SENATE, No. 298

STATE OF NEW JERSEY
215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)
Senator JEFF VAN DREW
District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS
Revises statutes concerning dental hygienists and dentists.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT concerning the practice of dentistry, amending and supplementing P.L.1979, c.46, and supplementing chapter 6 of Title 45 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.1979, c.46 (C.45:6-49) is amended to read as follows:
   a. "Board" means the New Jersey State Board of Dentistry.
   b. "Registered dental assistant" means any person who has fulfilled the requirements for registration established by this act and who has been registered by the board. A registered dental assistant shall work under the direct supervision of a licensed dentist.
   c. "Dental assistant" means any person who is trained by formal education or office internship to perform, under the direct supervision of a dentist, any routine office procedure, not including an intra-oral procedure, in the office of a dentist.
   d. "Dental hygienist" means any person who performs in the office of any licensed dentist or in any appropriately equipped school, [licensed] dental clinic, or [public or private] institution under the supervision of a licensed dentist, those educational, preventive and therapeutic services and procedures which licensed dental hygienists are trained to perform, and which are specifically permitted by regulation of the board, and such intra-oral clinical services which are primarily concerned with preventive dental procedures, including, but not limited to, during the course of a complete prophylaxis, removing all hard and soft deposits and stains from the surfaces of the human teeth to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, applying indicated topical agents, surveying intra- and extra-oral structures, noting deformities, defects and abnormalities thereof, performing a complete oral prophylaxis and providing clinical instruction to promote the maintenance of dental health.
   e. "Direct supervision" means acts performed in the office of a licensed dentist wherein he is physically present at all times during the performance of such acts and such acts are performed pursuant to his order, control and full professional responsibility.
   f. "Supervision" means acts performed pursuant to a dentist's written order, control and full professional responsibility, whether or not he is physically present.
   g. "Limited registered dental assistant" means any person who has fulfilled the requirements for registration established by this amendatory and supplementary act and who has been registered by

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
the board. A limited registered dental assistant shall be limited to
working under the direct supervision of a dentist who conducts a
limited dental practice in the dental specialty for which the assistant
has been trained and registered, and in performing those intra-oral
procedures as defined by the board which are involved in that
specialty.

h. “Dental clinic” means dental clinic as defined in section 1 of

i “Institution” means any nursing home, veterans’ home,
hospital or prison, or any State or county facility providing inpatient
care, supervision and treatment for persons with developmental
disabilities.

(cf: P.L.1995, c.367, s.1)

2. Section 15 of P.L.1979, c.46 (C.45:6-62) is amended to read
as follows:

15. a. Any person who has graduated from an approved school or college of dental hygiene approved by the Commission on Dental Accreditation of the American Dental Association and has been licensed to practice dental hygiene in this State and holds a current certification in Basic or Advanced Cardiac Life Support by an association approved by the board may, subject to the supervision of a New Jersey licensed dentist, practice dental hygiene in an institution in this State an office in which general dentistry or any special areas of dentistry recognized by the board is regularly practiced, or in any appropriately equipped school, dental clinic, or institution, except that a New Jersey licensed dentist may, in his sole discretion, require direct supervision in his dental office.

b. A dental hygienist acting under supervision in a dental office or dental clinic may treat only patients who are existing patients of record.

c. Each licensed dentist may provide supervision to no more than three licensed dental hygienists at one time.

d. A dental hygienist may practice dental hygiene under direct supervision or supervision only in a facility having readily available emergency equipment as may be designated by the board, by regulation.

(cf: P.L.1979, c.46, s.15)

3. Section 17 of P.L.1979, c.46 (C.45:6-64) is amended to read
as follows:

17. Nothing in this act shall be construed as permitting a licensed dental hygienist to establish an independent office for the purpose of performing or engage in independent practice in connection with the performance of traditional hygienist services whether or not there is supervision or direct supervision of a
licensed dentist.
(cf. P.L.1979, c.46, s.17)

4. (New section) The administration of local anesthesia, the
monitoring of a patient administered nitrous oxide, and any other
anesthetic procedures that may be designated by the New Jersey
State Board of Dentistry, by regulation, shall be performed by a
licensed dental hygienist only under direct supervision.

5. (New section) A licensed dental hygienist shall not perform
any intra-oral service, other than administering preventive measures
such as the application of fluorides, pit and fissure sealants as well
as other recognized topical agents for the prevention of oral disease
or associated discomfort and the detection of caries in a school
setting, upon any living person who the dental hygienist reasonably
believes has not received an examination by a duly licensed dentist
within the immediately preceding 365-day period. After
performing an assessment, a dental hygienist acting under
supervision who reasonably believes that a person has either dental
caries or some other medical or dental condition requiring diagnosis
or treatment by a dentist shall so inform in writing, within seven
days, the dentist who is providing the supervision, except if it
appears that emergent care is indicated, the dental hygienist shall
immediately notify the supervising dentist.

6. (New section) Except as otherwise provided in P.L.1964,
c.186 (C.45:6-16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person
other than a person duly licensed to practice dentistry in this State
shall:
   a. make any diagnosis or develop any treatment plan with
   respect to the dental condition or treatment of any living person in
   this State;
   b. perform any surgical or irreversible procedure, including,
   but not limited to, the cutting of hard or soft tissue or the extraction
   of any tooth on any living person in this State;
   c. either bill or submit a claim for any service rendered
   involving the practice of dentistry or dental hygiene in this State; or
   d. receive payment for the performance of dental or dental
   hygienist services from any source other than an employer
   authorized by law to practice dentistry in this State or any dental
   clinic, institution, or employment agency, as defined pursuant to
   section 1 of P.L.1989, c.331 (C.34:8-43), that employs licensed
dental hygienists to provide temporary dental hygiene services.

7. This act shall take effect on the 60th day next following
enactment.
This bill, which, in part, amends “The Dental Auxiliaries Act,” P.L.1979, c.46 (C.45:6-48 et seq.), provides that any person who has graduated from a school or college of dental hygiene approved by the Commission on Dental Accreditation of the American Dental Association and holds a current certification in Basic or Advanced Cardiac Life Support by an association approved by the New Jersey State Board of Dentistry may, subject to the supervision of a New Jersey licensed dentist, practice dental hygiene in an office in which general dentistry or any special areas of dentistry recognized by the board is regularly practiced, or in any appropriately equipped school, dental clinic, or institution, except that a New Jersey licensed dentist may, in his sole discretion, require direct supervision in his dental office.

As already currently defined in section 2 of P.L.1979, c.46 (C.45:6-49): “supervision” means acts performed pursuant to a dentist's written order, control and full professional responsibility, whether or not he is physically present; “direct supervision” means acts performed in the office of a licensed dentist wherein he is physically present at all times during the performance of those acts and those acts are performed pursuant to his order, control and full professional responsibility. The bill specifies that a dental hygienist may practice dental hygiene under direct supervision or supervision only in a facility having readily available emergency equipment as may be designated by the New Jersey State Board of Dentistry, by regulation.

Also, the bill mandates that each licensed dentist may provide supervision to no more than three licensed dental hygienists at one time. Furthermore, the bill provides that a dental hygienist acting under supervision in a dental office or dental clinic may treat only patients who are existing patients of record.

As provided in the bill, the administration of local anesthesia, the monitoring of a patient administered nitrous oxide, and any other anesthetic procedures that may be designated by the New Jersey State Board of Dentistry, by regulation, shall be performed by a licensed dental hygienist only under direct supervision.

The bill stipulates that a licensed dental hygienist shall not perform any intra-oral service, other than administering preventive measures such as the application of fluorides, pit and fissure sealants as well as other recognized topical agents for the prevention of oral disease or associated discomfort and the detection of caries in a school setting, upon any living person who the dental hygienist reasonably believes has not received an examination by a duly licensed dentist within the immediately preceding 365-day period. After performing an assessment, a dental hygienist acting under supervision who reasonably believes...
that a person has either dental caries or some other medical or
dental condition requiring diagnosis or treatment by a dentist shall
so inform in writing, within seven days, the dentist who is
providing the supervision, except if it appears that emergent care is
indicated, the dental hygienist shall immediately notify the
supervising dentist.

In addition, the bill states that except as otherwise provided in
various provisions of current law specified in the bill, no person
other than a person duly authorized to practice dentistry in this State
shall: (1) make any diagnosis or develop any treatment plan with
respect to the dental condition or treatment of any living person in
this State; (2) perform any surgical or irreversible procedure,
including, but not limited to, the cutting of hard or soft tissue or the
extraction of any tooth on any living person in this State; (3) either
bill or submit a claim for any service rendered involving the
practice of dentistry or dental hygiene in this State; or (4) receive
payment for the performance of dental or dental hygienist services
from any source other than an employer authorized by law to
practice dentistry in this State or any dental clinic, institution, or
employment agency, as defined pursuant to section 1 of P.L.1989,
c.331 (C.34:8-43), that employs licensed dental hygienists to
provide temporary dental hygiene services.