

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

Chapter 30, New Jersey Board of Dentistry, expires on August 16, 2010.

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Subchapter 7, Forms, was repealed by R.1987 d.12, effective January 5, 1987.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as R.1995 d.191, effective March 10, 2000, and Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, was adopted as new rules by R.1995 d.191, effective April 3, 1995.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5, Standards for Approval of Dental Schools, and Subchapter 6, Standards for Approval of Schools of Oral Hygiene, were repealed and Subchapter 1A, Dental Hygienists, Subchapter 2, Dental Assistants, Subchapter 5, Continuing Education, and Subchapter 6, Advertising, were adopted as new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Subchapter 2A, Registered Dental Assistant and Limited Registered Dental Assistant Three-Month Internship Programs, was repealed, effective September 19, 2005.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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. LICENSURE TO PRACTICE DENTISTRY

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

SUBCHAPTER 1A. DENTAL HYGIENISTS

- 13:30-1A.1 Application for licensure as registered dental hygienist
- 13:30-1A.2 Scope of practice of licensed dental hygienist
- 13:30-1A.3 Administration of local anesthesia by licensed dental hygienists
- 13:30-1A.4 (Reserved)

SUBCHAPTER 2. DENTAL ASSISTANTS

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

SUBCHAPTER 2A. (RESERVED)

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

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

SUBCHAPTER 4. INDUSTRIAL OR CORPORATE CLINICS

- 13:30-4.1 Industrial or corporate clinic defined
- 13:30-4.2 Application for permit
- 13:30-4.3 Documents submitted with application for permit
- 13:30-4.4 Permits not transferable
- 13:30-4.5 Annual certificate of renewal
- 13:30-4.6 Changes require Board approval
- 13:30-4.7 Provision of services
- 13:30-4.8 (Reserved)
- 13:30-4.9 Standards of service and facilities
- 13:30-4.10 Inspection; requirements of director

SUBCHAPTER 5. CONTINUING EDUCATION

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

SUBCHAPTER 6. ADVERTISING

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

SUBCHAPTER 7. (RESERVED)

SUBCHAPTER 8. GENERAL PROVISIONS

- 13:30-8.1 Fee schedules
- 13:30-8.1A Deep sedation; sleep dentistry
- 13:30-8.2 Parenteral conscious sedation
- 13:30-8.3 Use of general anesthesia
- 13:30-8.4 Enteral sedation with single or multiple pharmacological agents
- 13:30-8.5 (Reserved)
- 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
- 13:30-8.7 Patient records
- 13:30-8.8 Reporting of incidents or deaths
- 13:30-8.9 Display of names; identifying badges
- 13:30-8.10 Dental insurance forms

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

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

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;

from the sale of a business in the event of sale of the business. If the plumbing contractor is a corporation, the bona fide representative owns stock equaling a 10 percent equity interest, and, if there are more than one class of stock, the stock owned by the bona fide representative is the highest level stock with full voting rights.

New Rule, R.2001 d.12, effective March 3, 2001.

See: 31 N.J.R. 3984(a), 33 N.J.R. 56(a).

Former N.J.A.C. 13:32-1.3, Examinations, repealed.

Amended by R.2003 d.165, effective April 21, 2003.

See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

Substituted "Licensed master plumber" for "Master plumber"; in "Plumbing contractor", substituted "licensed master plumber" for "licensee".

Amended by R.2005 d.69, effective February 22, 2005.

See: 36 N.J.R. 1718(b), 37 N.J.R. 616(a).

Added "Plumbing".

Amended by R.2008 d.260, effective September 2, 2008.

See: 40 N.J.R. 1607(a), 40 N.J.R. 5045(b).

Rewrote definition "Plumbing"; in definition "Plumbing contractor", inserted a comma following "entity" and substituted "chapter" for "subchapter"; and in definition "Supervisory journeyman plumber", substituted "the United States Department of Labor" for "both a Federal agency and a Federally certified State agency recognized by the Board".

13:32-1.4 Scope of practice

(a) This section prescribes the permissible scope of plumbing practice which shall include that which is defined as plumbing in N.J.A.C. 13:32-1.3.

(b) Plumbing shall only be performed by a master plumber, an authorized plumbing contractor, or by employees working under the supervision of a master plumber as permitted by N.J.S.A. 45:14C-1 et seq. and N.J.A.C. 13:32-3.3(a)3.

(c) For purposes of this section, the following shall also be considered within the scope of the practice of plumbing and shall only be performed by individuals designated in (b) above:

1. Performing of plumbing work, including minor work and ordinary repairs even though a permit is not required;
2. Installation and service of storm, sanitary, and water piping to the final point of connection within three feet of the exterior of a building or structure located on private property;
3. Installation of the water service and backflow preventer for fire suppression systems and water sprinkler systems;
4. Plumbing work performed at a place of business by employees of that business on property owned by the business;
5. Disconnection and sealing of water and sewer lines;
6. Installation and service of all direct and indirect drain piping associated with mechanical equipment that is connected to a sewer system;
7. Installation or disconnection of water filtration or water softening equipment, water heaters, humidifiers, ice making equipment or backflow preventers;

8. Installation of water piping on the house side of a well water compression tank; and

9. Installation, extension, alteration, repair, maintenance, testing and removal of storm, sanitary and water piping between buildings or structures on a property.

(d) If an individual does not charge for the services listed in (c) above, or if he or she provides such services for a non-profit organization, the provision of these services is the practice of plumbing and the individual shall be a licensed master plumber.

(e) For purposes of this section, the following may be performed by both licensed master plumbers and individuals who are not licensed master plumbers:

1. The clearance of stoppages and installation or removal of a cleanout or cleanout equivalent necessary to clear the stoppage;

2. The installation and service of storm, sanitary, and water piping from the final point of connection more than three feet from the exterior of a building or structure located on private property;

3. The installation, service, and maintenance of fire suppression systems and lawn sprinkler systems downstream from a back flow prevention device;

4. The installation, service, and maintenance of gas and hydronic piping;

5. The demolition or removal of plumbing, provided the water and sewer utilities are first disconnected and sealed outside the building;

6. The installation and service of transmission piping by water or sewer utilities; and

7. The installation and service of water lines to mechanical equipment downstream from a back flow prevention device.

(f) The provisions of this section shall not apply to:

1. A single-family home owner who performs plumbing work in his or her own dwelling; and

2. Plumbing work performed by full-time employees of a public agency on property owned by that agency.

(g) A licensed master plumber may perform a task listed in (e) above, as long as he or she performs the task in a manner consistent with professional plumbing standards.

(h) An individual who is licensed pursuant to N.J.S.A. 58:4A-23 et seq. is not engaged in the unlicensed practice of plumbing when he or she is performing the tasks that he or she is licensed to perform.

(i) A licensed master plumber may perform construction work that is necessary for the completion of plumbing work a licensed master plumber has contracted to perform.

Amended by R.1973 d.170, effective June 22, 1973.

See: 5 N.J.R. 90(a), 5 N.J.R. 239(c).

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Bond".

New Rule, R.2005 d.69, effective February 22, 2005.

See: 36 N.J.R. 1718(b), 37 N.J.R. 616(a).

Amended by R.2007 d.100, effective April 16, 2007.

See: 38 N.J.R. 4983(a), 39 N.J.R. 1486(a).

Rewrote (d) and (f).

Amended by R.2008 d.260, effective September 2, 2008.

See: 40 N.J.R. 1607(a), 40 N.J.R. 5045(b).

In (b), inserted "only" and updated the N.J.A.C. reference; deleted former (c)7; recodified former (c)8 through (c)10 as (c)7 through (c)9; in (c)9, substituted ", extension, alteration, repair, maintenance, testing and removal" for "and service"; added new (d); recodified former (d) through (g) as (e) through (h); in the introductory paragraph of (e), inserted "both" and substituted "and" for "or by"; and in (g), substituted "(e)" for "(d)".

Amended by R.2009 d.336, effective November 16, 2009.

See: 41 N.J.R. 94(a), 41 N.J.R. 4308(b).

Added (i).

13:32-1.5 (Reserved)

Repeal and New Rule, R.1983 d.580, effective December 19, 1983.

See: 15 N.J.R. 1171(a), 15 N.J.R. 2172(c).

Repealed old rule concerning dual representation prohibited and adopted new rule.

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Stylistic revisions to (a)1; revised (b)1.

Recodified to N.J.A.C. 13:32-3.2 and N.J.A.C. 13:32-3.3 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Bona fide representative, responsibilities and limitations".

13:32-1.6 (Reserved)

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Change of address".

13:32-1.7 (Reserved)

Repeal and New Rule, R.1987 d.481, effective November 16, 1987.

See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Old rule was renewal certificates.

Amended by R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Added "and business address, including the street name and number of the owner or qualified bona fide representative" in (b).

Added (c).

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).

Revised (a)-(b); added new (c)-(d); redesignated existing (c) as (e) without changes.

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Identification of licensees".

13:32-1.8 (Reserved)

Recodified to N.J.A.C. 13:32-4.1 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Requirement of pressure seal defined".

13:32-1.9 (Reserved)

Recodified to N.J.A.C. 13:32-4.2 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Requirement of identification card defined".

13:32-1.10 (Reserved)

New Rule, R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Return of pressure seal".

13:32-1.11 (Reserved)

New Rule, R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Repealed by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Supervision".

13:32-1.12 (Reserved)

Recodified to N.J.A.C. 13:32-4.5 by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).

Section was "Professional prices".

SUBCHAPTER 2. APPLICATION, EXPERIENCE REQUIREMENTS, EXAMINATION

13:32-2.1 Eligibility for examinations

(a) To be eligible to take the plumbing license examination an applicant shall:

1. Be 21 years of age or older; and
2. Have completed the experience requirements set forth in N.J.A.C. 13:32-2.2.

(b) An applicant for the plumbing licensing examination shall submit to the Board:

1. A completed application for examination, on a form provided by the Board, including a full street name and number. An application containing only a post office box number as a mailing address shall not be considered a complete application;
2. Proof that the applicant has met the experience requirements set forth in N.J.A.C. 13:32-2.2; and
3. The application fee as set forth in N.J.A.C. 13:32-5.1.

(c) After the Board has reviewed the information required in (b) above, the Board shall send a letter that informs the applicant whether he or she is eligible to take the licensing examination required by N.J.A.C. 13:32-2.3 and, if deemed eligible, of the time and place of examination.

Amended by R.1987 d.481, effective November 16, 1987.

See: 19 N.J.R. 1630(a), 19 N.J.R. 2197(c).

Amended by R.1991 d.170, effective April 1, 1991.

See: 22 N.J.R. 784(a), 23 N.J.R. 1009(b).

Revised application requirements in (b) to indicate that a post office box number as applicant's mailing address is not a complete application.

Amended by R.1992 d.457, effective November 16, 1992.

See: 24 N.J.R. 2334(a), 24 N.J.R. 4270(b).