

CHAPTER 30

NEW JERSEY BOARD OF DENTISTRY

Authority

N.J.S.A. 45:1-15.1 and 45:6-1 et seq.

Source and Effective Date

R.2005 d.309, effective August 16, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 30, New Jersey Board of Dentistry, expires on February 12, 2011. See: 42 N.J.R. 2217(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Subchapter 7, Forms, was repealed by R.1987 d.12, effective January 5, 1987.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as R.1995 d.191, effective March 10, 2000, and Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, was adopted as new rules by R.1995 d.191, effective April 3, 1995.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5, Standards for Approval of Dental Schools, and Subchapter 6, Standards for Approval of Schools of Oral Hygiene, were repealed and Subchapter 1A, Dental Hygienists, Subchapter 2, Dental Assistants, Subchapter 5, Continuing Education, and Subchapter 6, Advertising, were adopted as new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: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

Chapter 30, New Jersey Board of Dentistry, was readopted by R.2005 d.309, effective August 16, 2005. As a part of R.2005 d.309, Subchapter 2A, Registered Dental Assistant and Limited Registered Dental Assistant Three-Month Internship Programs, was repealed, effective September 19, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. LICENSURE TO PRACTICE DENTISTRY

13:30-1.1 Purpose and scope

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

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

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

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

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

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

13:30-1.2 Application for licensure to practice dentistry

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

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

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

2. A passport size photograph of the applicant signed by the applicant and notarized;

3. Results from the successful completion of the North East Regional Board examination. If an applicant fails any portion of the North East 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 North East Regional Board examination for up to five years;

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

5. Results from 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 dental license verifying that the applicant's license in that state or jurisdiction is in good standing;

7. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.;

8. The applicant's complete professional employment history; and

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

(c) 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.

(d) A candidate for dental licensure who has successfully completed the North East Regional Board examination five years or more prior to the date of application shall submit a completed application to the Board which shall contain the following information and materials:

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

2. A passport size photograph of the applicant signed by the applicant and notarized;

3. Results of the successful completion of parts I and II of the National Board Dental examination;

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

5. 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. The applicant shall hold an active dental license in at least one state or jurisdiction upon application to the Board;

6. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.;

7. The applicant's complete professional employment history; and

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

(e) A candidate for dental licensure by credentials, who is licensed to practice dentistry in another state or jurisdiction, shall submit a completed application to the Board which shall contain the following information and materials:

1. Evidence demonstrating that the applicant has actively practiced dentistry in a single state or jurisdiction for at least five years prior to the date of application;

2. A certified transcript from 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;

3. A passport size photograph of the applicant signed by the applicant and notarized;

4. Results of the successful completion of parts I and II of the National Board Dental examination;

5. Results of the successful completion of a clinical examination administered or recognized by another state or jurisdiction that is comparable to the North East Regional Board examination;

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

7. 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;

8. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.;

9. The applicant's complete professional employment history; and

10. The application fee and the fee for licensure by credentials as set forth in N.J.A.C. 13:30-8.1.

(f) The Board may require candidates applying for dental licensure pursuant to (d) and (e) above to submit satisfactory proof of continued competency to practice dentistry.

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.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (b), deleted former (c), recodified former (d) as (c), added (d)-(f).

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 public or private licensed hospital or other public or private institution 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, to a maximum of three years pursuant to N.J.S.A. 45:6-20.

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

1. A certified transcript from 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. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.; 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.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a) and (b)1 and 3.

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 Administration;

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;

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

6. Residents holding permits issued pursuant to N.J.S.A. 45:6-20 and N.J.A.C. 13:30-1.3.

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

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

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (a), substituted "Administration" for "Bureau" in 2, deleted "and" at the end of 4, substituted "; and" for "." at the end of 5, and added 6.

13:30-1.5 Retired licensure

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 fulfilling the requirements of N.J.A.C. 13:30-8.6(h) or (i), whichever is appropriate.

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

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

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In rule heading, deleted "or inactive" following "Retired"; deleted designation "(a)" and rewrote last sentence; deleted (b).

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 certified transcript from 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 signed by the applicant and notarized;

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

4. The results of the successful completion of the North East 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. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.; 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 North East 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 certified transcript from 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; and

3. Test results of any state or regional clinical examination other than the North East Regional Board examination.

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

(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 two or more years prior to the date of application and who has not practiced dental hygiene during such time shall demonstrate that he or she has maintained proficiency in dental hygiene.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (b), (d), (e), and (f).

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 dental 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 planing;
 3. Etch teeth in preparation for bonding, sealants and desensitizing agents;
 4. 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;
 5. Place caries detecting agents;
 6. Use instruments for caries detection. Such instruments shall not include lasers that are capable of altering, cutting, burning or damaging hard or soft tissue;
 7. Place intrasulcular therapeutic medications approved by the Food and Drug Administration, as directed by a dentist;
 8. Examine soft and hard tissue of the head, neck and oral cavity and note deformities, defects and abnormalities therein;
 9. Fabricate mouth guard appliances;
 10. Isolate the operative field, including the placement and removal of rubber dams;
 11. Place and remove matrices and wedges;
 12. Place temporary restorations;
 13. Perform hand removal of soft temporary restorations;
 14. Remove excess cement from crowns or other restorations and orthodontic appliances;
 15. Remove sutures;
 16. Fabricate and cement temporary crowns and bridges after preparation of tooth (teeth) by a dentist. This shall not include intra-oral occlusal adjustment;
 17. Perform hand removal of crowns and bridges that have been temporarily cemented;
 18. Take alginate impressions;
 19. Place amalgam, composite or gold foil in a tooth for condensation by the dentist;
 20. Place and remove retraction cords and medicated pellets;
 21. Perform bite registration procedures;
 22. Place and remove periodontal dressings and other surgical dressings;
 23. Trial size (pre-select) orthodontic bands, wires, stainless steel crowns and temporary crowns intra-orally or on diagnostic models;
 24. Place and remove arch wires and ligature wires;
 25. Make radiographic exposures as permitted by the Department of Environmental Protection pursuant to N.J.S.A. 26:2D-24 et seq.;
 26. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health;
 27. Apply topical anesthetic agents;
 28. Take and record vital signs;
 29. Retract patient's cheek, tongue or other tissue parts during a dental procedure;
 30. 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;
 31. Hold a curing light for any dental procedure. Such curing light shall not include a laser capable of altering, cutting, burning or damaging hard or soft tissue;
 32. Take dental photographs including the use of intra-oral cameras;
 33. Select shades of prosthetic appliances;
 34. Demonstrate home-use bleaching systems;
 35. Apply hot or cold packs pursuant to the direction of a licensed dentist;
 36. 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; and
 37. Administer local anesthesia provided he or she satisfies the requirements set forth in N.J.A.C. 13:30-1A.3.
- (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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (b).

Amended by R.2008 d.357, effective December 1, 2008.

See: 40 N.J.R. 2657(a), 40 N.J.R. 6815(b).

In (b)35, deleted "and" from the end; in (b)36, substituted "; and" for a period at the end; and added (b)37.

13:30-1A.3 Administration of local anesthesia by licensed dental hygienists

(a) A licensed dental hygienist may administer local anesthesia if the minimum standards of training and procedure set forth in this section are followed. For purposes of this section "local anesthesia" is defined as the elimination of sensation, especially pain, in the oral cavity by the regional injection of an anesthetic agent.

(b) No licensed dental hygienist shall administer local anesthesia unless he or she possesses a local anesthesia permit issued by the Board of Dentistry.

(c) A licensed dental hygienist who has been issued a permit to administer local anesthesia may do so only under the direct supervision of a New Jersey licensed dentist who shall determine which anesthetic agent shall be administered by the hygienist. The licensed hygienist may utilize only the following types of injections: infiltration in the maxilla and mandible; mandibular nerve block; mental nerve block; and long buccal nerve block.

(d) A licensed dental hygienist applying for a Board permit to administer local anesthesia shall satisfy the following requirements:

1. Successful completion of a Board-approved course in the administration of local anesthesia offered in a dental hygiene program approved by the Commission on Dental Accreditation, or in an accredited college or university, teaching hospital or other training institution or facility approved pursuant to N.J.S.A. 45:6-2.

i. The course outline, content and objectives, and curriculum vitae of course instructors shall be submitted to the Board for review and approval.

ii. The course shall include instruction in: head and neck anatomy; pharmacology of anesthetic and analgesic agents; patient pre-evaluation, including medical and dental history considerations; recognition of adverse events, emergency procedures and basic life support; and selection of appropriate armamentarium, agents and techniques.

iii. The course shall consist of 20 hours of didactic training and 12 hours of clinical training. The clinical training shall include 20 monitored administrations of local anesthesia, with a minimum of five administrations of each of the following injections: infiltrations in the maxilla and mandible, mandibular nerve block, mental nerve block, and long buccal nerve block; and

2. Passage of the written examination in the administration of local anesthesia administered by the Northeast Regional Board of Dental Examiners (NERB).

(e) A licensed dental hygienist who holds a permit to administer local anesthesia under the direct supervision of a licensed dentist shall complete four hours of continuing education in the administration of local anesthesia in every other biennial renewal period, consistent with the requirements of N.J.A.C. 13:30-5.2.

(f) The administration of local anesthesia by a licensed dental hygienist without a permit shall constitute a deviation from normal standards of practice required of a licensee.

(g) A licensed dental hygienist who administers local anesthesia without a permit and 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 administer local anesthesia without a permit or without direct supervision shall be subject to the penalties set forth in N.J.S.A. 45:1-25 and shall be deemed to have engaged in willful and gross malpractice or willful and gross neglect in the practice of dentistry pursuant to N.J.S.A. 45:6-62.

Repealed by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Section was "Inactive licensure".
New Rule, R.2008 d.357, effective December 1, 2008.
See: 40 N.J.R. 2657(a), 40 N.J.R. 6815(b).
Section was "Reserved".

13:30-1A.4 (Reserved)

Repealed by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Section was "Resumption of active practice by inactive dental hygienist".

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. 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 Assistant Certification Examination administered by the Dental Assisting National Board (DANB) within 10 years prior to the date of application; or

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

i. Obtained at least two years work experience as a dental assistant during the five-year period prior to making application for registration, passed the Registered Dental Assistant 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; or

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 Registered Dental Assistant Certification Examination administered by DANB within 10 years prior to 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; and

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

3. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.; and

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

Amended by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a), in (b), deleted former iv and recodified former v as iv, rewrote 3.

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 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.

(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; and

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

3. Results from a criminal history background check conducted by the State of New Jersey pursuant to N.J.S.A. 45:1-28 et seq.; and

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

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (a), incorporated former i into 1 and deleted ii; in (b)2, deleted former iv and recodified former v as iv, rewrote (b)3.

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 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. Etch teeth in preparation for bonding, sealants and desensitizing agents;

8. Place caries detecting agents;

9. Use instruments for caries detection. Such instruments shall not include lasers that are capable of altering, cutting, burning or damaging hard or soft tissue;

10. Perform hand removal of soft temporary restorations;

11. Perform hand removal of crowns and bridges that have been temporarily cemented;

12. Prepare coronal surfaces for bonding and restoration, with pumice and water only, not to include a prophylaxis;

13. Take alginate impressions;

14. Place amalgam, composite or gold foil in a tooth for condensation by the dentist;

15. Place and remove retraction cords and medicated pellets;

16. Perform bite registration procedures;

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. Place and remove arch wires and ligature wires;

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

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

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

23. Apply topical anesthetic agents;

24. Take and record vital signs;

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

26. 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;

27. Hold a curing light for any dental procedure. Such curing light shall not include a laser capable of altering, cutting, burning or damaging hard or soft tissue;

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

29. Select shades of prosthetic appliances;

30. Demonstrate home-use bleaching systems;

31. Apply hot or cold packs pursuant to the direction of a licensed dentist;

32. Administer a topical treatment on a patient after a licensed dentist or licensed dental hygienist has performed a prophylaxis; and

33. 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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a).

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 alginate impressions;

2. Fabricate mouth guard appliances. 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;

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;

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; and

12. Apply hot or cold packs pursuant to the direction of a licensed dentist.

(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.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (a), rewrote 1, 2, and 7, deleted "and" at the end of 10, added "and" and removed "." at the end of 11, and added 12.

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 capable of altering, cutting, burning or damaging hard or soft tissue;

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

11. Select shades for prosthetic appliances;

12. Apply hot or cold packs pursuant to the direction of a licensed dentist; and

13. 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.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (a), rewrote 9, deleted "and" at the end of 11, added 12, and recodified former 12 as 13.

SUBCHAPTER 2A. (RESERVED)

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 certified transcript 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.

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.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (c), substituted "certified transcript" for "certification" following "shall submit a"; deleted (d).

13:30-3.2 Application procedure

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

1. Submit a completed and notarized application which shall include a certified transcript of graduation from an accredited dental school by an authorized official of the dental school; and

2. Provide two character references from licensed New Jersey dentists.

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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(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 combination thereof where dentistry in any or all of its branches is practiced, demonstrated or taught on a nonprofit 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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Changed “combinations” to “combination” preceding “thereof”.

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;

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, the curriculum vitae of all instructors and/or discussion leaders, the outline of the course, the course objectives and information 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) Continuing education course approval granted pursuant to this section shall be valid for two years from the date of approval provided that the course subject matter, course instructor and course length remain unchanged from the initial application.

(i) A licensee may obtain continuing education credits from any of the areas of study listed below. A licensee shall not receive credit for more than the maximum number of hours permitted in each area of study for each biennial period, as set forth in (i)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 and maxillofacial surgery, oral and maxillofacial pathology, orthodontics, pediatric dentistry, periodontics, prosthodontics, public health, or oral and maxillofacial radiology.

iii. A maximum of five hours of continuing education credit shall be given to a student or an instructor for basic Cardiopulmonary Resuscitation courses and a maximum of 15 hours of continuing education credit shall be given to a student or an instructor for Advanced Cardiac Life Support courses.

iv. A maximum of 20 hours of continuing education credit shall be given for any form of written or electronic media distance learning courses. A written or electronic media distance learning 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 new 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. For purposes of this section, "new" means a program, course or subject matter which the licensee has not taught or researched before in any educational or practice setting.

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.

(j) 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.

(k) 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.

(l) 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.

(m) 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).

Amended by R.2005 d.309, effective September 19, 2005 (operative date of November 1, 2005).

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a), (c) and (f), added (h); recodified former (h)-(l) as (i)-(m); rewrote (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 license renewal, except as provided in (b) and (d) below. No more than one-half of the required continuing education hours in the two-year period may be obtained through written or electronic media distance learning courses. For the biennial renewal period commencing on January 1, 2006 and thereafter, all licensed dental hygienists shall be required to complete 20 hours of continuing education every two years at the time of license renewal, consistent with the requirements of this section.

(b) 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.

(c) 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 new 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. For purposes of this section, "new" means a program, course or subject matter which the licensee has never taught or researched before in any educational or practice setting.

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

(d) 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.

(e) 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. Records shall be maintained for two full biennial periods from the date of completion of the continuing education activity. Each licensee shall obtain from the continuing education course sponsor 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.

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

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a); deleted former (b) and (c); recodified former (d) and (e) as (b) and (c), rewriting former (e); recodified former (f) as (d); recodified and rewrote the introductory paragraph of (g) as (e); recodified former (h) as (f).

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 one-half of the required continuing education hours in the two-year period may be obtained through written or electronic media distance learning 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 new 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. For purposes of this section, "new" means a

program, course or subject matter which the registrant has not taught or researched before in any educational or practice setting.

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. Records shall be maintained for two full biennial periods from the date of completion of the continuing education activity. Each registrant shall obtain from the continuing education course sponsor 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.

Amended by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (a), rewrote the introductory paragraph and added the last sentence in i; in (d), added the second sentence, "Records shall be maintained for two full biennial periods from the date of completion of the continuing education activity.", and deleted "and retain for a period of four years" in the introductory paragraph.

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.

Petition for Rulemaking.
See: 42 N.J.R. 2332(c).
Petition for Rulemaking.
See: 43 N.J.R. 66(d).

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;

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

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

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

(e) All advertisements shall contain the licensee’s name and the phrase “General Dentist,” or, if the licensee holds a specialty permit pursuant to N.J.A.C. 13:30-6.1, the specialty for which the licensee has been granted a permit by the Board.

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

(g) If a dentist advertises under a banner heading for any of the special areas of dentistry in N.J.A.C. 13:30-6.1(c) in any directory (for example, telephone book yellow pages), such advertisement shall contain the licensee’s name, and either the phrase “General Dentist” or the specialty for which the licensee has been granted a permit by the Board.

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

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

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

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

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

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

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

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

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

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

ii. Example of Representative List of Services:

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

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

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

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

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

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

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

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

Amended by R.2008 d.76, effective April 7, 2008.
See: 39 N.J.R. 1991(a), 40 N.J.R. 1889(a).

In (e), deleted "phrase 'N.J. Specialty Permit No ____' and the" preceding the second occurrence of "specialty", and substituted "licensee has been granted a permit by the Board" for "permit is granted"; and in (g), substituted "the specialty for" for "'N.J. Specialty Permit No ____' and the specialty in", inserted "licensee has been granted a", and substituted "by the Board" for "is granted".

Petition for Rulemaking.
See: 42 N.J.R. 2332(c).
Petition for Rulemaking.
See: 43 N.J.R. 66(d).

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. GENERAL PROVISIONS

13:30-8.1 Fee schedules

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

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

(b) The biennial license and registration fees charged by the New Jersey State Board of Dentistry shall be the following:

- 1. Dentists:
 - i. Initial license fee:
 - (1) If paid during the first year of a biennial renewal period..... \$390.00
 - (2) If paid during the second year of a biennial renewal period..... \$195.00
 - ii. Active license renewal..... \$390.00
 - iii. Inactive license renewal \$140.00
 - iv. Initial branch office registration, dentist:
 - (1) If paid during the first year of a biennial renewal period..... \$90.00
 - (2) If paid during the second year of a biennial renewal period..... \$45.00
 - v. Branch office renewal registration renewal, dentist..... \$90.00

staff and equipment set forth in (f) and (g) above. When a PCS permit holder utilizes mobile equipment and supplies to administer PCS 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 PCS 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 (g) above prior to the administration of PCS.

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

(l) A licensee who holds a PCS permit shall certify to the Board upon biennial renewal that the holder has completed at least 20 hours during the previous two-year period in continuing education courses devoted to PCS consistent with the requirements set forth in N.J.A.C. 13:30-5.1.

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

New Rule, R.1976 d.353, eff. November 10, 1976.
See: 8 N.J.R. 199(a), 8 N.J.R. 561(a).
Repealed by R.1987 d.419, effective October 19, 1987.
See: 19 N.J.R. 849(a), 19 N.J.R. 1909(b).

Section was "Additional dental hygiene functions".
New Rule, R.1990 d.174, effective March 19, 1990.
See: 21 N.J.R. 3060(a), 22 N.J.R. 976(a).
Amended by R.1995 d.191, effective April 3, 1995.
See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).
Amended by R.2003 d.262, effective July 7, 2003.
See: 34 N.J.R. 2367(a), 35 N.J.R. 2933(a).

Rewrote the section.
Amended by R.2006 d.107, effective March 20, 2006.
See: 37 N.J.R. 581(a), 38 N.J.R. 1459(b).

In (i), added "who is a member of the anesthesiology staff of an accredited hospital or"; changed N.J.A.C. reference from N.J.A.C. 13:35-4A.1 to N.J.A.C. 13:35-4A; and substituted "M.D. or D.O." for "anesthesiologist".

13:30-8.3 Use of general anesthesia

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

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

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

(d) In order to receive such a permit, the dentist shall apply on an official application form and submit certified or verifiable proof that he or she:

- i. Has completed a minimum of three years post-doctoral training in oral surgery, or a minimum one-year training course in anesthesiology; or
- ii. Is a diplomate in oral surgery or is Board-eligible in oral surgery; or
- iii. Is a fellow of the American Dental Society of Anesthesiology, or is a member of the American Society of Oral Surgeons and/or is a member of the New Jersey Society of Oral Surgeons.

(e) Every applicant for a general anesthesia permit must certify that he or she employs no fewer than two persons who must be present in the office, at least one of whom shall assist in monitoring the patient under general anesthesia. Such personnel shall be certified by the permit holder as being trained in and capable of monitoring vital signs, and of assisting in emergency procedures.

(f) Every applicant for a general anesthesia permit must certify that he or she possesses basic equipment and supplies to deal with emergency situations, which equipment and supplies shall be readily accessible and in good order. This shall consist of no less than the list that shall be supplied by the Board.

(g) Any permit holder invited by a dentist to provide general anesthesia services shall be responsible for compliance with all terms and conditions of this section, including the minimum requirements for assisting staff, as set forth in (e) above, and equipment, as set forth in (f) above.

(h) The dental facility of any permit holder shall be inspected and approved by the State Board of Dentistry or its designee, once every six years.

(i) In a dental facility where a permit holder administers general anesthesia pursuant to this section, the mobile equipment and supplies of the permit holder shall be inspected and approved by the State Board of Dentistry or its designee once every six 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 anesthesia in one or more dental facilities.

(j) This permit shall be renewed biennially upon satisfactory proof being submitted to the Board that the holder has completed at least 20 hours during the previous two year period in continuing education courses devoted to general anesthesia and approved by the Board.

(k) Satisfactory credit hours to fulfill the continuing education requirement may be obtained in any one of the following areas:

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

(l) Prior to the administration of an anesthetic agent for the purpose of controlling pain, a physical evaluation shall be made by the permit holder and a complete medical history which shall include previous medications, allergies and sensitivities shall be obtained. Said history shall be maintained in the files of each dentist for a period of not less than seven years succeeding the taking of same. Specific records on use of general anesthesia shall be kept and shall include type of agent, dosage and duration.

(m) Any dentist who utilizes the services of a general anesthesia 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 practicing general anesthesia provided that the general anesthesia permit holder or M.D. or D.O. remains present and bears full responsibility during the entire procedure and until any patient regains consciousness. Any general anesthesia permit holder invited by a dentist to provide general anesthesia services shall bear full responsibility for compliance with all terms and conditions of this rule including, but not limited to, the minimum requirements for equipment and assisting staff.

(n) Every applicant for a permit to use general anesthesia must obtain emergency training by completing the "Basic Life Support: Course C" of the American Heart Association or its equivalent and must maintain current certification in said course. This training also shall be required of all persons who assist in monitoring a patient under general anesthesia. The permit applicant must furnish proof of said training and certification to the Board.

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

(p) Any licensee who administers general anesthesia without first having obtained a permit from the Board or any licensee who fails to comply with the rules set forth herein,

shall be deemed to have engaged in professional misconduct and/or gross malpractice or negligence and may be subjected to appropriate disciplinary action including an action for the suspension or revocation of the licensee's license to practice dentistry in the State of New Jersey.

New Rule, R.1976 d.367, eff. November 19, 1976.

See: 8 N.J.R. 198(b), 8 N.J.R. 561(b).

Amended by R.1977 d.206, eff. June 9, 1977.

See: 9 N.J.R. 128(c), 9 N.J.R. 346(a).

Amended by R.1978 d.120, eff. April 6, 1978.

See: 9 N.J.R. 483(a), 10 N.J.R. 203(b).

Amended by R.1980 d.423, eff. September 30, 1980.

See: 12 N.J.R. 430(a), 12 N.J.R. 672(b).

(c)3 added; (d) amended to include last sentence concerning penalty.

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.1985 d.548, effective November 4, 1985.

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

Amended by R.1990 d.173, effective March 19, 1990.

See: 21 N.J.R. 3062(a), 22 N.J.R. 975(a).

In (a), use of anesthesia without meeting training standards shall constitute deviation of practice. Stylistic and codification revisions to (c)-(h). Deleted old (f) and (h). Added new (l)-(n).

Amended by R.2000 d.357, effective September 5, 2000.

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

Inserted a new (g); recodified former (g) as (h); inserted a new (i); and recodified former (h) through (n) as (j) through (p).

Amended by R.2006 d.107, effective March 20, 2006.

See: 37 N.J.R. 581(a), 38 N.J.R. 1459(b).

In (m), added "general anesthesia" throughout; added "or who is authorized to perform anesthesia services by the Board of Medical Examiners pursuant to N.J.A.C. 13:35-4A"; and substituted "M.D. or D.O." for "anesthesiologist".

13:30-8.4 Enteral sedation with single or multiple pharmacological agents

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

"Anxiolysis" means the diminution or elimination of anxiety.

"Enteral" means any method for the introduction of pharmacological agents, including oral, sublingual, rectal or any other method which relies upon absorption through the gastrointestinal tract or oral mucosa and introduction through the nasal passages or any other mucous membrane.

"Enteral sedation with single or multiple pharmacological agents" means the administering, dispensing or prescribing of one or more pharmacological agents to be used concurrently or sequentially for the purposes of causing anxiolysis and a depressed level of consciousness, but not a loss of consciousness. For purposes of this section, pharmacological agents shall include any non-parenteral agent, and shall exclude any agent introduced by intravenous, intramuscular, subcutaneous, submucosal, or inhalation routes, including nitrous oxide inhalation analgesia.

(b) As of July 1, 2006, no dentist shall administer, dispense or prescribe enteral sedation with single or multiple pharmacological agents (hereinafter "enteral sedation")

unless the minimum standards of training and procedure set forth in this section are satisfied.

(c) As of July 1, 2006, no dentist shall administer, dispense or prescribe enteral sedation unless such dentist possesses an enteral sedation permit issued by the State Board of Dentistry, except as provided in (d) below, for a specified practice location which shall be renewed biennially. A dentist shall obtain a separate enteral sedation permit for each practice location at which enteral sedation is administered, dispensed or prescribed.

(d) A dentist who holds a current general anesthesia (GA) permit issued by the Board pursuant to N.J.A.C. 13:30-8.3, or a current parenteral conscious sedation (PCS) permit issued by the Board pursuant to N.J.A.C. 13:30-8.2, shall be authorized to use enteral sedation and shall not be required to apply for an enteral sedation permit pursuant to this section, provided the dentist complies with all requirements set forth in N.J.A.C. 13:30-8.3 or 8.2.

(e) As of July 1, 2006, no dentist may administer, dispense or prescribe any pharmacological agent in a dosage which has the potential to inhibit patient response beyond anxiolysis without the possession of an enteral sedation permit issued pursuant to this section.

(f) A dentist applying for a Board permit to administer, dispense or prescribe enteral sedation shall complete an application as provided by the Board. The dentist shall submit as part of a completed application, a certification verifying that the dentist has completed Board approved post-doctoral course work at an accredited dental school, in a hospital-based program or in a college or university clinical setting sufficient to prepare a dentist to satisfactorily use enteral sedation safely and effectively. Such course work shall consist of a minimum of 40 hours of didactic training in basic enteral sedation, physical evaluation, recognition and management of complications and emergencies, and patient monitoring.

(g) A dentist applying for an enteral sedation permit shall be exempt from the course work requirements set forth in (f) above provided the applicant submits proof of having satisfied one of the following conditions:

1. The dentist holds a current general anesthesia (GA) permit issued by the Board pursuant to N.J.A.C. 13:30-8.3;

2. The dentist holds a current parenteral conscious sedation (PCS) permit issued by the Board pursuant to N.J.A.C. 13:30-8.2;

3. The dentist has completed an accredited general practice residency, or has graduated from a post-doctoral training program within the three years immediately preceding application. The general practice residency or the post-doctoral training program shall include a minimum of 60 hours of training in general anesthesia or conscious sedation; or

4. The dentist has completed an accredited general practice residency, or has graduated from a post-doctoral training program more than three years preceding application, and has completed a minimum of 20 hours of didactic training in basic enteral sedation, physical evaluation, recognition and management of complications and emergencies, and patient monitoring within the three years immediately preceding application. The general practice residency or the post-doctoral training program shall include a minimum of 60 hours of training in general anesthesia or conscious sedation.

(h) An applicant for an enteral sedation permit shall obtain emergency training by completing "Basic Life Support: Course C" of the American Heart Association or its equivalent or a course in Advanced Cardiac Life Support or its equivalent and shall maintain current certification in such course. The applicant shall furnish proof of this training and certification to the Board upon application for an enteral sedation permit and proof of recertification upon biennial renewal of the permit.

(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 (Reserved)

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).

Repealed by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Section was "Complaint review procedures".

13:30-8.6 Biennial license and registration renewal; license and registration suspension; reinstatement of suspended license or registration; inactive status; return from inactive status

(a) All licenses and registrations issued by the Board shall be issued for a two-year biennial period. A licensee or a registrant who seeks license or registration renewal shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:30-8.1 prior to the expiration date of the license or registration.

(b) The Board shall send a notice of renewal to each licensee and registrant at the address of record registered with the Board at least 60 days prior to the expiration of the license or registration. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee or registrant does not renew the license or registration prior to its expiration date, the licensee or registrant may renew the license or registration within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:30-8.1. During this 30-day period, the license or registration shall be valid, and the licensee or registrant shall not be deemed to be practicing without a license or registration, as applicable.

(d) A license or registration that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license or registration shall be deemed to be engaged in unlicensed practice.

(e) An individual whose license or registration has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:30-8.1;

2. Completion of the continuing education units required for each biennial renewal period for which the licensee or registration was suspended, as applicable; and

3. Submission of an affidavit of employment listing each job held during the period of suspended license or registration which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, an individual whose license or registration has been automatically suspended for more than five years who wishes to have his or her license or registration reinstated shall reapply for licensure or registration, as applicable, and shall be subject to an examination and other requirements as determined by the Board prior to reinstatement of his or her license or registration.

(g) Renewal applications shall provide the licensee or registrant with the option of either active or inactive status. A licensee or registrant electing inactive status shall pay the applicable inactive renewal fee set forth in N.J.A.C. 13:30-8.1 and shall not engage in practice.

(h) A licensee or registrant who elected inactive or retired status and has been on inactive or retired status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;

2. The completion of the continuing education units required for each biennial renewal period for which the licensee or registrant was on inactive status up to a maximum number of units required for two biennial renewal periods, or in the case of a licensee or registrant who is actively licensed or registered in another jurisdiction and demonstrates that he or she was continuously and actively engaged in that jurisdiction in the practice for which the individual is on inactive status in this State, the completion of the continuing education units required for one biennial renewal period; and

3. Submission of an affidavit of employment listing each job held during the period the licensee or registrant was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee or registrant who has been on inactive or retired status for more than five years who wishes to return to practice shall reapply for licensure or registration, as applicable, and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive or retired status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license or registration.

New Rule by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

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 diagnosis and a treatment plan, which shall also include the material treatment risks and clinically acceptable alternatives, and costs relative to the treatment that is recommended and/or rendered;
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;
11. A record of any recommendations or referrals for treatment or consultation by a specialist, including those which were refused by the patient; and
12. The name of the dentist of record consistent with the requirements of N.J.A.C. 13:30-8.15.

(b) Each dentist or dental auxiliary shall sign or initial each entry on the patient record pertaining to the treatment he or she rendered. If no such signature or initialing 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.

(c) 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.

(d) Patient records, including all radiographs, shall be maintained for at least seven years from the date of the last entry, except that diagnostic and study models used for definitive treatment shall be maintained for at least three years from the date the model is made. Working models may be maintained.

(e) 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:

i. The reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. (If the record requested is less than 10 pages, the licensee may charge up to \$10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.); and/or

ii. The reproduction of radiographs or any other material within a patient record which cannot be routinely copied or duplicated on a commercial duplicating machine. That fee shall be no more than the actual cost of the duplication of the materials, or the fee charged to the licensee for duplication. In addition, the licensee may charge an administrative fee of \$10.00 or 10 percent of the cost of reproduction, whichever is less, to compensate for office personnel time spent retrieving or reproducing the materials and overhead costs.

4. Licensees shall not charge a patient for a copy of the patient's record when the licensee has affirmatively terminated a patient from the practice.

5. 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.

(f) 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.

(g) 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.

(h) 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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (a), added 4, deleted "and" at the end of 10, added "; and" and removed "." at the end of 11, added 12; added (b); recodified former (b) as (c); recodified and rewrote former (c) as (d); recodified and rewrote former (d) as (e); recodified former (e)-(g) as (f)-(h).

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 the names of the licensees who are responsible for the administration of the facility. A dental facility may display on

exterior signs or other means of exterior display the names of licensees associated with 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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a).

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;
4. Any statement material to the claim which is known to be false or misleading; or
5. A charge for any service or procedure the amount of which has been advertised as free or complimentary or for an amount that exceeds the advertised charge for discounted services or procedures.

(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 (e) and (f).

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.

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In (b), deleted "or" in 3, added " ; or" and removed " ." in 4, added 5.

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 his or her address of record. For purposes of this section, "address of record" means an address designated by a

licensee which is part of the public record and which may be disclosed upon request. "Address of record" may be a licensee's home, business or mailing address, but shall not be a post office box unless the licensee also provides another address which includes a street, city, state and zip code. Notice shall be sent to the Board by mail or by electronic means not later than 30 days following the change of address of record.

(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).

Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Rewrote (a).

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.

"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 limited liability company formed under the laws of this State, pursuant to the New Jersey Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq., except where inconsistent with these rules.

"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.

(f) Dentists may provide professional services in connection with a permissible dental practice as independent contractors provided the arrangement complies with all State and Federal laws.

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).
Amended by R.2005 d.309, effective September 19, 2005.

See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).
In (a), rewrote definitions "Associate" and "Limited liability company"; added (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) 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.

(d) 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.

(e) 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.
Amended by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Deleted former (c) and recodified former (d)-(f) as (c)-(e).

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

(a) A dentist may delegate the administration of certain physical modalities to licensed dental hygienists, registered dental assistants, limited registered dental assistants and unregistered dental assistants consistent with their particular scopes of practice as set forth in N.J.A.C. 13:30-1A.2, 2.4, 2.5 and 2.6 and as set forth in this section.

(b) Physical modalities, for the purpose of this section, shall be limited to hot and cold packs, ultrasound, electrogalvanic stimulation, transcutaneous electrical nerve stimulation ("T.E.N.S.") and phonophoresis.

(c) A dentist may delegate the administration of the physical modalities set forth in (b) above to licensed dental hygienists, registered dental assistants and limited registered dental assistants consistent with their particular scopes of practice as set forth in N.J.A.C. 13:30-1A.2, 2.4 and 2.5 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 licensed dental hygienist, registered dental assistant or limited registered dental assistant who is responsible for administering the modality.

3. 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.

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

(d) A dentist may delegate the administration of hot or cold packs to unlicensed assistants. No other physical modalities as set forth in (b) above shall be performed by an unlicensed assistant.

(e) 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".

Amended by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

In rule heading, deleted "to unlicensed dental assistants" following "modalities"; rewrote (a)-(c); added (d); recodified former (d) as (e).

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, 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).
Amended by R.2005 d.309, effective September 19, 2005.
See: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).
In (a), deleted "officers," following "partners,".

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 (AICRA) and implied legislative authority reposed in Board by Dental Practice Act; Board determined that such diagnostic testing is matter in need of regulation to protect public health, safety, and welfare from cost and ordeal of unnecessary testing. *Dentists for Quality v. State Bd.*, 771 A.2d 659 (2001).