

VOLUME 48, ISSUE 24
ISSUE DATE: **DECEMBER 19, 2016**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

Adopted New Rule: N.J.A.C. 13:30-2.8

Credit Towards Registration as a Limited Registered Dental Assistant in Orthodontics for Education, Training, and Experience Received While Serving as a Member of the Armed Forces

Proposed: January 4, 2016, at 48 N.J.R. 37(a).

Adopted: August 3, 2016, by the State Board of Dentistry, Richard Riva, DDS, Acting President.

Filed: November 17, 2016, as R.2016 d.177, **without change**.

Authority: N.J.S.A. 45:1-15 and P.L. 2013, c. 49.

Effective Date: December 19, 2016.

Expiration Date: January 5, 2018.

Summary of Public Comments and Agency Responses:

The Official comment period ended on March 4, 2016. In order to ensure compliance with the Administrative Procedures Act and the rules promulgated by the Office of Administrative Law, the comment period was extended through May 19, 2016. The Board of Dentistry (Board) received one comment from Rebecca Welch Pugh, RDH, NJDHA Executive Director, on behalf of the New Jersey Dental Hygienists Association.

COMMENT: The New Jersey Dental Hygienists Association (NJDHA) opposes the military service training equivalence for the credential Limited Registered Dental Assistant in Orthodontics (LRDA-O). The NJDHA believes that the LRDA-O credential is not necessary in this State and that it would further fragment the profession of dental assisting. The NJDHA states that one of the core values of the Dental Hygiene Code of Ethics of "Justice and Fairness" is the fair and equitable distribution of health care resources. In accordance with this value, the NJDHA believes that all dental assistants, not just military-trained assistants should be given equal opportunities to have education and experience recognized.

RESPONSE: P.L. 2013, c. 49, codified as N.J.S.A. 45:1-15.3, mandates that a professional or occupational board designated in section 2 of P.L. 1978, c. 73 (N.J.S.A. 45:1-15) that issues a professional or occupational license, certificate of registration, or certificate for which professional training, education, or experience is required, give credit towards its requirements for licensure or registration for any portion of the training, education, and experience received by an applicant while serving as a member of the Armed Forces of the

United States (Armed Forces) that is substantially equivalent to the training, education, or experience required for licensure or registration. The Legislature determined that veterans who have received training, education, and experience while serving in the military that is substantially equivalent to that of the Board's requirements should receive credit towards the Board's registration requirements. N.J.A.C. 13:30-2.8 implements the requirements of the law for the existing credential of limited registered dental assistants in orthodontics.

Federal Standards Statement

A Federal standards analysis is not required because the adopted new rules are governed by P.L. 2013, c. 49 and N.J.S.A. 45:6-1 et seq., and are not subject to any Federal requirements or standards.

Full text of the adopted new rule follows:

13:30-2.8 Credit towards registration as a limited registered dental assistant in orthodontics for education, training, and experience received while serving as a member of the Armed Forces

(a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for registration as a limited [page=2823] registered dental assistant in orthodontics under N.J.A.C. 13:30-2.3 may apply to the Board for recognition of the applicant's training, education, and/or experience received while serving as a member of the Armed Forces, which the Board shall consider together with any training, education, and/or experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and/or experience required for registration as a limited registered dental assistant in orthodontics.

(b) The Board shall issue a registration as a limited registered dental assistant in orthodontics to the applicant if the applicant presents evidence to the Board that:

1. The applicant has been honorably discharged from active military service;

2. The relevant training, experience, and/or education the applicant has received in the military, together with any training, education, and/or experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and/or education required for registration under N.J.A.C. 13:30-2.3.

i. An applicant seeking credit for military training and/or experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented.

ii. An applicant seeking credit for education courses and/or training completed while in the military that are not part of a Board-approved educational program in dental assisting in which the expanded functions or duties as listed in N.J.A.C. 13:30-2.5 are taught, as set forth in N.J.A.C. 13:30-2.3(b), shall submit to the Board a Joint Services Transcript of his or her education courses and/or training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those of a Board-approved educational program in dental assisting in which the expanded functions or duties as listed in N.J.A.C. 13:30-2.5 are taught as required for registration under N.J.A.C. 13:30-2.3. For the purpose of determining substantial equivalence of the applicant's military education courses and/or training, the Board shall consider only those education courses

and/or training relevant to the practice of a limited registered dental assistant in orthodontics that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.

iii. An applicant seeking credit for education courses and/or training completed while in the military that are not part of a Board-approved program in expanded functions in orthodontics as set forth in N.J.A.C. 13:30-2.3(b) shall submit to the Board a Joint Services Transcript of his or her education courses and/or training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those in a program in expanded functions in orthodontics approved by the Board as required for registration under N.J.A.C. 13:30-2.3. For the purpose of determining substantial equivalence of the applicant's military education courses and/or training, the Board shall consider only those education courses and/or training relevant to the practice of a limited registered dental assistant in orthodontics that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3. The applicant complies with all other requirements for registration, including successful completion of the examination requirements as set forth in N.J.A.C. 13:30-2.3.

(c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and/or experience gained in the military for review and consideration.

(d) If the applicant's military training, education, and/or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for registration as a limited registered dental assistant in orthodontics, the Board shall credit whatever portion of the military training, education, and/or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:30-2.3 for the issuance of the registration as a limited registered dental assistant in orthodontics.

(e) Satisfactory evidence of such education, training, and/or experience shall be assessed on a case-by-case basis.