

CHAPTER 30

NEW JERSEY BOARD OF DENTISTRY

Authority

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

Source and Effective Date

R.2000 d.147, effective March 10, 2000.
See: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).

Chapter Expiration Date

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

Chapter Historical Note

Chapter 30, New Jersey Board of Dentistry, was filed and became effective prior to September 1, 1969.

Subchapter 7, Forms, was repealed by R.1987 d.12, effective January 5, 1987. See: 17 N.J.R. 2851(b), 19 N.J.R. 131(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, New Jersey Board of Dentistry, was readopted as R.1990 d.205, effective March 12, 1990. See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, New Jersey Board of Dentistry, was readopted as R.1995 d.191, effective March 10, 2000, and Subchapter 2, Applicants for License to Practice Dental Hygiene, was repealed and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, was adopted as new rules by R.1995 d.191, effective April 3, 1995. See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

Petition for Rulemaking. See: 28 N.J.R. 4531(a).

Subchapter 2A, Registered Dental Assistant and Limited Registered Dental Assistant Three-Month Internship Programs, was adopted as R.1997 d.44, effective January 21, 1997. See: 28 N.J.R. 4719(a), 29 N.J.R. 367(a).

Petition for Rulemaking. See: 29 N.J.R. 3745(a), 29 N.J.R. 4202(a).

Pursuant to Executive Order No. 66(1978), Chapter 30, New Jersey Board of Dentistry, was readopted as R.2000 d.147, effective March 10, 2000, and Subchapter 2, Applicants for License and Standards for Practice for Dental Auxiliaries, Subchapter 5, Standards for Approval of Dental Schools, and Subchapter 6, Standards for Approval of Schools of Oral Hygiene, were repealed and Subchapter 1A, Dental Hygienists, Subchapter 2, Dental Assistants, Subchapter 5, Continuing Education, and Subchapter 6, Advertising, were adopted as new rules by R.2000 d.147, effective April 3, 2000. See: Source and Effective Dates. See, also, section annotations.

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SUBCHAPTER 1. LICENSURE TO PRACTICE DENTISTRY

13:30-1.1 Purpose and scope

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

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

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

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

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

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

13:30-1.2 Application for licensure to practice dentistry

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

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

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

2. A passport size photograph of the applicant certified by the secretary or dean of the dental school, college or department of the university from which the applicant has obtained a dental degree;

3. Results from the successful completion of the Northeast Regional Board Examination. If an applicant fails any portion of the Northeast Regional Board Examination three consecutive times, the Board may require the applicant to sit for and pass a remedial course in the subject area at a dental school, college or department of a university approved by the Commission on Dental Accreditation. The Board shall recognize successful completion of the Northeast Regional Board examination for up to five years. After five years, the Board shall review each request on a case-by-case basis consistent with the following:

i. The Board may recognize successful completion of the Northeast Regional Board Examination after five years. As part of its review, the Board shall consider and evaluate any prior record of disciplinary action or pending disciplinary action against the candidate or investigation of the candidate in any other state and the applicant's complete professional employment history.

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

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

6. A certification by the board of dentistry in every state or jurisdiction in which the applicant holds a dental license verifying that the applicant's license in that state or jurisdiction is in good standing;

7. An affidavit of good moral character; and

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

(c) Notwithstanding the provisions of (b) above, an applicant for licensure to practice dentistry who graduated from a dental school more than two years prior to the date of application, shall submit a certification verifying the completion of 40 hours of continuing education within two years prior to application, consistent with the requirements of N.J.A.C. 13:30-5.1.

(d) An applicant for dental licensure who graduated from a dental school that has not been approved by the Commission on Dental Accreditation shall have completed at least two years of study at a dental school, college or department

of a university approved by the Commission of Dental Accreditation, with a dental degree having been conferred by such institution.

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.
Sec: 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.
Sec: 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.
Sec: 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.
Sec: 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.
Sec: 32 N.J.R. 215(a), 32 N.J.R. 1221(a).
Rewrote the section.

13:30-4.10 Inspection; requirements of director

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER 5. CONTINUING EDUCATION

13:30-5.1 Continuing dental education requirements for dentists

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

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

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

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

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

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

i. Licensed November-January in the first year of period 40 credits;

- ii. Licensed February-April in first year of period 35 credits;
- iii. Licensed May-July in first year of period 30 credits;
- iv. Licensed August-October in the first year of period 25 credits;
- v. Licensed November-January in second year of period 20 credits;
- vi. Licensed February-April in second year of period 15 credits;
- vii. Licensed May-July in second year of period 10 credits; and
- viii. Licensed August-October in second year of period Five credits.

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

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

(c) It shall be the responsibility of each licensee to maintain a record of all continuing education activity completed and to be prepared to submit evidence of completion of the credit requirements to the Board upon request. Each licensee shall obtain from the continuing education course sponsor and retain for a period of four years a record of attendance which shall include, at a minimum, the following:

- 1. The participant's name;
- 2. The title or subject area of the course;
- 3. The instructor's name;
- 4. The course sponsor;
- 5. The date and location of the course;
- 6. The number of hours; and
- 7. Verification of successful completion by the course sponsor.

(d) The Board shall monitor compliance with the mandatory continuing dental education requirement by requesting some licensees, at the discretion of the Board, to provide documentary proof of successful completion of continuing education credits.

(e) All continuing education activities to be accepted for credit shall have significant intellectual or practical content which deals primarily with matters directly related to the practice of dentistry or with the professional responsibilities or ethical obligations of licensees. Subjects such as estate planning, financial or investment/tax planning, and personal health shall not be acceptable for continuing education credit.

(f) If a continuing education sponsor desires prior approval for a course of acceptable subject matter and seeks to be assigned a designated number of continuing education credits by the Board, the program sponsor shall provide, in writing and on a form provided by the Board, information required by the Board to document that the course meets the following requirements:

1. The course is offered in a subject matter and in a format permissible pursuant to the provisions of this section;
2. The course is conducted by a qualified instructor or discussion leader; and
3. The course is at least one hour in length.

(g) Applications for pre-approval of continuing education programs shall be submitted by the program sponsor on the form provided by the Board at least 45 days prior to the date the continuing education program is to be offered. Incomplete applications shall be returned to the sponsor and may result in an inability to grant approval prior to commencement of the program. Although an inability to obtain prior approval may not preclude acceptance of the program, there is no assurance that the Board will grant approval retroactively.

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

1. Educational and scientific courses related to the practice of dentistry;
 - i. A licensee may obtain 40 hours of continuing education in this category.
 - ii. The following shall satisfy the requirement of 40 hours of continuing education for a biennial registration period:
 - (1) Completion of an accredited one-year dental residency program; or

(2) Attendance at, or completion of, an approved advanced education program leading to specialty certification in endodontics, oral surgery, oral pathology, orthodontics, pediatric dentistry, periodontics, prosthodontics or public health.

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

iv. A maximum of 10 hours of continuing education credit shall be given for videotape, audiotape or written or electronic correspondence courses. The videotape, audiotape or correspondence course shall include a written post-test, and such test shall be retained by the licensee as an additional record of completion of the course.

v. A maximum of seven hours of continuing education credit shall be given for practice management/managed care courses;

2. Papers, publications and scientific presentations:

i. A licensee may obtain a maximum of 20 hours of continuing education credit in this category.

ii. A maximum of 10 hours of continuing education credit shall be given for each original scientific paper authored by the licensee and published in a refereed journal. At the discretion of the Board, the 10 hours may be divided among co-authors based upon the length of the scientific paper and the contributions of each author.

iii. For each original presentation of a paper, essay or formal lecture to a recognized group of fellow professionals, a licensee shall receive two hours of continuing education credit for every hour of presentation;

3. Teaching and research appointments:

i. A licensee involved in teaching or research activities at least one full day or the equivalent of one full day per week per academic year and who holds at least a part-time faculty or research appointment shall receive four hours of continuing education credit annually for each full day of teaching or research activity or two hours annually for each half day of teaching or research activity.

ii. A licensee may obtain a maximum of 20 hours of continuing education credit in this category in a biennial period.

4. Table clinics and scientific exhibits:

i. A licensee may obtain a maximum of eight continuing education hours in this category.

ii. A licensee may obtain up to one hour of continuing education for each two hours of original presenta-

tion of a table clinic or scientific exhibit at a professional meeting.

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

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

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

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

13:30-5.2 Continuing education requirements for dental hygienists

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

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

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

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

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

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

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

3. Teaching and research appointments:

- i. A licensee involved in teaching or research activities at least one full day or the equivalent of one full day per week per academic year and who holds at least a part-time faculty or research appointment shall receive two hours of continuing education credit annually for each full day of teaching or research and one credit annually for each half day of teaching or research.

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

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

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

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

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

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

5. Accredited colleges or universities.

(g) A licensee shall maintain a record of all continuing education activity completed and shall submit a certification verifying the completion of the credit requirements to the Board upon request. Each licensee shall obtain from the continuing education course sponsor and retain for a period of four years a record of attendance which shall include, at a minimum, the following:

- 2. Dental Hygienists:
 - i. Initial license fee:
 - (1) If paid during the first year of a biennial renewal period \$120.00
 - (2) If paid during the second year of a biennial renewal period \$60.00
 - ii. Active license renewal.....\$120.00
 - iii. Inactive license renewal \$50.00
- 3. Registered Dental Assistants, Limited Registered Dental Assistants and Limited Registered Orthodontic Assistants:
 - i. Initial registration fee:
 - (1) If paid during the first year of a biennial renewal period \$90.00
 - (2) If paid during the second year of a biennial renewal period \$45.00
 - ii. Active registration renewal \$90.00
 - iii. Inactive registration renewal \$50.00
- (c) Late fee for dentists, dental hygienists, registered dental assistants and limited registered dental assistants \$100.00
- (d) Reinstatement fee for dentists, dental hygienists, registered dental assistants and limited registered dental assistants \$200.00
- (e) Other fees:
 - 1. Limited teaching certificate
 - i. Application \$125.00
 - ii. Annual renewal \$ 80.00
 - 2. Resident permit \$ 10.00
 - 3. Licensure of dentists by credentials—application fee \$250.00
 - 4. Licensure of dental hygienists by credentials—application fee \$125.00
 - 5. Verification of licensure \$ 25.00
 - 6. Duplicate wall certificate \$ 50.00
 - 7. Duplicate license \$ 50.00
 - 8. Industrial or corporate dental clinic permit
 - i. Application \$100.00
 - ii. Annual renewal \$100.00

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

New Rule, R.1975 d.259, effective August 25, 1975.
 See: 7 N.J.R. 482(b).
 Amended by R.1976 d.11, effective January 14, 1976.
 See: 7 N.J.R. 508(a), 8 N.J.R. 84(a).
 Repeal and New Rule, R.1980 d.527, effective December 4, 1980.
 See: 11 N.J.R. 453(a), 13 N.J.R. 41(d).
 Section was "Fee schedule".
 Amended by R.1985 d.196, effective April 15, 1985.
 See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).
 Amended by R.1986 d.168, effective May 5, 1986.
 See: 18 N.J.R. 398(a), 18 N.J.R. 995(b).
 Fees raised; new (b); old (b) recodified to (c).
 Amended by R.1989 d.581, effective November 20, 1989.
 See: 21 N.J.R. 2466(a), 21 N.J.R. 3670(a).
 Fees increased throughout. Added new (a); relettered old (a)-(c) as new (b)-(d), with new (b)2ii and (c)2ii.
 Amended by R.1990 d.205, effective April 2, 1990.
 See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).
 New (d) added regarding other fees, (d) recodified to (e).
 Amended by R.1993 d.598, effective November 15, 1993.
 See: 25 N.J.R. 3927(a), 25 N.J.R. 5352(d).
 Amended by R.1995 d.502, effective September 5, 1995.

See: 27 N.J.R. 2369(a), 27 N.J.R. 3363(a).
 Amended by R.1995 d.504, effective September 5, 1995.
 See: 27 N.J.R. 2367(a), 27 N.J.R. 3362(a).
 Amended by R.1997 d.44, effective January 21, 1997.
 See: 28 N.J.R. 4719(a), 29 N.J.R. 367(a).
 Amended by R.1997 d.492, effective November 17, 1997.
 See: 29 N.J.R. 3108(a), 29 N.J.R. 4859(a).
 Added (a)4.
 Amended by R.1998 d.115, effective March 2, 1998.
 See: 29 N.J.R. 5049(a), 30 N.J.R. 859(a).
 In (b), changed dollar amounts throughout; and in (e), added 8.
 Amended by R.1999 d.283, effective August 16, 1999.
 See: 31 N.J.R. 1457(a), 31 N.J.R. 2359(b).
 In (b), increased fees throughout; and in (e), increased the fee in 8, and added 9.
 Amended by R.2003 d.321, effective August 4, 2003.
 See: 35 N.J.R. 1762(a), 35 N.J.R. 3593(a).
 Rewrote (b); in (e)9ii, substituted "\$80.00" for "\$50.00".
 Amended by R.2005 d.269, effective August 15, 2005.
 See: 37 N.J.R. 1415(a), 37 N.J.R. 3045(a).
 Rewrote the section.

Case Notes

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

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

13:30-8.2 Parenteral conscious sedation

(a) No dentist shall administer parenteral conscious sedation ("PCS") unless the minimum standards of training and procedure set forth in this section are satisfied.

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

(c) No dentist shall use PCS for dental patients unless such dentist possesses a PCS permit issued by the State Board of Dentistry for a specified practice location which shall be renewed biennially. A dentist shall obtain a separate PCS permit for each practice location at which PCS is administered, except as set forth in (j) below.

(d) A dentist applying for a Board permit to administer PCS shall complete an application as provided by the Board. The dentist shall submit as part of a completed application a certification from an accredited university, teaching hospital or other training institution or facility approved pursuant to N.J.S.A. 45:6-2, establishing that the applicant has completed formal training in the administration of PCS. Such formal training shall consist of, at a minimum, a combined 80 hours in didactic instruction and supervised clinical train-

ing in the administration of PCS. Such formal training shall have been completed within three years preceding the date of application. Supervised clinical training shall consist of, at a minimum, delivering intravenous, intramuscular, subcutaneous, submucosal and inhalation medications, monitoring patient activity and managing patient care for 20 PCS patients. As part of the dentist's PCS permit application, the institution shall certify the applicant is competent to:

1. Evaluate the medical status of patients and perform risk management assessments according to American Society of Anesthesiology (ASA) Classification by use of patient histories, physical examinations, vital signs, and pertinent laboratory data and information obtained by medical consultations, and that the applicant can modify treatment plans accordingly;
2. Understand and evaluate the effects of conscious sedation agents on the medical, physical and psychological status of patients;
3. Perform venipunctures and maintain intravenous access during PCS procedures;
4. Recognize and manage complications from drug administrations;
5. Understand the clinical pharmacology and interactions of the drugs used for PCS;
6. Maintain patient airways and support ventilation;
7. Monitor patients during the administration of PCS using clinical evaluations and mechanical means including the use of an EKG monitor and a pulse oximeter and the interpretation of such readings;
8. Recognize and manage anesthetic and medical emergencies arising from the use of PCS;
9. Manage patients during the post-operative period and assess patients' suitability for discharge; and
10. Maintain accurate anesthetic records including drug dosages, vital signs and patient responses.

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

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

C" or its equivalent or in Advanced Cardiac Life Support or its equivalent.

(g) An applicant for a PCS permit shall certify as part of the application for a permit and upon biennial renewal of the permit that he or she possesses basic equipment and supplies to deal with emergency situations. The permit holder's facility shall contain the following readily accessible and properly operating equipment: emergency drug kit; positive pressure oxygen; stethoscope; suction; nasopharyngeal tubes; oropharyngeal tubes; a blood pressure monitoring device; an EKG monitor; and a pulse oximeter or its equivalent. The permit holder's facility shall also contain back-up, battery-operated equipment consisting of, at a minimum, lighting, suction and a pulse oximeter, which shall be readily accessible and properly operating.

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

(i) A dentist who utilizes the services of a PCS permit holder or an M.D. or D.O. who is authorized to perform anesthesia services by the Board of Medical Examiners pursuant to N.J.A.C. 13:35-4A.1 shall not be deemed to be administering PCS, provided that the PCS permit holder or anesthesiologist remains present during the administration of PCS and bears full responsibility during the entire procedure until the patient has recovered fully and has been discharged.

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

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

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

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

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

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

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

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

Section was "Additional dental hygiene functions".

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

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

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

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

Amended by R.2003 d.262, effective July 7, 2003.

See: 34 N.J.R. 2367(a), 35 N.J.R. 2933(a).

Rewrote the section.

13:30-8.3 Use of general anesthesia

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

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

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

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

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

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

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

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

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

(i) In a dental facility where a permit holder administers general anesthesia pursuant to this section, the mobile equipment and supplies of the permit holder shall be inspected and approved by the State Board of Dentistry or its designee once every six years. "Mobile equipment and supplies," for purposes of this subsection, means any equipment and/or supplies which are transported and used by a permit holder to administer anesthesia in one or more dental facilities.

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

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

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

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

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

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

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

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

New Rule, R.1976 d.367, eff. November 19, 1976.
See: 8 N.J.R. 198(b), 8 N.J.R. 561(b).
Amended by R.1977 d.206, eff. June 9, 1977.
See: 9 N.J.R. 128(c), 9 N.J.R. 346(a).
Amended by R.1978 d.120, eff. April 6, 1978.
See: 9 N.J.R. 483(a), 10 N.J.R. 203(b).
Amended by R.1980 d.423, eff. September 30, 1980.

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

(c)3 added; (d) amended to include last sentence concerning penalty. Amended by R.1985 d.196, effective April 15, 1985.

See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).

Amended by R.1985 d.548, effective November 4, 1985.

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

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

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

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

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

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

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

13:30-8.4 (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 "Announcement of practice in a special area of dentistry".

13:30-8.5 Complaint review procedures

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

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

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

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

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

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

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

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

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

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

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

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

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

1. No cause for Board action;

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

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

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

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

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

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

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

Repealed (a)3.

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

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

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

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

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

Case Notes

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

13:30-8.6 (Reserved)

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

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

Section was "Professional advertising".

13:30-8.7 Patient records

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

1. The name, address, and date of birth of the patient and, if a minor, the name of the parent or guardian;
2. The patient's medical history;
3. A record of results of a clinical examination where appropriate or an indication of the patient's chief complaint;
4. A treatment plan;
5. The dates of each patient visit and a description of the treatment or services rendered at each visit;