

SENATE, No. 1657

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senator SINGER

1 AN ACT providing for the registration of denture technologists and
2 supplementing chapter 6 of Title 45 of the Revised Statutes.

3

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.

9 "Committee" means the New Jersey State Committee of Denture
10 Technology established pursuant to section 2 of this act.

11 "Denture" means any removable full or partial upper or lower
12 prosthetic dental appliance.

13 "Denture technologist" means a person who designs, fabricates,
14 repairs and alters prosthetic dental appliances directly for the public
15 and who is registered pursuant to this act to engage in the practice of
16 denture technology.

17 "Denture technology" means the practice of fabricating, repairing,
18 relining, duplicating, fitting or altering dentures for the public and
19 includes taking impressions and bite registrations and doing insertions
20 in the human oral cavity.

21 "Director" means the Director of the Division of Consumer Affairs
22 in the Department of Law and Public Safety.

23

24 2. a. The New Jersey State Committee of Denture Technology is
25 established under the New Jersey State Board of Dentistry in the
26 Division of Consumer Affairs in the Department of Law and Public
27 Safety. The committee shall consist of three registered denture
28 technologists who shall be appointed by the Governor upon the
29 recommendation of the Denturist Society of New Jersey and who shall
30 be residents of the State. The Governor shall appoint each member for
31 a term of three years, except that of those members first appointed,
32 one shall serve for a term of three years, one shall serve for a term of
33 two years, and one shall serve for a term of one year. A vacancy in
34 the membership of the committee shall be filled for the unexpired term
35 in the manner provided for the original appointment. A member of the
36 committee may not serve more than two successive terms in addition
37 to any unexpired term to which he has been appointed. The members

1 first appointed to the committee shall demonstrate eligibility for
2 registration and shall apply for and receive registration within six
3 months of their appointment.

4 b. The members of the committee shall serve without
5 compensation, but shall be reimbursed for the reasonable and
6 necessary expenses incurred in the performance of their official duties.

7 c. Before entering upon the duties of his office, each member of the
8 committee shall subscribe to an oath to faithfully perform the duties of
9 his office.

10 d. The members of the committee shall annually elect from among
11 their number a chairman. The same person may not serve as chairman
12 for more than three successive years. The committee shall meet at
13 least twice a year and shall hold additional meetings as necessary to
14 discharge its duties.

15

16 3. The committee shall:

17 a. Review the qualifications of applicants for registration;

18 b. Issue and renew biennial registrations for denture technologists
19 pursuant to this act;

20 c. Through the board, refuse to issue or suspend, revoke or fail to
21 renew the registration of a denture technologist pursuant to the
22 provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

23 d. Maintain a record of every denture technologist registered in this
24 State, their places of business, place of residence and the date and
25 number of their registration;

26 e. Through the board, prescribe or change the charges for
27 examinations, registrations, renewals and other services it performs
28 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2); and

29 f. Adopt rules and regulations pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as necessary
31 to regulate the practice of denture technology.

32

33 4. Until such time as a majority of the denture technologists on the
34 committee meet the qualifications for registration, an interim
35 three-member advisory panel shall be established to prepare an
36 examination for the committee's approval. The interim advisory panel
37 shall be comprised of a denture technologist, approved by the
38 Denturist Society of New Jersey, a dental laboratory technician
39 approved by the New Jersey Dental Laboratory Association and a
40 representative of a school of dentistry duly accredited by the United
41 States Department of Education and the Council on Post Secondary
42 Accreditation, to be selected by the New Jersey State Committee of
43 Denture Technology. The interim panel shall be selected by the
44 respective organizations within 30 days after the effective date of this
45 act. Panel members shall be directly responsible to the director, who
46 may order the replacement of a panel member for failure to promptly

1 and equitably fulfill his duties. The panel shall submit an examination
2 to the committee no later than the 90th day after the appointment of
3 a majority of the panel, except that: if the panel fails to submit an
4 examination to the committee within the 90-day period, the director
5 shall designate the examination for the interim period no later than the
6 90th day after the end of the initial 90-day period; or if the director
7 fails to designate an examination within 90 days after the end of the
8 initial 90-day period, the committee shall designate the examination for
9 the interim period.

10
11 5. A person shall not practice denture technology, regardless of
12 whether compensation is received or expected, unless the person holds
13 a valid registration to practice in this State, except that nothing in this
14 act shall be construed to:

15 a. Prohibit a person licensed to practice in this State under any
16 other law from engaging in the practice for which the person is
17 licensed;

18 b. Prohibit a student enrolled in an educational program in denture
19 technology recognized by the committee from performing that which
20 is necessary to complete the student's course of study; or

21 c. Prohibit a person from practicing denture technology within the
22 scope of that person's official duties when employed by an agency,
23 bureau or division of the federal government, serving in the Armed
24 Forces or the Public Health Service of the United States, or employed
25 by the federal Department of Veterans' Affairs.

26
27 6. Upon payment to the committee of the prescribed fee and the
28 submission of a written application on a form provided by it, the
29 committee shall issue a registration to an applicant who:

30 a. Has completed denture technology training of not less than two
31 years at an educational institution approved by a regional accrediting
32 agency recognized by the Council on Post Secondary Accreditation or
33 the United States Department of Education;

34 b. Has obtained two years of denture technology experience which
35 may include one year of internship; and

36 c. Has successfully passed an examination approved by the
37 committee.

38
39 7. Upon payment to the committee of the prescribed fee and the
40 submission of a written application on forms provided by it, the
41 committee shall issue a registration to an applicant who applies for
42 registration within 180 days after the effective date of this act and
43 who:

44 a. Has been a resident of the State for at least six months prior to
45 the effective date of this act;

46 b. Has been engaged in the practice of denture technology for at

- 1 least 10 years immediately preceding the effective date of this act; and
2 c. Has passed an examination approved by the committee.
3
- 4 8. Upon payment to the committee of the prescribed fee and the
5 submission of a written application on a form provided by it, the
6 committee may issue a registration to an applicant who holds a valid
7 denture technologist license, certificate or registration issued by
8 another state or possession of the United States which has standards
9 substantially equivalent to those of this State and who presents proof
10 that he has practiced at least two years within that state or possession
11 provided that the state or possession extends a reciprocal privilege to
12 denture technologists registered in this State.
13
- 14 9. a. The committee shall issue a registration to any person who
15 qualifies pursuant to the provisions of this act, which registration shall
16 permit the holder to engage in the practice of denture technology. A
17 denture technologist shall conspicuously display the registration in his
18 place of business.
19 b. A denture technologist shall be insured against professional
20 liability or malpractice by an insurer licensed to conduct business in
21 this State for an amount at least equal to the minimum amount
22 necessary as determined by the committee and shall submit proof
23 satisfactory to the committee that he has, or will have on the effective
24 date of registration, obtained that insurance.
25
- 26 10. Upon payment to the committee of the prescribed fee, the
27 committee shall renew the registration of an applicant who submits
28 satisfactory proof of the completion of a minimum of six hours of
29 continuing education. The committee shall determine which courses
30 and programs constitute approved continuing education.
31
- 32 11. In addition to the provisions of section 8 of P.L.1978, c.73
33 (C.45:1-21), the committee may, through the board, deny, suspend or
34 revoke a registration to practice denture technology upon proof to the
35 satisfaction of the committee that the applicant or holder thereof:
36 a. Has used alcohol or any narcotic or dangerous drug to the extent
37 that its use impairs the ability to safely conduct the practice of denture
38 technology;
39 b. Has failed to provide and maintain sanitary facilities and
40 conditions within his place of business; or
41 c. Has failed to maintain insurance against professional malpractice
42 or liability required pursuant to subsection b. of section 9 of this act.
43
- 44 12. A denture technologist whose registration has been revoked by
45 the committee shall not be eligible to reapply for a registration until
46 one year after the date of revocation, at which time the committee at

1 its discretion may grant a temporary registration for a one year
2 probationary period. At the end of the probationary period, the
3 registrant shall appear before the committee, and upon the committee's
4 approval and payment of the prescribed fee, may be fully reinstated.

5
6 13. A denture technologist shall post in a conspicuous place within
7 his place of business the following form, which shall be in such size
8 and lettering as prescribed by the committee to make the form easily
9 discernible to the consumer:

10 ANY CONSUMER WHO HAS A COMPLAINT RELATING TO
11 THE PRACTICE OF THIS ESTABLISHMENT MAY CONTACT
12 THE NEW JERSEY STATE COMMITTEE OF DENTURE
13 TECHNOLOGY, LOCATED AT... .

14
15 14. Prior to the fabrication of any new denture, the patient shall
16 provide the denture technologist with a written statement of oral
17 health in a form approved by the committee. The statement shall be
18 signed by a licensed dentist and shall affirm that the patient has been
19 examined within the last six months and no oral pathology has been
20 found which would preclude the fabrication of a denture.

21
22 15. A denture technologist shall not refuse to accept a patient
23 because of the patient's status with respect to the Medicaid program
24 established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.). Fees
25 paid to a denture technologist by the State of New Jersey for services
26 provided to a Medicaid patient shall be accepted as payment in full.

27
28 16. A denture technologist may use the services of a dental
29 laboratory technician to perform any extra-oral laboratory procedure.
30 This service shall be performed by a dental laboratory technician
31 pursuant to the written authorization of a denture technologist.

32
33 17. A denture technologist shall not:

34 a. Cut, surgically remove or surgically reduce any tissue or teeth
35 in the process of fitting a denture;

36 b. Initially insert immediate dentures;

37 c. Diagnose or treat any abnormalities;

38 d. Recommend a prescription drug for any oral or medical disease;

39 or

40 e. Fit orthodontic appliances.

41
42 18. The provisions of P.L.1978, c.73 (C.45:1-14 et seq.) shall
43 apply to the practice of denture technology as provided in this act.

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45 19. The Attorney General of the State of New Jersey shall evaluate
46 the efficacy of the regulatory system for denture technologists

1 implemented under the provisions of this act in protecting the public
2 interest and providing the public with access to quality and affordable
3 denture technology and shall report his findings to the Legislature on
4 or before June 1, 2002.

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6 20. This act shall take effect on the 180th day after the date of
7 enactment and shall expire on December 1, 2003.

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10 STATEMENT

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12 This bill provides for the registration of denture technologists by a
13 New Jersey State Committee of Denture Technology, which is
14 established by the bill in the Division of Consumer Affairs in the
15 Department of Law and Public Safety under the New Jersey State
16 Board of Dentistry.

17 This bill is designed to provide New Jersey consumers with
18 improved access to quality, affordable denture technology while for
19 the first time regulating denture technology. The bill also eliminates
20 certain outmoded barriers to the practice of denture technology in
21 State law. Peer regulation and the creation of a new licensing board
22 to carry out the provisions of this act are not in the public interest, and
23 it is thus necessary to devise a regulatory mechanism which is
24 consistent with the licensure policies of the State.

25 The bill defines denture technology as "the practice of fabricating,
26 repairing, relining, duplicating, fitting or altering dentures for the
27 public and includes taking impressions and bite registrations and doing
28 insertions in the human oral cavity." Current State law permits the
29 fabricating, relining, duplicating, repairing and altering of dentures.
30 This bill expands the practice of denture technology by permitting the
31 taking of impressions and bite registrations and insertions in the human
32 oral cavity. The bill mandates that prior to the fabrication of a new
33 denture, the patient must be first examined by a licensed dentist who
34 shall affirm in writing that the patient has been examined and no oral
35 pathology has been found which would preclude the fabrication of a
36 denture.

37 The bill prohibits anyone from engaging in the practice of denture
38 technology unless the person holds a valid registration to practice in
39 this State. The bill does not, however, prohibit a person who is
40 licensed to practice in this State under any law from engaging in the
41 practice for which he is licensed.

42 The bill requires that a registered denture technologist maintain
43 professional liability insurance in an amount established by the
44 committee.

45 As stipulated in the bill, its provisions shall expire on December 1,
46 2003. The bill also provides that on or before June 1, 2002, the

1 Attorney General of the State of New Jersey shall issue a report to the
2 Legislature regarding the efficacy of the regulatory system
3 implemented under the provisions of this bill.

4 This bill will improve the quality of denture services while lowering
5 the cost of delivering such essential health care services. Similar laws
6 have been enacted to date in Idaho, Montana and Oregon, as well as
7 in Canada.

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12 Requires denture technologists to be registered.