on a personal or other computer provided that the licensee complies with all of the following requirements:

1. The licensee shall use a computer system which contains an internal, permanently activated date recordation for all entries;

2. The computer system shall have the capability to print on demand a hard copy of all current and historical data contained in each patient record file;

3. The licensee shall identify each patient record by the patient's name and at least one other form of identification so that the record may be readily accessed;

4. The licensee shall post record entries at least once a month so that the entries are permanent and cannot be deleted or altered in any way. The licensee may subsequently make a new entry to indicate a correction to a permanent entry, provided that the new entry generates a permanent audit trail which is maintained in the patient record. The audit trail shall show the original entry, the revised entry, the date of the revised entry, the reason for the change and the identity of the person who authorized the change;

5. The licensee shall prepare a back-up of all computerized patient records at least quarterly, except that if a licensee changes computer systems or software programs, the licensee shall prepare a back-up as of the last date when the system to be replaced shall be used.

i. For purposes of this section, "back-up" shall include data files and the software programs required to retrieve those files including the operating system and the program file.

ii. The back-ups shall be clearly dated and marked with an external label as "Back-up of computerized data as of (date)."

iii. The licensee shall maintain and store at least the last three quarterly back-ups onsite.

iv. The licensee shall maintain and store the fourth quarter (annual) back-up offsite; and

6. The licensee shall provide to the Board upon request any back-up data maintained off premises, together with the following information:

i. The name of the computer operating system containing the patient record files and instructions on using such system;

ii. Current passwords;

iii. Previous passwords if required to access the system; and

iv. The name of a contact person at the practice management company, if any, that provides technical support for the licensee's computer system.

(c) Patient records, including all radiographs, shall be maintained for at least seven years from the date of the last entry, except that diagnostic models may be maintained only for three years from the date the model is made. Working models and preliminary models need not be maintained.

(d) Licensees shall provide patient records to the patient or the patient's authorized representative or another dentist of the patient's choosing in accordance with the following:

1. Upon receipt of a written request from a patient or the patient's authorized representative and within 14 days thereof, legible copies of the patient record including, if requested, duplicates of models and copies of radiographs, shall be furnished to the patient, the patient's authorized representative, or a dentist of the patient's choosing. "Authorized representative" means a person who has been designated by the patient or a court to exercise rights under this section. An authorized representative shall include the patient's attorney or an agent of an insurance carrier with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement. If the patient is a minor, a parent or guardian who has custody (whether sole or joint) shall be deemed an authorized representative.

2. A licensee may require any unpaid balance for diagnostic services only to be paid prior to release of such records. Where treatment of a patient whose dental expenses are paid through Medicaid is discontinued by the dentist prior to completion of the treatment, no charge for the records shall be made, nor shall any payment be required.

3. The licensee may charge a reasonable fee for the reproduction of records, which shall be no greater than an amount reasonably calculated to recoup the cost of copying or duplicating. To the extent that the record is illegible or prepared in a language other than English, the

licensee shall provide a typed or written transcription and/or translation at no additional cost to the patient.

(e) Licensees shall maintain the confidentiality of patient records, except that:

1. The licensee shall release patient records as directed by the Board of Dentistry or the Office of the Attorney General, or by a Demand for Statement in Writing under Oath, pursuant to N.J.S.A. 45:1-18. Such records shall be originals, unless otherwise specified, and shall be unedited, with full patient names. To the extent that the record is illegible, the licensee, upon request, shall provide a typed or written transcription of the record. If the record is in a language other than English, the licensee shall also provide a translation. All radiographs, models, and reports maintained by the licensee, including those prepared by other dentists, shall also be provided. The costs of producing such records shall be borne by the licensee.

2. The licensee, in the exercise of professional judgment and in the best interests of the patient (even absent the patient's request), may release pertinent information about the patient's treatment to another licensed health care professional who is providing or who has been asked to provide treatment to the patient, or whose expertise may assist the licensee in his or her rendition of professional services.

3. The licensee shall release information as required by statute or rule, such as the reporting of communicable diseases or gunshot wounds or suspected child abuse, or when the patient's treatment is the subject of peer review.

(f) If a licensee ceases to engage in the practice of dentistry or it is anticipated that he or she will remain out of practice for more than six months, the licensee or a designee shall:

1. Establish a procedure by which patients may obtain treatment records or agree to the transfer of those records to another licensee who is assuming the responsibilities of that practice;

2. If the practice will not be attended by another licensee, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation;

3. File a notice of the established procedure for the retrieval of records with the Board of Dentistry;

4. Make reasonable efforts to directly notify any patient treated during the six months preceding the cessation of the practice to provide information concerning the established procedure for retrieval of records; and

5. Conspicuously post a notice on the premises of the procedure for the retrieval of records.

(g) Patient records need not be maintained in situations where no patient-dentist relationship exists, such as where the professional services of a dentist are rendered at the behest of a third party for the purposes of examination and evaluation only or at the behest of the Board.

New Rule, R.1980 d.457, effective October 16, 1980.

See: 12 N.J.R. 347(a), 12 N.J.R. 672(f).

Amended by R.1986 d.269, effective July 7, 1986.

See: 18 N.J.R. 816(a), 18 N.J.R. 1394(a).

Added text to (c) "provided, however, where ... or payment required."

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

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

Repeal and New Rule, R.1993 d.650, effective December 20, 1993.

See: 25 N.J.R. 1833(a), 25 N.J.R. 5935(a).

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

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

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).

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 "where appropriate" at the end of 4, rewrote 6, and substituted "and" for "or" following "dosage" in 7; in (b)5, substituted "quarterly" for "quarterly-annually" following "at least" in the introductory paragraph, and deleted ", but not limited to," following "including" in i; in (d), inserted "of the patient's choosing" following "dentist" throughout 1, and inserted "or written" following "typed" in the last sentence of 3; in (e), inserted "or written" following "typed" in the third sentence of 1; in (f)5, deleted "when possible" at the end; and rewrote (g).

13:30-8.8 Reporting of incidents or deaths

(a) All licensees shall report to 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 report to the Board within seven days, in writing, any death which may be related to dental treatment, whether or not the death occurred in a dental office, clinic or other 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.

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 "main office of the" preceding "State"; and rewrote (b).

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 the facility.

(b) Every dental care facility where 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 the facility.

(c) Any licensee shall wear an identifying badge indicating his or her name and professional status while working in the facility.

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

13:30-8.10 Dental insurance forms

(a) No licensee shall submit any claim, bill or governmental assistance claim to a third party payor for dental services rendered to any patient which involves dishonesty, fraud, deception or misrepresentation.

(b) No licensee shall 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 of the co-payment 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 manner, or in the electronic claim submission, that the co-payment, or a portion of the co-payment, shall 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 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 of 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 (c) and (i).
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); in (b), rewrote the introductory paragraph; and in (d), deleted ", but not limited to," following "including" in the first sentence.

13:30-8.11 Removable prosthesis identification

(a) The following words and terms, as used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Prosthesis" means an artificial substitute for a missing part of the oral cavity, such as a tooth, used for functional and/or cosmetic reasons.

"Rebasing" 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 a work order shall be marked with the name and social security number of the patient for whom the prosthesis is prepared unless the patient objects to the marking. 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 as provided in (b) above 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, provided that the licensee sets forth the reason for the omission of the identification marks in the patient's record.

(e) Any complete or partial removable dental prosthesis in existence prior to April 15, 1985, 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).

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) and (d)3; in (b), deleted "in an appropriate area" following "marked"; in (c), inserted "as provided in (b) above" following "prosthesis"; and in (e), substituted "April 15, 1985" for "the effective date of this regulation" following "prior to".

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

(a) A licensee 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 license or certificate of registration. 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) 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).

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), substituted "license of certificate of registration" for "certificate" at the end of the first sentence; deleted a former (b); and recodified former (c) as (b).

13:30-8.13 Permissible business structures, prohibition on referral fees and fee splitting

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

"Associate" means a health care professional who is a partner, an employee, a fellow shareholder in a professional service corporation or a fellow member of another permissible practice format, properly organized pursuant to law, such as a limited liability corporation or partnership.

"Board" means the New Jersey State Board of Dentistry.

"Closely allied health care professional" means an individual who provides professional services and is licensed to practice by a professional or occupational licensing board or other State agency, in any of the following fields: dentistry, medicine (or its branches), nursing, optometry and physical therapy.

"Health care provider" means an individual who or entity which provides health care services, including, but not limited to, closely allied health care professionals.

"Limited liability company" means a business entity organized pursuant to N.J.S.A. 42:2B-1 et seq.

"Permissible business format" means:

1. Sole proprietorships;
2. All partnerships, including limited liability partnerships (comprised of dentists or closely allied health care professionals);
3. Professional service corporations (comprised of dentists or closely allied health care professionals); and
4. Limited liability companies (comprised of dentists or closely allied health care professionals).

"Professional service corporation" means a business entity as defined in N.J.S.A. 14A:17-1 et seq.

"Referral" means the sending or directing of a person to any health care provider (other than an associate) for diagnosis, evaluation, treatment or the furnishing of dental or other health services.

"Remuneration" means any salary, payment, distribution of income, dividend, interest income, loan, bonus, commission, kickback, bribe, rebate, gift, free goods or services of more than nominal value, discount, the furnishing of supplies, facilities or equipment, credit arrangement and waiver of financial obligations.

(b) Dentists may engage in the practice of dentistry in any permissible business format in which they are not shielded from liability for their own breaches of professional duties, they retain responsibility for the quality of care and the appropriateness of their professional judgments, and they are assured access to information and involvement in issues pertaining to quality of care, professional judgment, recordkeeping, advertising practices, and the finances of the permissible business format.

(c) Dentists may be employed by a permissible business format which includes one or more closely allied health care professionals, including at least one licensed dentist, provided their professional practice is not supervised and evaluated by a professional who is not a dentist.

(d) Dentists shall not receive, solicit, offer or pay any remuneration as an inducement to make a referral or as compensation for a referral of a patient for a service, product, drug or device or to purchase, prescribe or recommend a product, drug or device. Nothing contained in this section shall prohibit a licensee from paying the reasonable costs of any advertisement permitted pursuant to N.J.A.C. 13:30-6.1 and 6.2.

(e) Dentists shall not participate in any arrangement or agreement, with any person other than an associate, whereby any remuneration received by that person in payment for the provision of space, facilities, equipment, personnel, marketing or management services used by the dentist is to be determined or calculated as a fixed percentage of, or otherwise dependent upon, the income or receipts derived from the practice of dentistry. Nothing in this section, however, shall preclude a dentist from entering into a bona fide profit sharing plan or retaining the services of a collection agency.

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).

Repeal and New Rule, R.1999 d.68, effective March 1, 1999.

See: 30 N.J.R. 1898(a), 31 N.J.R. 649(a).

Section was "Referral fees".

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

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

In (d), added a second sentence; and deleted a former (f).

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 pursuant to N.J.S.A. 26:2D-24 et seq. shall 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).

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

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

Inserted N.J.S.A. reference.

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.

(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 dentists 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 the licensee 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) A 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 and/or third party payor 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).

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

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

In (f), inserted a reference to third party payors.

13:30-8.16 Opportunity to be heard

Prior to any suspension, revocation or refusal to renew a license, the licensee shall have an opportunity to be heard consistent with 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).
Amended by R.2000 d.147, effective April 3, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

Substituted "an opportunity to be heard consistent with" for "the right to request a hearing which shall be conducted pursuant to" following "shall have".

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 permitted to perform any rehabilitative exercise programs. No other physical modalities including 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. 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 who is responsible for administering the modality. A dentist who employs unlicensed 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) On a health insurance claim form pertaining to physical modalities 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).
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), substituted "physical modalities including" for "modalities including, but not limited to," following "other" in the second sentence; in (c)2, deleted "at the present patient visit" following "performed" in the first sentence, and substituted "who is responsible for administering modality" for "carrying out the instruction" at the end of the third sentence; deleted a former (d); and recodified former (e) as (d), and substituted "physical modalities" for "such service" following "pertaining to".

13:30-8.18 (Reserved)

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

Section was "Continuing dental education; requirements; exceptions; resumption of practice".

13:30-8.19 Practice name

(a) A licensee shall not engage in the practice of dentistry under a practice name which is misleading in any way as to the legal form of the practice or as to the persons who are partners, officers, members or shareholders of the practice.

(b) If a licensee ceases to be associated with a practice through the sale of the business, retirement or death, such licensee's name shall be removed from the practice name within six months of the sale, retirement or death, except as provided in (c) below.

(c) A practice name may include the name of a licensee who has ceased to be associated with the practice through retirement or death, provided that the laws governing the practice's business format do not prohibit such inclusion, and provided that the status of such a licensee is clearly set forth on the practice letterhead, business cards, signs and advertisements. The status of a retired licensee shall be indicated on the practice letterhead by the word "retired" or by numerals showing the dates the licensee engaged in the practice. The status of a deceased licensee shall be indicated on the practice letterhead by the word "deceased," by numerals showing the dates the licensee engaged in the practice or by numerals showing the years of the licensee's birth and death.

New Rule, R.2000 d.357, effective September 5, 2000.

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

13:30-8.20 Nitrous oxide/oxygen inhalation analgesia; duties of a licensed dentist, delegation to licensed dental hygienist and registered dental assistant

(a) The following words and terms, as used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

“Administration” means the determination and introduction of a therapeutic level of nitrous oxide/oxygen inhalation analgesia.

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

“Monitoring” means observing or checking a patient’s condition to assess the safety and comfort of the patient receiving nitrous oxide/oxygen inhalation analgesia.

“Nitrous oxide/oxygen inhalation analgesia” means the introduction by inhalation of a combination of nitrous oxide and oxygen gases to a conscious patient.

“Supervising dentist” means the dentist who induces or administers the nitrous oxide/oxygen inhalation analgesia to the patient.

(b) If a patient is to receive nitrous oxide/oxygen inhalation analgesia, a supervising dentist shall induce or administer the nitrous oxide/oxygen inhalation analgesia and shall exercise direct supervision and full responsibility for the patient.

(c) A supervising dentist may delegate the monitoring of the nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist during the performance of dental hygiene procedures provided that the patient is stabilized and that the licensed dental hygienist satisfies the requirements set forth in N.J.A.C. 13:30-1A.2.

(d) A supervising dentist may delegate the monitoring of the nitrous oxide/oxygen inhalation analgesia to a registered dental assistant who will perform no other function while monitoring the patient provided the patient is stabilized and the registered dental assistant satisfies the requirements set forth in N.J.A.C. 13:30-2.4.

(e) If a supervising dentist delegates the monitoring of the nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist pursuant to N.J.A.C. 13:30-1A.2, or to a registered dental assistant pursuant to N.J.A.C. 13:30-2.4, the supervising dentist shall ensure that:

1. The nitrous oxide/oxygen inhalation delivery system is a fail-safe unit which shall not deliver nitrous oxide

unless oxygen is continuously flowing at a minimum of 30 percent and includes a scavenging system operating while the nitrous oxide is in use; and

2. The dental office is equipped, at a minimum, with the following:

- i. A high speed vacuum source;
- ii. Suction equipment;
- iii. Equipment to deliver positive pressure oxygen; and
- iv. Blood pressure monitoring equipment.

(f) A supervising dentist shall not delegate the monitoring of nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist or to a registered dental assistant if a patient is taking any medications, whether prescribed by the dentist or by another licensed practitioner, that in the professional judgment of the dentist may potentiate the effects of the nitrous oxide/oxygen inhalation analgesia, or may change the level of consciousness of the patient.

(g) The supervising dentist shall be responsible for ensuring that the patient records are documented to reflect the nitrous oxide and oxygen flow rates and the analgesia duration and clearing times.

(h) The supervising dentist shall personally discharge the patient following the administration of nitrous oxide/oxygen inhalation analgesia.

(i) The delegation of the monitoring of nitrous oxide/oxygen inhalation analgesia to a licensed dental hygienist pursuant to N.J.A.C. 13:30-1A.2 or registered dental assistant pursuant to N.J.A.C. 13:30-2.4 who has not yet met the minimum standards of training and procedures as stated therein shall constitute a deviation from normal standards of practice required of a licensee.

New Rule, R.2003 d.414, effective October 20, 2003.
See: 34 N.J.R. 3426(a), 35 N.J.R. 4902(a).

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 (AI-CRA) 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).