

**COMPENSATION HAS BEEN PROVIDED
FOR THIS TESTIMONIAL.**

New Rule, R.1978 d.170, effective May 23, 1978.
See: 10 N.J.R. 117(b), 10 N.J.R. 261(c).
Repeal and New Rule, R.1980 d.540, effective December 15, 1980.
See: 12 N.J.R. 668(a), 13 N.J.R. 103(a).

Section was "Providing information to the public."
Amended by R.1985 d.253, effective May 20, 1985.

See: 17 N.J.R. 378(a), 17 N.J.R. 1320(a).
Amended by R.1987 d.158, effective April 6, 1987.
See: 18 N.J.R. 2419(a), 19 N.J.R. 552(a).

Deleted (c)6; renumber (c)8-12 to (c)7-11.
Amended by R.1987 d.417, effective October 19, 1987.
See: 19 N.J.R. 1053(a), 19 N.J.R. 1910(a).

Substantially amended.
Correction: Delete "routine" from (f).
See: 20 N.J.R. 1959(a).
Amended by R.1993 d.332, effective July 6, 1993.
See: 24 N.J.R. 2801(a), 25 N.J.R. 2898(a).
Amended by R.1993 d.651, effective December 20, 1993.
See: 25 N.J.R. 2823(a), 25 N.J.R. 5934(a).

13:30-8.7 Patient records

(a) A contemporaneous, permanent patient record shall be prepared and maintained by a licensee for each person seeking or receiving dental services, regardless of whether any treatment is actually rendered or whether any fee is charged. Licensees also shall maintain records relating to charges made to patients and third party carriers for professional services. All treatment records, bills and claim forms shall accurately reflect the treatment or services rendered. Such records shall include, as 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 where appropriate;
5. The dates of each patient visit and a description of the treatment or services rendered at each visit;
6. A description of all radiographs taken and diagnostic models made properly identified with the patient's name and date;
7. The date and a description of any medications prescribed, dispensed or sold including the dosage or a copy of any written prescriptions;
8. Complete financial records, including an itemized statement of the amount billed to and received on the patient's account from the patient or a third party payor and copies of all insurance claim forms and payment vouchers; and
9. A record of any recommendations or referrals for treatment or consultation by a specialist, including those which were refused by the patient.

(b) Patient records, including all radiographs, shall be maintained for at least seven years from the date of the last entry, except that diagnostic models need be maintained only for three years.

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

1. Upon receipt of a written request from a patient or the patient's authorized representative and within 14 days thereof, legible copies of the patient record including, if requested, duplicates of models and copies of radiographs, shall be furnished to the patient or an authorized representative or a dentist. "Authorized representative" means, but is not necessarily limited to, a person who has been designated by the patient or a court to exercise rights under this section. An authorized representative may be the patient's attorney or an agent of an insurance carrier with whom the patient has a contract which provides that the carrier be given access to records to assess a claim for monetary benefits or reimbursement. If the patient is a minor, a parent or guardian who has custody (whether sole or joint) will be deemed to be an authorized representative.

2. A licensee may require any unpaid balance for diagnostic services be paid prior to release of such records. Where treatment of a patient whose dental expenses are paid through Medicaid is discontinued by the dentist prior to completion of the treatment, no charge for the records shall be made or payment required.

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

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

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

2. The licensee, in the exercise of professional judgment and in the best interests of the patient (even absent the patient's request), may release pertinent information

about the patient's treatment to another licensed health care professional who is providing or who has been asked to provide treatment to the patient, or whose expertise may assist the licensee in his or her rendition of professional services.

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

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

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

2. If the practice will be unattended by another licensee, publish a notice of the cessation and the established procedure for the retrieval of records in a newspaper of general circulation in the geographic location of the licensee's practice, at least once each month for the first three months after the cessation;

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

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

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

(f) The provisions of this section shall not apply to situations where no patient-dentist relationship exists, such as where the professional services of a dentist are rendered at the behest of a third party for the purposes of examination and evaluation only or at the behest of the Board pursuant to N.J.A.C. 13:30-8.5 or in the course of any investigation.

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

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

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

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

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

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

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

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

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

13:30-8.8 Reporting of incidents or deaths

(a) All licensees shall report to the main office of the State Board of Dentistry within seven days, in writing, any incident occurring in a dental office, clinic or any other dental facility which requires the removal of a patient to a hospital for observation or treatment.

(b) All licensees shall likewise report any death which may be related to dental treatment, whether or not the death occurred in the dental facility.

New Rule, R.1980 d.503, effective November 18, 1980.

See: 12 N.J.R. 607(c), 13 N.J.R. 40(a).

Recodification, R.1990 d.205, effective April 2, 1990.

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

Recodified from N.J.A.C. 13:30-8.9.

13:30-8.9 Display of names; identifying badges

(a) Every facility offering dental care to the public shall legibly display on all exterior signs or other means of exterior display only those names of the licensees who are responsible for the administration of said facility.

(b) Every dental care facility wherein two or more dental licensees are engaged in providing dental care shall legibly display in its office, the names and professional status of all licensees associated with said facility.

(c) Any licensee associated with such facility shall be required to wear an identifying badge indicating his or her name and professional status.

New Rule, R.1980 d.509, effective November 21, 1980.

See: 12 N.J.R. 608(a), 13 N.J.R. 41(a).

Recodification, R.1990 d.205, effective April 2, 1990.

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

Recodified from N.J.A.C. 13:30-8.10.

13:30-8.10 Dental insurance forms; professional misconduct

(a) Professional misconduct shall be construed to include but not be limited to the use or employment of dishonesty, fraud, deception or misrepresentation, by a licensee in submitting any claim form, bill, or governmental assistance form to a third party payor for dental services or services rendered to a patient enrolled in a dental prepayment contract plan.

(b) In addition, it shall be professional misconduct for a licensee rendering dental services or procedures to a patient enrolled in any dental prepayment contract plan to submit to a third party payor any claim form, bill, or governmental assistance form which contains any of the following:

1. Any treatment date which does not accurately reflect the date when the service and procedures were actually completed;

2. Any description of a dental service or procedure which does not accurately reflect the actual work completed;

3. Any service or procedure which cannot be justified by the licensee as necessary and proper.

(c) A licensee who renders dental services or procedures to a patient enrolled in any dental prepayment contract plan with co-payment features and intends to waive any part of or all of the co-payment by the patient shall, when submitting any claim form or bill to the third party payor, conspicuously disclose on the face of the claim form or bill in a legible and readable manner that co-payment, or a portion of co-payment, will not be billed to or collected from the patient.

(d) All submissions to a third party payor, including, but not limited to, predetermination forms, claim forms, bills, or governmental assistance forms, shall be manually signed by the patient's treating dentist. The form may be completed by an employee for the signature of the treating dentist, but the treating dentist shall be responsible for the accuracy of all information contained on the form. In the event the patient is treated by more than one dentist in a multi-dentist practice, the duty to verify the accuracy of the information on the form and to manually sign the form shall be that of the designated dentist of record pursuant to N.J.A.C. 13:30-8.17.

(e) Subparagraph (d) above notwithstanding, a treating dentist need not manually sign individual claim forms if the respective third party payors have agreed in writing to an electronic method for claims submission. In that case, the treating dentist (or the dentist of record if one is so designated pursuant to N.J.A.C. 13:30-8.17) shall review and manually sign a written confirmation of the accuracy of the claim data no less frequently than every three months. The dentist shall keep copies of such written confirmations on file for a period of seven years.

(f) Any dentist who verifies claim data pursuant to (e) above is responsible for all of the claim data submitted as if it were submitted and a form manually signed on an individual claim basis.

New Rule, R.1981 d.175, eff. June 4, 1981.
See: 13 N.J.R. 102(c), 13 N.J.R. 366(a).
Amended by R.1985 d.196, effective April 15, 1985.
See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).
Recodified from N.J.A.C. 13:30-8.12 by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).
Amended by R.1990 d.311, effective June 18, 1990.
See: 21 N.J.R. 2226(a), 22 N.J.R. 153(a), 22 N.J.R. 1914(a).
New (d)-(f) added regarding signature of forms by treating dentist.
Amended by R.1995 d.191, effective April 3, 1995.
See: 27 N.J.R. 293(a), 27 N.J.R. 1424(b).

13:30-8.11 Removable prosthesis identification

(a) Definitions:

1. The term "prosthesis" shall refer to an artificial substitute for a missing part of the oral cavity, such as a tooth, used for functional and/or cosmetic reasons.
2. The term "rebasement" means the act of replacing the base material of a denture without changing the occlusal relationship of the teeth.

(b) Every complete maxillary and mandibular denture and removable partial denture prosthesis constructed by a Board licensee or fabricated pursuant to his work order shall be marked in an appropriate area with the name and social security number of the patient for whom the prosthesis is prepared unless the patient objects thereto. In the event the patient, after being so informed, objects to the marking of the prosthesis, the licensee shall place such objection on the patient's permanent dental record.

(c) The marking of a dental prosthesis shall be accomplished during processing and shall be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to place them shall be determined by the licensee.

(d) If, in the licensee's professional judgment, marking of the prosthesis with the patient's complete name and social security number is not practicable, identification shall be provided as follows:

1. The social security number may be omitted if the patient's complete name is marked; or
2. The initials of the patient may be marked alone if the marking of the patient's full name is impracticable; or
3. The identification marks may be omitted in their entirety if none of the forms of identification specified in (d)1 and 2 above are practicable or clinically safe.

(e) Any complete or partial removable dental prosthesis in existence prior to the effective date of this regulation, which has not been marked in accordance with (b) above, shall be so marked at the time of any subsequent rebasing or repair.

(f) A reasonable fee may be charged for the marking of the complete or partial removable dental prosthesis.

New Rule, R.1985 d.196, effective April 15, 1985.
See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).
Repealed by R.1990 d.174, effective March 19, 1990.
See: 21 N.J.R. 3060(a), 22 N.J.R. 976(a).
Section was "intravenous sedation".
Recodified from N.J.A.C. 13:30-8.13 by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).
The following annotations pertain to the prior rule at N.J.A.C. 13:30-8.11:
New Rule, R.1980 d.541, eff. December 15, 1980.
See: 12 N.J.R. 669(a), 13 N.J.R. 103(b).
Amended by R.1985 d.196, effective April 15, 1985.
See: 17 N.J.R. 378(a), 17 N.J.R. 972(a).

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

(a) A licensee of the Board of Dentistry shall notify the Board in writing of any change of address from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h), including, but not limited to, a civil penalty of \$200.00.

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

New Rule, R.1985 d.548, effective November 4, 1985.
See: 17 N.J.R. 1864(b), 17 N.J.R. 2669(a).
Recodified from N.J.A.C. 13:30-8.14 by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-8.13 Referral fees

It shall be professional misconduct for a licensee to pay to, receive from, or split a fee or other form of compensation with any person other than an employee or associate dentist for the referral of a patient.

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).

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 shall be required to 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).

13:30-8.15 Dentist of record; fee reimbursement

(a) Each patient shall have a dentist of record who shall remain primarily responsible for assuring the proper implementation of the dental treatment plan on such patient regardless of whether the treatment is rendered by the dentist of record, by another dentist or by a dental hygienist rendering such treatment in conjunction with, in the employ of, at the direction or request of, or under the supervision of such dentist of record.

(b) The name of the dentist of record shall be conspicuously identified on the patient record. If the dentist of record is not identified on the patient record, it shall be presumed that the dentist of record is the owner(s) of the practice in which the patient was treated.

(c) Each dentist or dental hygienist shall sign or initial each entry on the patient record pertaining to the treatment he or she rendered. If no such entry appears on the patient record, it shall be presumed that such treatment was rendered by the dentist of record, unless the latter shall establish, to the satisfaction of the Board, the identity of the individual who rendered such treatment.

(d) In a multi-dentist practice, the dentist 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 such individual leaves the practice where treatment was provided and the patient elects to continue treatment in the facility in which treatment began.

(e) A new dentist of record shall be presumed to have obtained or reviewed the patient's medical history and dental records, examined the patient, and either developed a new treatment plan or concurred with the continuance of the pre-existing treatment plan.

(f) Any 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 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).

13:30-8.16 Right to hearing

Prior to any suspension, revocation or refusal to renew a license, the licensee shall have the right to request a hearing which shall be conducted pursuant to 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).

13:30-8.17 Delegation of physical modalities to unlicensed dental assistants

(a) A dentist may direct an unlicensed assistant to administer to the dentist's patients certain physical modalities in the limited circumstances set forth in this section.

(b) Physical modalities, for the purpose of this section, shall be limited to heat, cold, ultrasound, and electrogalvanic stimulation. An unlicensed assistant shall not be permitted to perform any rehabilitative exercise programs. No other modalities including, but not limited to, transcutaneous electrical nerve stimulation ("T.E.N.S.") and phonophoresis, shall be performed by an unlicensed assistant.