

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.2011 d.041, effective January 5, 2011.
See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 30, New Jersey Board of Dentistry, expires on January 5, 2018. See: 43 N.J.R. 1203(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Subchapter 7, Forms, was repealed by R.1987 d.12, effective January 5, 1987.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as R.1995 d.191, effective March 10, 2000, and Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, was adopted as new rules by R.1995 d.191, effective April 3, 1995.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5, Standards for Approval of Dental Schools, and Subchapter 6, Standards for Approval of Schools of Oral Hygiene, were repealed and Subchapter 1A, Dental Hygienists, Subchapter 2, Dental Assistants, Subchapter 5, Continuing Education, and Subchapter 6, Advertising, were adopted as new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 as 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Subchapter 2A, Registered Dental Assistant and Limited Registered Dental Assistant Three-Month Internship Programs, was repealed, effective September 19, 2005.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: 37 N.J.R. 1149(a), 37 N.J.R. 3709(a).

Chapter 30, New Jersey Board of Dentistry, was readopted as R.2011 d.041, effective January 5, 2011. 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.

Sec: 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 ap-

proved 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 two years 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, which may include practice in a dental residency, 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 examination recognized by the North East Regional Board or was comparable at the time the applicant took the examination;

6. Results from the successful completion of the New Jersey Jurisprudence examination taken within two years 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).

Amended by R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

In the introductory paragraph of (d), inserted a comma following the second occurrence of "Board"; in (d)4 and (e)6, substituted "two years" for "one year"; in the introductory paragraph of (e), inserted a comma following "Board"; in (e)1, inserted ", which may include practice in a dental residency,"; and in (e)5, inserted "examination recognized by the", and substituted "or was comparable at the time the applicant took the" for the second occurrence of "examination".

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.

(c) A student who is enrolled in a post-graduate program for the awarding of a Certificate of Advanced Graduate Standing (CAGS) or its equivalent, at a Commission on Dental Accreditation-approved dental school, shall not be required to obtain a resident permit. This individual shall be identified as a student.

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.

Amended by R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

Added (c).

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 appearing as instructors or attendees at Board-approved continuing education courses in which they will engage in hands-on training or demonstrations on live patients, provided the dentist is covered by malpractice insurance;

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

7. 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.

Amended by R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

Added new (a)5; and recodified former (a)5 and (a)6 as (a)6 and (a)7.

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. This shall not include electrosurgery or the use of lasers for tissue retraction;
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 or electrosurgery for tissue retraction;
32. Take dental photographs including the use of intra-oral cameras;

33. Select shades of prosthetic appliances;

34. Demonstrate home-use bleaching systems and apply bleaching agents;

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 Commission on Dental Accreditation of the American Dental Association (CODA) accredited college or university or in a hospital licensed by the Department of Health and Senior Services, 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 under the supervision of a New Jersey licensed dentist in an 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 supervise no more than three licensed dental hygienists at one time in a dental office. In an institutional setting, a licensed dentist shall review all chart entries within 30 days of treatment of the patient by a licensed dental hygienist.

(g) A licensed dental hygienist who engages in the activities outlined in (b) and (c) above without direct supervision, except as provided in (e) above, 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, except as provided in (e) above, shall be subject to the penalties set forth in N.J.S.A. 45:1-21 and 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.

Amended by R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

In (b)20, inserted ". This shall not include electrosurgery or the use of lasers for tissue retraction"; in (b)31, inserted "or electrosurgery for tissue retraction"; in (b)34, inserted "and apply bleaching agents"; rewrote the introductory paragraph of (c)1; in the introductory paragraph of (e), substituted "under" for "within an institution subject to" and "an" for "the" following "dentist in"; rewrote (f); in (g) and (h), inserted "except as provided in (e) above,"; and in (h), inserted "45:1-21 and".

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 and for which procedures the anesthetic agent shall be utilized, consistent with the following:

1. The licensed hygienist may administer supraperiosteal (infiltration), periodontal ligament (PDL, intraligamentary), intraseptal and block anesthesia except as provided in (c)1i below.

i. The licensed dental hygienist shall not administer a maxillary (second division, V2) nerve block via the high tuberosity approach or the greater palatine approach; and

2. The licensed hygienist may administer local anesthetic reversal agents approved by the Federal Food and Drug Administration and the American Dental Association, as determined by the dentist.

(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, including appropriate and efficacious injection techniques and minimum and maximum dosages; administration of reversal 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 25 monitored administrations of local anesthesia, including all types of blocks set forth in (c)1 above; 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".

Amended by R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

Rewrote (c) and (d)Iiii; and in (d)Iii, inserted ", including appropriate and efficacious injection techniques and minimum and maximum dosages; administration of reversal agents".

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".

13:30-1A.5 and 1A.6 (Reserved)

13:30-1A.7 Credit towards licensure as a dental hygienist for education, training, and experience received while serving as a member of the Armed Forces

(a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:30-1A.1 may apply to the Board for recognition of the applicant's training, education, and/or experience received while serving as a member of the Armed Forces, which the Board shall consider together with any training, education, and/or experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and/or experience required for licensure.

(b) The Board shall issue a license as a dental hygienist to the applicant if the applicant presents evidence to the Board that:

1. The applicant has been honorably discharged from active military service;

2. The relevant training, experience, and/or education the applicant has received in the military, together with any training, education, and/or experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and/or education required for licensure under N.J.A.C. 13:30-1A.1;

i. An applicant seeking credit for military training and/or experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented;

ii. An applicant seeking credit for education courses and/or training completed while in the military that is not part of an educational program in dental hygiene approved by the Commission on Dental Accreditation shall submit to the Board a Joint Services transcript of his or her education for a determination that the

education courses and/or training completed is substantially equivalent in level, scope, and intent to those approved by the Commission on Dental Accreditation as required for licensure under N.J.A.C. 13:30-1A.1. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those courses and/or training relevant to the practice of dental hygiene that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3. The applicant complies with all other requirements for licensure as a dental hygienist including successful completion of the National Dental Hygiene Board examination, the North East Regional Board examination and the New Jersey Jurisprudence examination as set forth in N.J.A.C. 13:30-1A.1.

(c) It is the applicant's responsibility to provide timely and complete evidence of the education, training and/or experience gained in the military for review and consideration.

(d) If the applicant's military training, education and/or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, and/or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:30-1A.1 for the issuance of the license as a dental hygienist.

(e) Satisfactory evidence of such education, training, or experience shall be assessed on a case-by-case basis.

New Rule, R.2016 d.041, effective May 2, 2016.

See: 47 N.J.R. 2237(a), 48 N.J.R. 714(b).

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;

iv. The name and home address of each dental assistant;

v. The name and home address of each dental technician;

vi. The names, titles and home addresses of all other personnel;

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

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

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

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

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

i. A list of services to which eligible persons are entitled;

ii. A copy of the contract between the owner of the clinic and the dental director;

iii. A copy of the contract between the owner of the clinic and the dentists;

iv. A copy of the contract between the owner of the clinic and the dental hygienists and all other personnel;

v. If the dental director engages the services of dentists and dental hygienists and other personnel, a copy of such contracts;

vi. If the dentists are to be remunerated on a fee for service basis, a copy of the fee schedule; and

4. A proposed budget for the operation of the clinic and a financial statement of the applicant.

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

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

Rewrote the section.

13:30-4.4 Permits not transferable

Clinic permits shall not be transferable.

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

13:30-4.5 Annual certificate of renewal

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

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

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

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

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

Rewrote the section.

13:30-4.6 Changes require Board approval

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

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

Deleted "fundamental" following "make a", and deleted "changes" following "plant".

13:30-4.7 Provision of services

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

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

Rewrote the section.

13:30-4.8 (Reserved)

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

Section was "Crime involving moral turpitude".

13:30-4.9 Standards of service and facilities

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

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

1. The services rendered at the dental clinic are provided consistent within the requisite standard of care for Board licensees;
2. The clinic facilities consist of adequate dental equipment and armamentarium, including proper and efficiently operating sterilizing and sanitary devices;
3. The recovery rooms and emergency equipment meet hospital standards;
4. The rest rooms and waiting rooms are of sufficient number and size to accommodate the number of patients to be treated at the clinic; and
5. The clinic complies with all rules adopted for such places of health service as promulgated by the New Jersey State Department of Health and Senior Services and any other State and/or local governmental agency.

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

13:30-4.10 Inspection; requirements of director

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

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

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

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

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

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

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

1. To whom the director reports; and
2. Type of service rendered by the clinic.

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

SUBCHAPTER 5. CONTINUING EDUCATION**13:30-5.1 Continuing dental education requirements for dentists**

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

1. Except as set forth in (a)2 below, a licensee who was initially licensed during the first year of the preceding biennial period shall submit a certification verifying the completion of 40 credits of continuing dental education. A licensee who was initially licensed during the second year of the preceding biennial period shall submit a certification verifying the completion of 20 credits of continuing dental education; and

2. An individual who graduates from a dental school and is licensed in the first year of the biennial period shall complete 20 credits of continuing education. An individual who graduates from a dental school and is licensed in the second year of the biennial period shall be exempt from continuing education requirements for that biennial period.

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

(c) It shall be the responsibility of each licensee to maintain a record of all continuing education activity completed and to be prepared to submit evidence of completion of the credit requirements to the Board upon request. 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:

(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. Nothing contained in this section shall prohibit a dentist from providing a gift to a patient, or from providing a credit for dental services to a patient, provided the gift or credit does not exceed \$25.00 in value.

(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, professional services, 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), rewrite definitions "Associate" and "Limited liability company"; added (f).

Amended by R.2011 d.041, effective February 7, 2011.
See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

In (d), inserted the last sentence; and in (e), inserted "professional services,".

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 Issuance of prescriptions; NJPBs; controlled dangerous substances

(a) A licensee shall issue written prescriptions only on New Jersey Prescription Blanks (NJPB) that have been secured from an approved vendor and which meet the security requirements of the prescription blanks program set forth in N.J.A.C. 13:45A-27. A licensee's NJPB shall include all information required to appear on the blank pursuant to Division of Consumer Affairs rules, set forth at N.J.A.C. 13:45A-27, including the licensee's National Provider Identifier, if one has been obtained.

(b) Licensees issuing prescriptions for controlled dangerous substances shall comply with all State and Federal laws concerning the issuance of such prescriptions, including requirements set forth at N.J.A.C. 13:45H.

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".

New Rule, R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

Section was "Reserved".

Administrative change.

See: 43 N.J.R. 1204(b).

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).

13:30-8.23 Disclosure of participation in third-party payor plans

If a dentist providing services in a dental practice does not participate in a third-party payor plan in which other providers in the dental office participate, the dentist shall clearly disclose this fact to the patient prior to treatment.

New Rule, R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).

13:30-8.24 Animals and pets in dental office

A licensee shall not permit animals or pets in a dental office unless the animals or pets are maintained in an enclosed space that cannot be accessed by patients. This requirement shall not apply to trained guide or service dogs (or dogs in training) for the disabled, sightless or hearing impaired, consistent with the provisions of the Laws Against Discrimination, N.J.S.A. 10:5-29.

New Rule, R.2011 d.041, effective February 7, 2011.

See: 42 N.J.R. 2217(a), 43 N.J.R. 310(a).