

(d) If the facilities of the clinic are used in any way in the illegal practice of dentistry and offenders are found guilty, the Director shall be held equally responsible and liable to prosecution.

(e) All names of persons employed and titles of employment are to be furnished to the Board at the time of request for annual renewal permit. Branch office or main office registration information shall be included with each name.

(f) Dental hygienists shall be limited by State Laws and statutes regarding the type of services and supervision.

(g) Director shall furnish to the Board the method of operation as to control, direction and authority in dental matters including:

1. To whom the Director is responsible; and
2. Type of service rendered.

(h) All matters pertaining to the operation of a dental clinic shall be determined by the Dental Director.

SUBCHAPTER 5. STANDARDS FOR APPROVAL OF DENTAL SCHOOLS

13:30-5.1 Requisites for dental schools

(a) The Board will accept for licensure only graduates of dental schools approved by the Commission on Dental Accreditation.

(b) For purposes of granting limited teaching certificates, the Board will accept graduates of dental schools approved by the Commission on Dental Accreditation or graduates of dental schools approved at the discretion of the Board.

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).

13:30-5.2 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.3 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.4 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.5 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.6 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.7 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.8 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.9 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.10 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.11 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.12 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.13 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-5.14 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

SUBCHAPTER 6. STANDARDS FOR APPROVAL OF SCHOOLS OF ORAL HYGIENE

13:30-6.1 General requirements

All dental hygiene schools must be approved by the Commission on Dental Accreditation.

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).

13:30-6.2 (Reserved)

Petition for Rulemaking: Amend section.
See: 18 N.J.R. 1844(a).
Amended by R.1987 d.419, effective October 19, 1987.
See: 19 N.J.R. 849(a), 19 N.J.R. 1909(b).
Substantially amended.
Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-6.3 (Reserved)

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

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

13:30-6.4 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-6.5 (Reserved)

Amended by R.1987 d.419, effective October 19, 1987.
See: 19 N.J.R. 849(a), 19 N.J.R. 1909(b).
Substantially amended.
Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-6.6 (Reserved)

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 dormitories.

13:30-6.7 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-6.8 (Reserved)

Repealed by R.1990 d.205, effective April 2, 1990.
See: 22 N.J.R. 149(b), 22 N.J.R. 1145(a).

13:30-6.9 (Reserved)

Petition for Rulemaking: Amend section.
See: 18 N.J.R. 1844(a).
Amended by R.1987 d.419, effective October 19, 1987.
See: 19 N.J.R. 849(a), 19 N.J.R. 1909(b).
Deleted (a), renumbered (b)-(c) to (a)-(b).
Administrative correction to (b)5.
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).

13:30-6.10 (Reserved)

Administrative correction to (a).
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 7. FORMS

13:30-7.1 (Reserved)

Repealed by R.1987 d.12, effective January 5, 1987.
See: 17 N.J.R. 2851(b), 19 N.J.R. 131(a).
Section was "Uniform penalty letter".

SUBCHAPTER 8. GENERAL PROVISIONS

13:30-8.1 Fee schedules

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

- 1. Dentists \$125.00
 - 2. Dentists Hygienists \$ 75.00
 - 3. Registered Dental Assistants and Limited Registered Dental Assistants \$ 35.00
 - 4. Supervisor of three-month internship program for training of registered dental assistants \$35.00
- (b) The Biennial Registration fees charged by the Board of Dentistry shall be the following:
- 1. Dentists:
 - i. Initial registration fee:
 - (1) If paid during the first year of a biennial renewal period \$220.00
 - (2) If paid during the second year of a biennial renewal period \$110.00
 - ii. Active registration renewal \$220.00
 - iii. Inactive registration renewal \$100.00
 - iv. Initial branch office registration, dentist:
 - (1) If paid during the first year of a biennial renewal period \$ 60.00
 - (2) If paid during the second year of a biennial renewal period \$ 30.00
 - v. Branch office registration renewal, dentist \$ 60.00
 - 2. Dental Hygienists:
 - i. Initial registration fee:
 - (1) If paid during the first year of a biennial renewal period \$ 70.00
 - (2) If paid during the second year of a biennial renewal period \$ 35.00
 - ii. Active registration renewal \$ 70.00
 - iii. Inactive registration renewal \$ 30.00
 - iv. Initial branch office registration, dental hygienists:
 - (1) If paid during the first year of a biennial renewal period \$ 30.00
 - (2) If paid during the second year of a biennial renewal period \$ 15.00
 - v. Branch office renewal registration, dental hygienists \$ 30.00
 - 3. Registered Dental Assistants and Limited Registered Dental Assistants:
 - i. Initial registration fee:
 - (1) If paid during the first year of a biennial renewal period \$ 70.00
 - (2) If paid during the second year of a biennial renewal period \$ 35.00
 - ii. Active registration renewal \$ 70.00
 - (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. Registration of dentists by reciprocity--application fee \$250.00
 - 4. Registration 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

(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.

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) The use of parenteral conscious sedation (hereinafter referred to as "PCS") 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) Parenteral conscious sedation is defined as a depressed level of consciousness produced by the parenteral administration of pharmacologic substances that retains the patient's 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. The dentist holding such permit shall be subject to review, and such permit shall be renewed biennially.

(d) Any dentist who wishes to obtain a Board permit to employ PCS shall complete an application as provided by the Board office and shall provide certified or verifiable proof that the dentist has completed a minimum of 100 hours of continuing education in didactic training and 100 hours in clinical training in PCS within three years preceding the application.

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

(f) Every applicant for a permit to use PCS additionally shall certify to the Board that the dentist employs no fewer than two persons who will be present in the office, at least one of whom will 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.

(g) Every applicant for a permit to use PCS shall certify as part of the application 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; and a blood pressure monitoring device.

(h) Any 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 make application for a permit pursuant to this section.

(i) Any dentist who utilizes the services of a PCS 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 PCS, provided that such permit holder or anesthesiologist must remain present and bears full responsibility during the entire procedure and until any patient has recovered fully and has been dismissed. Any permit holder invited by a dentist to provide PCS 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.

(j) Prior to the administration of a PCS agent for the purpose of controlling pain, a physical evaluation shall be made by the permit holder and a complete medical history shall be obtained which shall include previous medications, allergies and sensitivities. Said 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.

(k) Every licensee who holds a PCS permit shall present satisfactory proof to the Board upon biennial renewal that the holder has completed at least 20 credit hours during the previous two year period in continuing education courses devoted to PCS and presented by an accepted program in a suitable institution. Satisfactory credit hours to fulfill this continuing education requirement may be obtained from the following:

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

(l) 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.

(m) Any licensee who administers PCS 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.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).

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) 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.

(h) 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.

(i) 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.

(j) 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.