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ASSEMBLY, No. 649

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1951

By Mr. SALSBURG

Referred to Committee on Public Health

AN Act concerning the practice of dentistry, defining and regulating dental clinics, supplementing chapter six of Title 45 of the Revised Statutes and repealing section 45:6-15 of the Revised Statutes.

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

1 1. Dental clinic, as used in this act, shall mean and include any clinic,  
2 infirmary, hospital, institution or other place of any kind whatsoever, in  
3 which science of dentistry in any of its branches is practiced, demonstrated  
4 or taught, upon or with respect to human beings but shall not include the  
5 private office of a regularly licensed dentist of this State.

1 2. No dental clinic shall be established, operated, conducted or main-  
2 tained in this State unless and until a permit to do so has first been ob-  
3 tained from the State Board of Registration and Examination in Dentistry  
4 (hereinafter referred to as the board). Application for such permit shall be  
5 in the form prescribed by the board. All such permits shall expire on De-  
6 cember thirty-first of each year.

1 3. The board shall adopt rules and regulations and establish standards  
2 for the establishment, operation, conduct and maintenance of dental clinics.

1 4. There is hereby established a council on dental clinics which shall  
2 consist of five members, each of whom shall be chosen with due regard to  
3 his knowledge of and interest in the practice of dentistry. Three members

4 thereof shall consist of one representative of the State Department of Insti-  
 5 tutions and Agencies; one representative of the State Department of Health  
 6 and one representative of the State Department of Education, chosen and  
 7 appointed by the head of each respective department. A fourth member  
 8 shall be chosen and appointed by the State Board of Registration and Ex-  
 9 amination in Dentistry and the fifth member shall be chosen and appointed  
 10 by the New Jersey State Dental Society. Each member shall be appointed  
 11 for a term of one year and until his successor is appointed and qualified.  
 12 Any vacancy occurring in the membership for any cause shall be filled in  
 13 the same manner as the original appointment but for the unexpired term  
 14 only.

15 The members of the council shall serve without compensation, but may  
 16 be reimbursed for necessary expenses incurred in the performance of their  
 17 duties by the agency appointing said member.

1 5. The council on dental clinics shall enact and from time to time may  
 2 amend rules in relation to its meetings and the transaction of its business.  
 3 The council shall elect one of its members chairman who shall hold office  
 4 for one year.

5 The council shall consider matters relating to the establishment, main-  
 6 tenance, conduct and operation of dental clinics and may advise the board  
 7 thereon. It shall submit to the board any recommendations it may deem nec-  
 8 essary for the proper conduct and operation of dental clinics. It shall  
 9 study and investigate the establishment, maintenance, conduct and opera-  
 10 tion of dental clinics and shall recommend to the board standards for the  
 11 establishment, maintenance, conduct and operation of such dental clinics.  
 12 The council shall also consider all matters concerning the approval, issu-  
 13 ance, suspension or revocation of permits for dental clinics and shall sub-  
 14 mit its recommendations thereon to the board. The council shall consider  
 15 such other matters as may be pertinent to the conduct of dental clinics in  
 16 this State and may report thereon to the board.

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1 6. No permit shall be issued by the board unless the dental clinic com-  
2 plies with the rules, regulations, standards and requirements adopted by  
3 the board and in force at the time such application is made.

1 7. Every dental clinic operated, conducted or maintained in this State  
2 shall be at all times under the direction of a licensed dentist of this State.

1 8. Every member of the council and every member and employee of the  
2 board is empowered and authorized to enter and inspect any place where  
3 a dental clinic is established, operated, conducted or maintained. Every  
4 such member and employee shall, when inspecting any such place or dental  
5 clinic, carry and exhibit when properly requested, a card stating his name  
6 and connection with the council or board, verified by the signature of the  
7 president and secretary-treasurer of the board and by its seal.

1 9. The board may refuse to grant, or may suspend or revoke a permit  
2 issued under the provision of this act upon proof to its satisfaction that  
3 the dental clinic is not operated, conducted or maintained in accordance  
4 with this act or the rules, regulations and standards adopted by the board  
5 pursuant to the provisions of this act.

1 10. Before any permit shall be revoked or suspended a notice shall be  
2 served upon the permit holder specifying the grounds for such suspension  
3 or revocation and shall fix a time and place for hearing. Such notice shall  
4 be served upon the permit holder either personally or by leaving the same  
5 at the office of the dental clinic or by registered mail addressed to the per-  
6 mit holder at the location of the dental clinic at least twenty days before  
7 the time fixed for the hearing. At the time and place fixed in the notice, or  
8 at any time and place to which the hearing shall be adjourned, the board  
9 shall hear the matter in a summary way. The permit holder shall have the  
10 right to be represented by counsel. The president of the board shall have  
11 the right to administer oaths to witnesses and to issue subpoenas for the  
12 compulsory attendance of witnesses and the production of books, papers, writ-  
13 ings or records at such hearing. Upon the request of the permit holder or  
14 his counsel, the president of the board shall issue such subpoenas, which

15 subpoenas when issued shall be delivered to the permit holder or his coun-  
 16 sel. Subpoenas shall be effective if served upon the person named therein  
 17 anywhere within this State, if, at the time of such service, the fees provided  
 18 by law for witnesses in civil cases are paid or tendered to such person.  
 19 Any person upon whom a subpoena shall have been served and to whom  
 20 a fee has been so paid or tendered, who shall not appear according to the  
 21 command thereof, having no lawful or reasonable excuse for such default,  
 22 shall be liable to a penalty of fifty dollars (\$50.00) which shall be sued for  
 23 and recovered by the board in the manner provided herein for the recovery  
 24 of penalties incurred under this act.

1 11. Any person who establishes, operates, conducts or maintains a dental  
 2 clinic without first having obtained a permit as provided in this act, or  
 3 contrary to any of the provisions of this act or any rule or regulation of  
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 9 who practices dentistry in a dental clinic which does not hold a permit or  
 10 whose permit is revoked or suspended shall be liable to a penalty of two  
 11 hundred dollars (\$200.00) for a first offense and five hundred dollars  
 12 (\$500.00) for each subsequent offense, which penalty shall be recovered in  
 13 the manner provided in sections 45:6-25 to 45:6-29, inclusive.

1 12. Each day that any dental clinic shall be operated, conducted or  
 2 maintained in violation of any provision of this act or of any rule or regu-  
 3 lation of the board made pursuant thereto shall be deemed to be a separate  
 4 violation for which a penalty may be recovered.

1 13. Payment of a penalty or any part thereof for any alleged violation  
 2 of this act either before or after the institution of proceedings for the col-  
 3 lection thereof, shall be deemed equivalent to a conviction of the violation  
 4 for which such penalty was claimed.

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1 14. The Superior Court of this State is hereby vested with jurisdiction  
 2 and discretionary power at the suit of the State board or the Attorney-  
 3 General to prevent and restrain the establishment, operation, conduct or  
 4 maintenance of a dental clinic in this State where a permit has not been  
 5 granted or where the same has been revoked or suspended or the violation  
 6 of any of the provisions of this chapter, upon complaint being presented  
 7 to it.

1 15. Any dental clinic established, operated, conducted or maintained  
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 5 Institutions and Agencies before a permit may be granted by the State  
 6 board.

1 17. Section 45:6-15 of the Revised Statutes is repealed.

1 18. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to define and regulate dental clinics and requir-  
 ing said clinics to obtain a permit for their conduct and maintenance.

[OFFICIAL COPY REPRINT]  
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4 maintenance of a dental clinic in this State where a permit has not been  
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3 which science of dentistry in any of its branches is practiced, demonstrated  
4 or taught, upon or with respect to human beings but shall not include the  
5 private office of a regularly licensed dentist of this State.

1 2. No industrial or corporate dental clinic shall be established, operated,  
2 conducted or maintained in this State unless and until a permit to do so has  
3 first been obtained from the State Board of Registration and Examination in  
4 Dentistry (hereinafter referred to as the board). Application for such  
5 permit shall be in the form prescribed by the board. All such permits shall  
6 expire on December thirty-first of each year.

1 3. The board shall adopt rules and regulations and establish standards  
2 for the establishment, operation, conduct and maintenance of industrial or  
3 corporate dental clinics.

1 4. There is hereby established a council on dental clinics which shall  
2 consist of seven members, each of whom shall be chosen with due regard to

3 his knowledge of and interest in the practice of dentistry. Three members  
4 thereof shall consist of one representative of the State Department of Insti-  
5 tutions and Agencies; one representative of the State Department of Health  
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10 New Jersey State Dental Society, a sixth member shall be chosen and ap-  
11 pointed by the New Jersey Hospital Association, and the seventh member  
12 by the New Jersey State Health Officers' Association. Each member shall be  
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1 6. No permit shall be issued by the board unless the dental clinic com-  
2 plies with the rules, regulations, standards and requirements adopted by  
3 the board and in force at the time such application is made.

1 7. In every dental clinic operated, conducted or maintained in this State  
2 all dental operations shall be performed by a licensed dentist or licensed  
3 hygienist in accordance with the provisions of Title 45, chapter six of the  
4 Revised Statutes.

1 8. Every member of the council and every member and employee of the  
2 board is empowered and authorized to enter and inspect any place where  
3 a dental clinic is established, operated, conducted or maintained. Every  
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1 15. Section 45:6-15 of the Revised Statutes is repealed.

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