

**VOLUME 37, ISSUE 18**  
**ISSUE DATE: SEPTEMBER 19, 2005**  
**RULE ADOPTIONS**  
**LAW AND PUBLIC SAFETY**  
**DIVISION OF CONSUMER AFFAIRS**  
**NEW JERSEY STATE BOARD OF DENTISTRY**

37 N.J.R. 3709(a)

Readoption with Amendments: N.J.A.C. 13:30  
Adopted Repeals: N.J.A.C. 13:30-1A.3, 1A.4, 2A, and 8.5  
Adopted New Rule: N.J.A.C. 13:30-8.6

New Jersey State Board of Dentistry Rules

Proposed: April 18, 2005 at 37 N.J.R. 1149(a).

Adopted: July 6, 2005 by the New Jersey State Board of Dentistry Herbert B. Dolinsky, D.D.S., Acting President.

Filed: August 16, 2005 as R.2005 d.309, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:6-1 et seq.; 45:1-15.1.

Effective Date: August 16, 2005, Readoption;

September 19, 2005, Amendments, Repeals, and New Rules.

Operative Date: November 1, 2005, Amendments to N.J.A.C. 13:30-5.1.

Expiration Date: August 16, 2010.

**Federal Standards Statement**

A Federal standards analysis is not required because the readopted rules, new rules and amendments are governed by N.J.S.A. 45:6-1 et seq., and are not subject to any Federal standards or requirements. Although the rules in N.J.A.C. 13:30 are not subject to any mandated Federal requirements or standards, where deemed appropriate, the Board has voluntarily required licensees and establishment owners to comply with applicable Federal laws and regulations. Specifically, the Board has readopted N.J.A.C. 13:30-1A.2, concerning the scope of practice of licensed dental hygienists, which allows a dental hygienist to place intrasulcular therapeutic medications, as directed by a dentist, provided that the medications have been approved by the Food and Drug Administration. In addition, adopted new N.J.A.C. 13:30-8.13(f) requires dentists who provide professional services as independent contractors to comply with State and Federal laws regarding such arrangements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:30.

Full text of the adopted amendments and new rule follows (additions to proposal indicated in boldface with asterisks \*thus\*; deletion from proposal indicated in brackets with asterisks \*[thus]\*):

**13:30-1.2 Application for licensure to practice dentistry**

(a) (No change.)

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

1. A certified transcript from the secretary or dean of a dental school, college or department of a university approved by the Commission on Dental Accreditation verifying that the applicant has obtained a dental degree from such institution;
2. A passport size photograph of the applicant signed by the applicant and notarized;
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. (No change in text.)
6. (No change.)
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. (No change in text.)

(c) (No change in text.)

(d) A candidate for dental licensure who has successfully completed the North East Regional Board examination five years or more prior to the date of application shall submit a completed application to the Board which shall contain the following information and materials:

1. A certified transcript from the secretary or dean of a dental school, college or department of a university approved by the Commission on Dental Accreditation verifying that the applicant has obtained a dental degree from such institution;
2. A passport size photograph of the applicant signed by the applicant and notarized;
3. Results of the successful completion of parts I and II of the National Board Dental examination;
4. Results from the successful completion of the New Jersey Jurisprudence examination taken within one year of the date of application;
5. A certification by the board of dentistry in every state or jurisdiction in which the applicant holds a dental 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 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 North East Regional Board examination;
6. Results from the successful completion of the New Jersey Jurisprudence examination taken within one year 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.

### **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. (No change.)
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. (No change.)

### **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. (No change.)
2. Dentists discharging their duties in the United States Army, Navy, Air Force, Public Health Service or Veterans Administration;
3. (No change.)
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 engaged as expert witnesses in disciplinary matters or court actions in New Jersey; and
6. Residents holding permits issued pursuant to N.J.S.A. 45:6-20 and N.J.A.C. 13:30-1.3.

### **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.

### **13:30-1A.1 Application for licensure as registered dental hygienist**

(a) (No change.)

(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. (No change.)
4. The results of the successful completion of the North East Regional Board examination, except as provided in (d) and (e) below;
- 5.-6. (No change.)
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. (No change.)

(c) (No change.)

(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. (No change.)
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.

### **13:30-1A.2 Scope of practice of licensed dental hygienist**

(a) (No change.)

(b) A licensed dental hygienist practicing under the direct supervision of a licensed dentist may:

1. (No change.)

2. Perform root planing;

3. Etch teeth in preparation for bonding, sealants and desensitizing agents;

4. (No change in text.)

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;

Recodify existing 4.-5. as 7.-8. (No change in text.)

9. Fabricate mouth guard appliances;

Recodify existing 7.-8. as 10.-11. (No change in text.)

12. Place temporary restorations;

13. Perform hand removal of soft temporary restorations;

Recodify existing 10.-12. as 14.-16. (No change in text.)

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. (No change in text.)

21. Perform bite registration procedures;

Recodify existing 17.-18. as 22.-23. (No change in text.)

24. Place and remove arch wires and ligature wires;

Recodify existing 20.-25. as 25.-30. (No change in text.)

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;

32. (No change in text.)

33. Select shades of prosthetic appliances;

34. Demonstrate home-use bleaching systems;

35. Apply hot or cold packs pursuant to the direction of a licensed dentist; and

36. (No change in text.)

(c)-(i) (No change.)

**13:30-1A.3 (Reserved)**

**13:30-1A.4 (Reserved)**

**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. (No change.)

2. Proof of the following, if applicable pursuant to (a) above:

i.-ii. (No change.)

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)-(2) (No change.)

(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. (No change.)

### **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. (No change.)

2. Proof of the following, if applicable pursuant to (a) above:

i.-ii. (No change.)

iii. A certificate of successful completion of an approved program in expanded functions in orthodontics. The Board shall recognize the following as providers of approved programs in expanded functions:

(1)-(2) (No change.)

(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 limited 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. (No change.)

### **13:30-2.4 Scope of practice of registered dental assistant**

(a) A registered dental assistant may perform the following duties under the direct supervision of a licensed dentist:

1.-2. (No change.)

3. Place temporary restorations;

4.-6. (No change.)

7. Etch teeth in preparation for bonding, sealants and desensitizing agents;

8. Place caries detecting agents;

9. Use instruments for caries detection. Such instruments shall not include lasers that are capable of altering, cutting, burning or damaging hard or soft tissue;

10. Perform hand removal of soft temporary restorations;

11. Perform hand removal of crowns and bridges that have been temporarily cemented;

12. Prepare coronal surfaces for bonding and restoration, with pumice and water only, not to include a prophylaxis;

13. Take alginate impressions;

14. Place amalgam, composite or gold foil in a tooth for condensation by the dentist;

15. (No change in text.)

16. Perform bite registration procedures;

Recodify existing 11.-12. as 17.-\*[19]\* \*18\*. (No change in text.)

\*[20.]\* \*19.\* Place and remove arch wires and ligature wires;

\*[21.]\* \*20.\* Take impressions for and perform laboratory fabrication of mouth guards. This shall not include insertion of the appliance;

Recodify existing 15.-20. as \*[22.-27.]\* \*21.-26.\* (No change in text.)

\*[28.]\* \*27.\* 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;

\*[29.]\* \*28.\* (No change in text.)

\*[30.]\* \*29.\* Select shades of prosthetic appliances;

\*[31.]\* \*30.\* Demonstrate home-use bleaching systems;

\*[32.]\* \*31.\* Apply hot or cold packs pursuant to the direction of a licensed dentist;

\*[33.]\* \*32.\* Administer a topical fluoride treatment on a patient after a licensed dentist or licensed dental hygienist has performed a prophylaxis; and

\*[34.]\* \*33.\* (No change in text.)

(b)-(e) (No change.)

### **13:30-2.5 Scope of practice of limited registered dental assistant in orthodontics**

(a) A limited registered dental assistant in orthodontics may perform the following duties under the direct supervision

of a New Jersey licensed dentist who has obtained a Board permit number to announce a specialty in orthodontics pursuant to N.J.A.C. 13:30-6.1:

1. Take alginate impressions;
2. Fabricate mouth guard appliances. This shall not include insertion of the appliance;
- 3.-6. (No change.)
7. Perform bite registration procedures;
- 8.-9. (No change.)
10. Provide oral health education including dietary analysis and clinical instruction in order to promote dental health;
11. 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; and
12. Apply hot or cold packs pursuant to the direction of a licensed dentist.

(b) (No change.)

### **13:30-2.6 Scope of practice of unregistered dental assistant**

(a) A dental assistant who has not obtained a registration from the Board may perform the following duties under the direct supervision of a licensed dentist:

- 1.-8. (No change.)
9. Hold a curing light in any dental procedure. Such curing light shall not include a laser capable of altering, cutting, burning or damaging hard or soft tissue;
10. (No change.)
11. Select shades for prosthetic appliances;
12. Apply hot or cold packs pursuant to the direction of a licensed dentist; and
13. (No change in text.)

(b) (No change.)

### **SUBCHAPTER 2A. (RESERVED)**

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

#### **13:30-3.1 Qualifications of applicants**

(a)-(b) (No change.)

(c) An applicant for a limited teaching certificate shall submit a certified transcript from the secretary or dean of a dental school, college or department of a university approved by the Board or by the Commission on Dental Accreditation, verifying that the applicant has obtained a dental degree from such institution.

#### **13:30-3.2 Application procedure**

(a) The applicant for a limited teaching certificate shall:

1. Submit a completed and notarized application which shall include a certified transcript of graduation from an accredited dental school by an authorized official of the dental school; and
2. Provide two character references from licensed New Jersey dentists.

### **13:30-4.1 Industrial or corporate clinic defined**

"An industrial or corporate clinic" means a privately owned clinic maintained and operated by an industrial corporation, an organization composed of the management of several industries, or a labor organization(s) or any combination thereof where dentistry in any or all of its branches is practiced, demonstrated or taught on a nonprofit basis for the benefit of the employees of the industries involved and their dependents or for the benefit of the members of the labor organization(s) and their dependents.

### **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) (No change.)

(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:

1.-7. (No change.)

(d)-(e) (No change.)

(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, the curriculum vitae of all instructors and/or discussion leaders, the outline of the course, the course objectives and information to document that the course meets the following requirements:

1.-3. (No change.)

(g) (No change.)

(h) Continuing education course approval granted pursuant to this section shall be valid for two years from the date of approval provided that the course subject matter, course instructor and course length remain unchanged from the initial

application.

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

1. Educational and scientific courses related to the practice of dentistry;

i. (No change.)

ii. The following shall satisfy the requirement of 40 hours of continuing education for a biennial registration period:

(1) (No change.)

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

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

iv. A maximum of 20 hours of continuing education credit shall be given for any form of written or electronic media distance learning courses. A written or electronic media distance learning 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. (No change.)

2. (No change.)

3. Teaching and research appointments:

i. A licensee involved in new 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. For purposes of this section, "new" means a program, course or subject matter which the licensee has not taught or researched before in any educational or practice setting.

ii. (No change.)

4. (No change.)

Recodify existing (i)-(l) as (j)-(m) (No change in text.)

### **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 license renewal, except as provided in (b) and (d) below. No more than one-half of the required continuing education hours in the two-year period may be obtained through written or electronic media distance learning courses. \*For the biennial renewal period commencing on January 1, 2006 and thereafter, all licensed dental hygienists shall be required to complete 20 hours of continuing education every two years at the time of license renewal, consistent with the requirements of this section.\*

(b) (No change in text.)

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

1.-2. (No change.)

3. Teaching and research appointments:

i. A licensee involved in new 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. For purposes of this section, "new" means a program, course or subject matter which the licensee has never taught or researched before in any educational or practice setting.

ii. (No change.)

(d) (No change in text.)

(e) 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. 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:

1.-7. (No change.)

(f) (No change in text.)

### **13:30-5.3 Continuing education requirements for registered dental assistants and limited registered dental assistants in orthodontics**

(a) All registered dental assistants and limited registered dental assistants in orthodontics shall submit a certification verifying the completion of 10 hours of continuing education every two years at the time of registration renewal. No more than one-half of the required continuing education hours in the two-year period may be obtained through written or electronic media distance learning courses.

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

1.-2. (No change.)

3. Teaching and research appointments:

i. A registrant involved in new 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. For purposes of this section, "new" means a program, course or subject matter which the registrant has not taught or researched before in any educational or practice setting.

ii. (No change.)

(c) (No change.)

(d) A registrant shall maintain a record of all continuing education activity completed and shall submit a certification verifying the completion of the continuing education 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 registrant shall obtain from the continuing education course sponsor a record of attendance which shall include, at a minimum, the following:

1.-7. (No change.)

(e) (No change.)

### **13:30-8.5 (Reserved)**

### **13:30-8.6 Biennial license and registration renewal; license and registration suspension; reinstatement of suspended license or registration; inactive status; return from inactive status**

(a) All licenses and registrations issued by the Board shall be issued for a two-year biennial period. A licensee or a registrant who seeks license or registration renewal shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:30-8.1 prior to the expiration date of the license or registration.

(b) The Board shall send a notice of renewal to each licensee and registrant at the address of record registered with the Board at least 60 days prior to the expiration of the license or registration. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee or registrant does not renew the license or registration prior to its expiration date, the licensee or registrant may renew the license or registration within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:30-8.1. During this 30-day period, the license or registration shall be valid, and the licensee or registrant shall not be deemed to be practicing without a license or registration, as applicable.

(d) A license or registration that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license or registration shall be deemed to be engaged in unlicensed practice.

(e) An individual whose license or registration has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:30-8.1;
2. Completion of the continuing education units required for each biennial renewal period for which the licensee or registration was suspended, as applicable; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license or registration which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, an individual whose license or registration has been automatically suspended for more than five years who wishes to have his or her license or registration reinstated shall reapply for licensure or registration, as applicable, and shall be subject to an examination and other requirements as determined by the Board prior to reinstatement of his or her license or registration.

(g) Renewal applications shall provide the licensee or registrant with the option of either active or inactive status. A licensee or registrant electing inactive status shall pay the applicable inactive renewal fee set forth in N.J.A.C. 13:30-8.1 and shall not engage in practice.

(h) A licensee or registrant who elected inactive or retired status and has been on inactive or retired status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;
2. The completion of the continuing education units required for each biennial renewal period for which the licensee or registrant was on inactive status up to a maximum number of units required for two biennial renewal periods, or in the case of a licensee or registrant who is actively licensed or registered in another jurisdiction and demonstrates that he or she was continuously and actively engaged in that jurisdiction in the practice for which the individual is on inactive status in this State, the completion of the continuing education units required for one biennial renewal period; and

3. Submission of an affidavit of employment listing each job held during the period the licensee or registrant was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee or registrant who has been on inactive or retired status for more than five years who wishes to return to practice shall reapply for licensure or registration, as applicable, and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive or retired status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license or registration.

### **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. -3. (No change.)

4. A diagnosis and a treatment plan, which shall also include the \*material\* treatment risks\*[,] \*and clinically acceptable\* alternatives, and costs relative to the treatment that is recommended and/or rendered;

5.-9. (No change.)

10. Payment vouchers received from third party payors;

11. A record of any recommendations or referrals for treatment or consultation by a specialist, including those which were refused by the patient; and

12. The name of the dentist of record consistent with the requirements of N.J.A.C. 13:30-8.15.

(b) Each dentist or dental auxiliary shall sign or initial each entry on the patient record pertaining to the treatment he or she rendered. If no such signature or initialing 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.

(c) (No change in text.)

(d) Patient records, including all radiographs, shall be maintained for at least seven years from the date of the last entry, except that diagnostic and study models used for definitive treatment shall be maintained for at least three years from the date the model is made. Working models may be maintained.

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

1.-2. (No change.)

3. The licensee may charge a reasonable fee for:

i. The reproduction of records, which shall be no greater than \$ 1.00 per page or \$ 100.00 for the entire record, whichever is less. (If the record requested is less than 10 pages, the licensee may charge up to \$ 10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.); and/or

ii. The reproduction of radiographs or any other material within a patient record which cannot be routinely copied or

duplicated on a commercial duplicating machine. That fee shall be no more than the actual cost of the duplication of the materials, or the fee charged to the licensee for duplication. In addition, the licensee may charge an administrative fee of \$ 10.00 or 10 percent of the cost of reproduction, whichever is less, to compensate for office personnel time spent retrieving or reproducing the materials and overhead costs.

4. Licensees shall not charge a patient for a copy of the patient's record when the licensee has affirmatively terminated a patient from the practice.

5. To the extent that the record is illegible or prepared in a language other than English, the licensee shall provide a typed or written transcription and/or translation at no additional cost to the patient.

Recodify existing (e)-(g) as (f)-(h) (No change in text.)

### **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 the names of the licensees who are responsible for the administration of the facility. A dental facility may display on exterior signs or other means of exterior display the names of licensees associated with the facility.

(b)-(c) (No change.)

### **13:30-8.10 Dental insurance forms**

(a) (No change.)

(b) No licensee shall submit to a third party payor any claim, bill, or governmental assistance claim 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. (No change.)

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

4. Any statement material to the claim which is known to be false or misleading; or

5. A charge for any service or procedure the amount of which has been advertised as free or complimentary or for an amount that exceeds the advertised charge for discounted services or procedures.

(c)-(e) (No change.)

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

(a) A licensee shall notify the Board in writing of any change of his or her address of record. For purposes of this section, "address of record" means an address designated by a licensee which is part of the public record and which may be disclosed upon request. "Address of record" may be a licensee's home, business or mailing address, but shall not be a post office box unless the licensee also provides another address which includes a street, city, state and zip code. Notice shall be sent to the Board by mail or by electronic means not later than 30 days following the change of address of record.

(b) (No change.)

### **13:30-8.13 Permissible business structures, prohibition on referral fees and fee splitting**

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context

clearly indicates otherwise.

"Associate" means a health care professional who is a partner, an employee, a fellow shareholder in a professional service corporation or a fellow member of another permissible practice format, properly organized pursuant to law.

"Limited liability company" means a limited liability company formed under the laws of this State, pursuant to the New Jersey Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq., except where inconsistent with these rules.

(b)-(e) (No change.)

(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.

### **13:30-8.15 Dentist of record; fee reimbursement**

(a)-(b) (No change.)

Recodify existing (d)-(f) as (c)-(e) (No change in text.)

### **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. (No change.)

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. (No change in text.)

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) (No change in text.)

### **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)-(c) (No change.)