

ASSEMBLY, No. 2064

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman ARNONE

1 AN ACT concerning dental laboratories and supplementing chapter 6  
2 of Title 45 of the Revised Statutes.

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

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7 1. As used in this act:

8 "Board" means the New Jersey State Board of Dentistry established  
9 pursuant to R.S.45:6-1.

10 "Certified dental technician" means a dental technician who is  
11 certified by the National Association of Dental Laboratories.

12 "Commercial dental laboratory" means a facility within this State  
13 which supplies, fabricates or repairs prosthetic substitutes for the  
14 natural dentition or related maxillofacial structures for any licensed  
15 dentist within this State or other state, other than such a facility  
16 operated by a dentist licensed by this State.

17 "Council" means the New Jersey State Dental Laboratory Advisory  
18 Council established pursuant to section 2 of this act.

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20 2. There is established in the Division of Consumer Affairs in the  
21 Department of Law and Public Safety, under the New Jersey State  
22 Board of Dentistry, the New Jersey State Dental Laboratory Advisory  
23 Council. The council shall consist of five members, four of whom  
24 shall be appointed by the Governor and shall be residents of this State  
25 and certified dental technicians at the time of their appointment, having  
26 at least five years of continuous experience as an owner or manager of  
27 a commercial dental laboratory that is registered or eligible for  
28 registration with the council, and one of whom shall be a licensed  
29 dentist who is a member of the New Jersey State Board of Dentistry.

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31 3. The Governor shall appoint each member of the council who is  
32 a certified dental technician for a term of three years, except of those  
33 members first appointed, one shall serve for a term of three years, one  
34 shall serve for a term of two years, and two shall serve for a term of  
35 one year. The New Jersey State Board of Dentistry shall appoint the  
36 member of the council who is a licensed dentist for a term of three  
37 years. Any vacancy in the membership of the council shall be filled for

1 the unexpired term in the same manner provided for the original  
2 appointment. No member of the council may serve more than two  
3 successive terms in addition to any unexpired term to which he has  
4 been appointed. Each member of the council other than the member  
5 who is a licensed dentist shall demonstrate eligibility for registration  
6 of the laboratory with which he is affiliated and each such laboratory  
7 shall hold a valid registration within six months of the member's  
8 appointment.

9 Members of the council shall serve without compensation, but shall  
10 be reimbursed for reasonable and necessary expenses incurred in the  
11 performance of their official duties.

12 Each member of the council, before entering upon the duties of his  
13 office, shall subscribe to an oath to faithfully perform the duties of his  
14 office.

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16 4. The council shall meet as soon as practicable following the  
17 appointment of its members. The council shall meet at least once per  
18 year, shall organize annually by electing from its membership a  
19 chairman, and shall adopt annually a schedule of regular meetings.  
20 Special meetings may be held at the call of the chairman. A quorum  
21 of the council shall consist of three members. No action shall be taken  
22 at a meeting without at least three votes in accord.

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24 5. The board, after consultation with the council, shall:

25 a. Review the qualifications of applicants for registration;

26 b. Issue and renew biennial registrations for qualified applicants  
27 pursuant to this act;

28 c. Establish requirements for continuing education of certified  
29 dental technicians, which shall include course standards that are at  
30 least as comprehensive as courses approved by the National  
31 Association of Dental Laboratories.

32 d. Establish reasonable rules and regulations for registration  
33 application, issuance, renewal and expiration; and

34 e. Promulgate all rules and regulations necessary to effectuate the  
35 provisions of this act pursuant to the "Administrative Procedure Act,"  
36 P.L.1968, c.410 (C.52:14B-1 et seq.).

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38 6. No person shall conduct, maintain or operate a commercial  
39 dental laboratory unless that person holds a valid registration obtained  
40 from the board pursuant to the provisions of this act. A separate  
41 registration certificate shall be obtained for each location of a  
42 commercial dental laboratory.

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44 7. The board shall issue a registration certificate to any commercial  
45 dental laboratory which qualifies pursuant to the provisions of this act  
46 and submits a properly completed application form and pays the

1 prescribed fee. The registration form shall include, but not be limited  
2 to, the following information:

3 a. The name and address of the commercial dental laboratory  
4 owner and authorized agent, and any other similar information  
5 regarding the owner and agent that the board may require;

6 b. The name and address of the commercial dental laboratory for  
7 which the registration is requested; and

8 c. The name of every person who is a certified dental technician  
9 who is working in the commercial dental laboratory as a department  
10 head, manager or senior technician.

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12 8. a. All commercial dental laboratory registrations shall be  
13 renewed biennially. Application for registration renewals shall be  
14 made at the time and in the manner as prescribed by the board. The  
15 board shall prescribe the charges for registration, renewals and other  
16 services it performs pursuant to section 2 of P.L.1974, c.46  
17 (C.45:1-3.2). The registration shall be conspicuously displayed by the  
18 registrant on the premises of a commercial dental laboratory.

19 b. As a condition of the renewal of a commercial dental laboratory  
20 registration, the applicant shall provide evidence satisfactory to the  
21 board that at least one certified dental technician working on the  
22 premises of the commercial dental laboratory has completed the  
23 continuing education requirements prescribed by the board.

24

25 9. A commercial dental laboratory:

26 a. shall not fill a dental prescription or work authorization order  
27 unless it holds a valid registration as required by this act.

28 b. shall not perform shade taking unless authorized by a  
29 prescription from a licensed dentist.

30 c. shall not perform denture repairs unless authorized by a  
31 prescription from a licensed dentist and only if the procedure does not  
32 involve entrance of a patient's oral cavity.

33 d. shall employ at least one person on its premises who is a  
34 certified dental technician and who is working for the laboratory as a  
35 department head, manager or senior technician, except that any  
36 commercial dental laboratory operating prior to the effective date of  
37 this act shall not be required to comply with the provisions of this  
38 section until six years after the effective date of this act.

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40 10. The board, after consultation with the council, shall establish  
41 standards for the operation of commercial dental laboratories. For all  
42 commercial dental laboratories established after the effective date of  
43 this act, these standards shall, at a minimum, equal the standards set  
44 by the National Association of Dental Laboratories and shall include,  
45 but not be limited to, standards for:

46 a. The construction of new, or modification of existing, commercial

1 dental laboratories;

2 b. Sanitary and safe conditions within the commercial dental  
3 laboratory including adequate working space, lighting, and ventilation  
4 for fire prevention and safety measures; and

5 c. Submitting reports concerning commercial dental laboratory  
6 operations as may be necessary to administer this act.

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8 11. a. The board may refuse to grant, or may suspend or revoke  
9 a registration issued under the provisions of this act upon proof to its  
10 satisfaction that the commercial dental laboratory is not operated,  
11 conducted or maintained in accordance with the provisions of this act  
12 or the rules, regulations or standards adopted by the board hereunder.

13 b. Every council member shall have the power and authority to  
14 enter at any time and inspect any commercial dental laboratory  
15 pursuant to R.S.45:6-11.

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17 12. Before refusing to grant a registration certificate or before  
18 suspending, limiting or revoking a registration previously granted in  
19 accordance with the provisions of this act, the board shall give notice  
20 to the applicant or the registrant personally, or by mail addressed to  
21 him at his last known address, and afford him an opportunity to be  
22 heard with respect thereto at a time and place specified in that notice.  
23 The applicant or registrant shall have the right to be heard in person  
24 or through an attorney, and to offer evidence pertinent to the subject  
25 of the hearing. A duly certified copy of the order of the board issued  
26 as a result of that meeting shall be served on the applicant or  
27 registrant at his last known address, except if the applicant or  
28 registrant is a corporation, then the order shall be served in the same  
29 manner upon any officer or registered agent of the corporation.

30 If the board has reason to believe that a condition exists or has  
31 occurred at a commercial dental laboratory, in violation of the  
32 provisions of this act or the rules and regulations promulgated  
33 hereunder, which condition poses an imminent threat to the public  
34 health, safety or welfare, it may summarily suspend the registration of  
35 the commercial dental laboratory without a hearing and may order  
36 immediate correction of that violation as a prerequisite of  
37 reinstatement of registration. The board may, at its discretion, notify  
38 the State Department of Health or the National Advisory Committee  
39 on Occupational Safety and Health of its actions. If a registrant that  
40 is subject to summary suspension shall deny that a violation exists or  
41 has occurred, he shall have the right to apply to the board for a  
42 hearing. That hearing shall be held and a decision rendered within 10  
43 working days of receipt of that request. If the board rules against the  
44 registrant, the registrant shall have the right to apply to the Superior

1 Court of New Jersey for injunctive relief from the board's order.

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3 13. The New Jersey State Board of Dentistry shall appoint a  
4 licensed dentist who is a member of the board to serve as a member of  
5 the New Jersey State Dental Laboratory Advisory Council established  
6 pursuant to section 2 of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill).

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9 14. This act shall take effect on the 180th day following enactment.

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### 12 STATEMENT

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14 This bill establishes an advisory council under the New Jersey State  
15 Board of Dentistry to be known as the New Jersey State Dental  
16 Laboratory Advisory Council. The council shall consist of: four  
17 residents of the State, appointed by the Governor, who are certified  
18 dental technicians at the time of their appointment, with at least five  
19 years of continuous experience as an owner or manager of a  
20 commercial dental laboratory that is registered or eligible for  
21 registration with the council; and one licensed dentist, appointed by  
22 the New Jersey State Board of Dentistry, who is also a member of that  
23 board. The New Jersey State Board of Dentistry, after consulting with  
24 the advisory council, shall: review the qualifications of commercial  
25 dental laboratories applying for registration; issue and renew biennial  
26 registrations for qualified applicants; establish basic requirements for  
27 continuing education of certified dental technicians; establish  
28 reasonable rules and regulations for registration application, issuance,  
29 renewal and expiration; and promulgate rules and regulations  
30 necessary to effectuate the provisions of this act pursuant to the  
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
32 seq.).

33 The bill requires the biennial registration of all commercial dental  
34 laboratories in this State. For all commercial dental laboratories  
35 established after the effective date of this bill, the board shall  
36 promulgate rules and regulations that are at least equal to the  
37 minimum standards set by the National Association of Dental  
38 Laboratories to insure public health and safety. In addition, the bill  
39 provides that as a condition for the renewal of a commercial laboratory  
40 registration, an applicant shall provide evidence satisfactory to the  
41 board that at least one certified dental technician working on the  
42 premises of a commercial dental laboratory has completed the  
43 continuing education requirements established by the board.

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- 2
- 3 Requires registration of dental laboratories.