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PUBLIC NOTICES

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

46 N.J.R. 1655(b)

Notice of Action on Petition for Rulemaking

Scope of Practice of Dental Auxiliaries in an Orthodontic Office

Petitioner: Dr. Rene Johe, President, New Jersey Association of Orthodontists.

Authority: N.J.S.A. 45:1-15.1.

Take notice that on January 24, 2014, the State Board of Dentistry (Board) received a petition for rulemaking from Dr. Rene Johe, President, on behalf of the New Jersey Association of Orthodontists, requesting that the Board amend the rules governing the scope of practice of dental auxiliaries in an orthodontic office.

The petitioner proposes expanding the functions a limited registered dental assistant in orthodontics (LRDA-O) may perform to include: 1) holding and applying a curing light; 2) applying topical anesthetic; 3) applying topical fluoride; 4) placing and ligating archwires; and 5) preparing teeth for bonding, that is, polish, etch, and seal. The petitioner notes that these functions are already performed by licensed dental hygienists and registered dental assistants and that the orthodontic-specific training of an LRDA-O is more intense and extensive than that of a licensed dental hygienist or a registered dental assistant. The petitioner also notes that the testing for an LRDA-O is exclusively in the field of orthodontics and an LRDA-O is required to spend a minimum of two years in an orthodontic office. The petitioner further notes that despite this orthodontic specific testing and experience, an LRDA-O is not permitted to perform orthodontic functions performed by licensed dental hygienists and registered dental assistants.

In addition, the petitioner recommends expanding the functions of licensed dental hygienists, registered dental assistants, and limited registered dental assistants in orthodontics to include: 1) taking impressions for orthodontic appliances; 2) placing orthodontic separators; 3) removing bands and brackets without the use of rotary instruments; 4) removing primary adhesive after debanding/debonding without the use of rotary instruments; 5) performing intra-oral scanning for the purpose of obtaining digital study models or orthodontic appliances; and 6) under direct supervision, performing emergency treatment to provide immediate relief from an offending appliance, for example, clipping a protruding archwire or removing a loose bracket. The petitioner believes that the performance of these procedures, which are reversible in nature, involve skills in which these dental auxiliaries are trained.

The petitioner also requests that the Board institute a new mechanism for attaining LRDA-O status because the requisite examinations specified in N.J.A.C. 13:30-2.3 are no longer

administered by the Dental Assisting National Board.

On March 19, 2014, the Board referred this matter to its Rules and Regulations Committee for further deliberation in order to develop a better understanding of the implications this request would have for licensees, registrants, and patients, and to obtain additional information from the petitioner about a proposed new mechanism for attaining LRDA-O status. A notice acknowledging the Board's action on May 19, 2014, was filed with the Office of Administrative Law and was published in the New Jersey Register on April 21, 2014, at 46 N.J.R. 716(a).

Take further notice that, on June 4, 2014, the Board and petitioner agreed to an extension until December 18, 2014, for the Board to further deliberate on the petition for rulemaking, consistent with the requirements of N.J.A.C. 1:30-4.2(b).

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-4.2.