

45:6-69.1 & 45:6-69.2 et. al.

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2012 **CHAPTER:** 29

NJSA: 45:6-69.1 & 45:6-69.2 et. al. (Revises statutes concerning dental hygienists and dentists)

BILL NO: S298 (Substituted for A1759)

SPONSOR(S) Pennacchio and others

DATE INTRODUCED: January 10, 2012

COMMITTEE: **ASSEMBLY:** Regulated Professions
 SENATE: Commerce

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 21, 2012
 SENATE: March 15, 2012

DATE OF APPROVAL: August 7, 2012

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S298

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

A1759

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/KR

§§4,5 -
C.45:6-69.1 &
45:6-69.2
§6 - C.45:6-73

P.L.2012, CHAPTER 29, *approved August 7, 2012*

Senate, No. 298

1 AN ACT concerning the practice of dentistry, amending and
2 supplementing P.L.1979, c.46, and supplementing chapter 6 of
3 Title 45 of the Revised Statutes.

4

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

7

8 1. Section 2 of P.L.1979, c.46 (C.45:6-49) is amended to read
9 as follows:

10 2. For the purposes of this act:

11 a. "Board" means the New Jersey State Board of Dentistry.

12 b. "Registered dental assistant" means any person who has
13 fulfilled the requirements for registration established by this act and
14 who has been registered by the board. A registered dental assistant
15 shall work under the direct supervision of a licensed dentist.

16 c. "Dental assistant" means any person who is trained by
17 formal education or office internship to perform, under the direct
18 supervision of a dentist, any routine office procedure, not including
19 an intra-oral procedure, in the office of a dentist.

20 d. "Dental hygienist" means any person who performs in the
21 office of any licensed dentist or in any appropriately equipped
22 school, **[licensed]** dental clinic, or **[public or private]** institution
23 under the supervision of a licensed dentist, those educational,
24 preventive and therapeutic services and procedures which licensed
25 dental hygienists are trained to perform, and which are specifically
26 permitted by regulation of the board, and such intra-oral clinical
27 services which are primarily concerned with preventive dental
28 procedures, including, but not limited to, during the course of a
29 complete prophylaxis, removing all hard and soft deposits and
30 stains from the surfaces of the human teeth to the depth of the
31 gingival sulcus, polishing natural and restored surfaces of teeth,
32 applying indicated topical agents, surveying intra- and extra-oral
33 structures, noting deformities, defects and abnormalities thereof,
34 performing a complete oral prophylaxis and providing clinical
35 instruction to promote the maintenance of dental health.

36 e. "Direct supervision" means acts performed in the office of a
37 licensed dentist wherein he is physically present at all times during
38 the performance of such acts and such acts are performed pursuant
39 to his order, control and full professional responsibility.

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.

1 f. "Supervision" means acts performed pursuant to a dentist's
2 written order, control and full professional responsibility, whether
3 or not he is physically present.

4 g. "Limited registered dental assistant" means any person who
5 has fulfilled the requirements for registration established by this
6 amendatory and supplementary act and who has been registered by
7 the board. A limited registered dental assistant shall be limited to
8 working under the direct supervision of a dentist who conducts a
9 limited dental practice in the dental specialty for which the assistant
10 has been trained and registered, and in performing those intra-oral
11 procedures as defined by the board which are involved in that
12 specialty.

13 h. "Dental clinic" means dental clinic as defined in section 1 of
14 P.L.1951, c.199 (C.45:6-15.1).

15 i. "Institution" means any nursing home, veterans' home,
16 hospital or prison, or any State or county facility providing inpatient
17 care, supervision and treatment for persons with developmental
18 disabilities.

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

20
21 2. Section 15 of P.L.1979, c.46 (C.45:6-62) is amended to read
22 as follows:

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

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

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

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

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

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

1 17. Nothing in this act shall be construed as permitting a
2 licensed dental hygienist to establish an independent office [for the
3 purpose of performing] or engage in independent practice in
4 connection with the performance of traditional hygienist services
5 whether or not there is supervision or direct supervision of a
6 licensed dentist.

7 (cf: P.L.1979, c.46, s.17)

8
9 4. (New section) The administration of local anesthesia, the
10 monitoring of a patient administered nitrous oxide, and any other
11 anesthetic procedures that may be designated by the New Jersey
12 State Board of Dentistry, by regulation, shall be performed by a
13 licensed dental hygienist only under direct supervision.

14
15 5. (New section) A licensed dental hygienist shall not perform
16 any intra-oral service, other than administering preventive measures
17 such as the application of fluorides, pit and fissure sealants as well
18 as other recognized topical agents for the prevention of oral disease
19 or associated discomfort and the detection of caries in a school
20 setting, upon any living person who the dental hygienist reasonably
21 believes has not received an examination by a duly licensed dentist
22 within the immediately preceding 365-day period. After
23 performing an assessment, a dental hygienist acting under
24 supervision who reasonably believes that a person has either dental
25 caries or some other medical or dental condition requiring diagnosis
26 or treatment by a dentist shall so inform in writing, within seven
27 days, the dentist who is providing the supervision, except if it
28 appears that emergent care is indicated, the dental hygienist shall
29 immediately notify the supervising dentist.

30
31 6. (New section) Except as otherwise provided in P.L.1964,
32 c.186 (C.45:6-16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person
33 other than a person duly licensed to practice dentistry in this State
34 shall:

35 a. make any diagnosis or develop any treatment plan with
36 respect to the dental condition or treatment of any living person in
37 this State;

38 b. perform any surgical or irreversible procedure, including,
39 but not limited to, the cutting of hard or soft tissue or the extraction
40 of any tooth on any living person in this State;

41 c. either bill or submit a claim for any service rendered
42 involving the practice of dentistry or dental hygiene in this State; or

43 d. receive payment for the performance of dental or dental
44 hygienist services from any source other than an employer
45 authorized by law to practice dentistry in this State or any dental
46 clinic, institution, or employment agency, as defined pursuant to

1 section 1 of P.L.1989, c.331 (C.34:8-43), that employs licensed
2 dental hygienists to provide temporary dental hygiene services.

3

4 7. This act shall take effect on the 60th day next following
5 enactment.

6

7

8

9

10 _____
Revises statutes concerning dental hygienists and dentists.

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



1 AN ACT concerning the practice of dentistry, amending and
2 supplementing P.L.1979, c.46, and supplementing chapter 6 of
3 Title 45 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.1979, c.46 (C.45:6-49) is amended to read
9 as follows:

10 2. For the purposes of this act:

11 a. "Board" means the New Jersey State Board of Dentistry.

12 b. "Registered dental assistant" means any person who has
13 fulfilled the requirements for registration established by this act and
14 who has been registered by the board. A registered dental assistant
15 shall work under the direct supervision of a licensed dentist.

16 c. "Dental assistant" means any person who is trained by
17 formal education or office internship to perform, under the direct
18 supervision of a dentist, any routine office procedure, not including
19 an intra-oral procedure, in the office of a dentist.

20 d. "Dental hygienist" means any person who performs in the
21 office of any licensed dentist or in any appropriately equipped
22 school, **[licensed]** dental clinic, or **[public or private]** institution
23 under the supervision of a licensed dentist, those educational,
24 preventive and therapeutic services and procedures which licensed
25 dental hygienists are trained to perform, and which are specifically
26 permitted by regulation of the board, and such intra-oral clinical
27 services which are primarily concerned with preventive dental
28 procedures, including, but not limited to, during the course of a
29 complete prophylaxis, removing all hard and soft deposits and
30 stains from the surfaces of the human teeth to the depth of the
31 gingival sulcus, polishing natural and restored surfaces of teeth,
32 applying indicated topical agents, surveying intra- and extra-oral
33 structures, noting deformities, defects and abnormalities thereof,
34 performing a complete oral prophylaxis and providing clinical
35 instruction to promote the maintenance of dental health.

36 e. "Direct supervision" means acts performed in the office of a
37 licensed dentist wherein he is physically present at all times during
38 the performance of such acts and such acts are performed pursuant
39 to his order, control and full professional responsibility.

40 f. "Supervision" means acts performed pursuant to a dentist's
41 written order, control and full professional responsibility, whether
42 or not he is physically present.

43 g. "Limited registered dental assistant" means any person who
44 has fulfilled the requirements for registration established by this
45 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.

1 the board. A limited registered dental assistant shall be limited to
2 working under the direct supervision of a dentist who conducts a
3 limited dental practice in the dental specialty for which the assistant
4 has been trained and registered, and in performing those intra-oral
5 procedures as defined by the board which are involved in that
6 specialty.

7 h. "Dental clinic" means dental clinic as defined in section 1 of
8 P.L.1951, c.199 (C.45:6-15.1).

9 i. "Institution" means any nursing home, veterans' home,
10 hospital or prison, or any State or county facility providing inpatient
11 care, supervision and treatment for persons with developmental
12 disabilities.

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

14

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

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

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

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

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

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

39

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

42 17. Nothing in this act shall be construed as permitting a
43 licensed dental hygienist to establish an independent office [for the
44 purpose of performing] or engage in independent practice in
45 connection with the performance of traditional hygienist services
46 whether or not there is supervision or direct supervision of a

1 licensed dentist.
2 (cf: P.L.1979, c.46, s.17)

3
4 4. (New section) The administration of local anesthesia, the
5 monitoring of a patient administered nitrous oxide, and any other
6 anesthetic procedures that may be designated by the New Jersey
7 State Board of Dentistry, by regulation, shall be performed by a
8 licensed dental hygienist only under direct supervision.

9
10 5. (New section) A licensed dental hygienist shall not perform
11 any intra-oral service, other than administering preventive measures
12 such as the application of fluorides, pit and fissure sealants as well
13 as other recognized topical agents for the prevention of oral disease
14 or associated discomfort and the detection of caries in a school
15 setting, upon any living person who the dental hygienist reasonably
16 believes has not received an examination by a duly licensed dentist
17 within the immediately preceding 365-day period. After
18 performing an assessment, a dental hygienist acting under
19 supervision who reasonably believes that a person has either dental
20 caries or some other medical or dental condition requiring diagnosis
21 or treatment by a dentist shall so inform in writing, within seven
22 days, the dentist who is providing the supervision, except if it
23 appears that emergent care is indicated, the dental hygienist shall
24 immediately notify the supervising dentist.

25
26 6. (New section) Except as otherwise provided in P.L.1964,
27 c.186 (C.45:6-16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person
28 other than a person duly licensed to practice dentistry in this State
29 shall:

30 a. make any diagnosis or develop any treatment plan with
31 respect to the dental condition or treatment of any living person in
32 this State;

33 b. perform any surgical or irreversible procedure, including,
34 but not limited to, the cutting of hard or soft tissue or the extraction
35 of any tooth on any living person in this State;

36 c. either bill or submit a claim for any service rendered
37 involving the practice of dentistry or dental hygiene in this State; or

38 d. receive payment for the performance of dental or dental
39 hygienist services from any source other than an employer
40 authorized by law to practice dentistry in this State or any dental
41 clinic, institution, or employment agency, as defined pursuant to
42 section 1 of P.L.1989, c.331 (C.34:8-43), that employs licensed
43 dental hygienists to provide temporary dental hygiene services.

44
45 7. This act shall take effect on the 60th day next following
46 enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

1 that a person has either dental caries or some other medical or
2 dental condition requiring diagnosis or treatment by a dentist shall
3 so inform in writing, within seven days, the dentist who is
4 providing the supervision, except if it appears that emergent care is
5 indicated, the dental hygienist shall immediately notify the
6 supervising dentist.

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

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)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman JOHN F. AMODEO

District 2 (Atlantic)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Revises statutes concerning dental hygienists and dentists.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee with technical review.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT concerning the practice of dentistry, amending and
2 supplementing P.L.1979, c.46, and supplementing chapter 6 of
3 Title 45 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.1979, c.46 (C.45:6-49) is amended to read
9 as follows:

10 2. For the purposes of this act:

11 a. "Board" means the New Jersey State Board of Dentistry.

12 b. "Registered dental assistant" means any person who has
13 fulfilled the requirements for registration established by this act and
14 who has been registered by the board. A registered dental assistant
15 shall work under the direct supervision of a licensed dentist.

16 c. "Dental assistant" means any person who is trained by
17 formal education or office internship to perform, under the direct
18 supervision of a dentist, any routine office procedure, not including
19 an intra-oral procedure, in the office of a dentist.

20 d. "Dental hygienist" means any person who performs in the
21 office of any licensed dentist or in any appropriately equipped
22 school, **[licensed]** dental clinic, or **[public or private]** institution
23 under the supervision of a licensed dentist, those educational,
24 preventive and therapeutic services and procedures which licensed
25 dental hygienists are trained to perform, and which are specifically
26 permitted by regulation of the board, and such intra-oral clinical
27 services which are primarily concerned with preventive dental
28 procedures, including, but not limited to, during the course of a
29 complete prophylaxis, removing all hard and soft deposits and
30 stains from the surfaces of the human teeth to the depth of the
31 gingival sulcus, polishing natural and restored surfaces of teeth,
32 applying indicated topical agents, surveying intra- and extra-oral
33 structures, noting deformities, defects and abnormalities thereof,
34 performing a complete oral prophylaxis and providing clinical
35 instruction to promote the maintenance of dental health.

36 e. "Direct supervision" means acts performed in the office of a
37 licensed dentist wherein he is physically present at all times during
38 the performance of such acts and such acts are performed pursuant
39 to his order, control and full professional responsibility.

40 f. "Supervision" means acts performed pursuant to a dentist's
41 written order, control and full professional responsibility, whether
42 or not he is physically present.

43 g. "Limited registered dental assistant" means any person who
44 has fulfilled the requirements for registration established by this
45 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.

1 the board. A limited registered dental assistant shall be limited to
2 working under the direct supervision of a dentist who conducts a
3 limited dental practice in the dental specialty for which the assistant
4 has been trained and registered, and in performing those intra-oral
5 procedures as defined by the board which are involved in that
6 specialty.

7 h. "Dental clinic" means dental clinic as defined in section 1 of
8 P.L.1951, c.199 (C.45:6-15.1).

9 i. "Institution" means any nursing home, veterans' home,
10 hospital or prison, or any State or county facility providing inpatient
11 care, supervision and treatment for persons with developmental
12 disabilities.

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

14

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

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

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

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

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

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

39

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

42 17. Nothing in this act shall be construed as permitting a
43 licensed dental hygienist to establish an independent office [for the
44 purpose of performing] or engage in independent practice in
45 connection with the performance of traditional hygienist services
46 whether or not there is supervision or direct supervision of a

1 licensed dentist.
2 (cf: P.L.1979, c.46, s.17)

3
4 4. (New section) The administration of local anesthesia, the
5 monitoring of a patient administered nitrous oxide, and any other
6 anesthetic procedures that may be designated by the New Jersey
7 State Board of Dentistry, by regulation, shall be performed by a
8 licensed dental hygienist only under direct supervision.

9
10 5. (New section) A licensed dental hygienist shall not perform
11 any intra-oral service, other than administering preventive measures
12 such as the application of fluorides, pit and fissure sealants as well
13 as other recognized topical agents for the prevention of oral disease
14 or associated discomfort and the detection of caries in a school
15 setting, upon any living person who the dental hygienist reasonably
16 believes has not received an examination by a duly licensed dentist
17 within the immediately preceding 365-day period. After
18 performing an assessment, a dental hygienist acting under
19 supervision who reasonably believes that a person has either dental
20 caries or some other medical or dental condition requiring diagnosis
21 or treatment by a dentist shall so inform in writing, within seven
22 days, the dentist who is providing the supervision, except if it
23 appears that emergent care is indicated, the dental hygienist shall
24 immediately notify the supervising dentist.

25
26 6. (New section) Except as otherwise provided in P.L.1964,
27 c.186 (C.45:6-16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person
28 other than a person duly licensed to practice dentistry in this State
29 shall:

30 a. make any diagnosis or develop any treatment plan with
31 respect to the dental condition or treatment of any living person in
32 this State;

33 b. perform any surgical or irreversible procedure, including,
34 but not limited to, the cutting of hard or soft tissue or the extraction
35 of any tooth on any living person in this State;

36 c. either bill or submit a claim for any service rendered
37 involving the practice of dentistry or dental hygiene in this State; or

38 d. receive payment for the performance of dental or dental
39 hygienist services from any source other than an employer
40 authorized by law to practice dentistry in this State or any dental
41 clinic, institution, or employment agency, as defined pursuant to
42 section 1 of P.L.1989, c.331 (C.34:8-43), that employs licensed
43 dental hygienists to provide temporary dental hygiene services.

44
45 7. This act shall take effect on the 60th day next following
46 enactment.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 298

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2012

The Senate Commerce Committee reports favorably Senate Bill No. 298.

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 area 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.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 298

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Assembly Regulated Professions Committee reports favorably Senate Bill No. 298.

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 area 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.

This bill is identical to Assembly Bill No. 1759, which was also reported by the committee today.

ASSEMBLY, No. 1759

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman JOHN F. AMODEO

District 2 (Atlantic)

SYNOPSIS

Revises statutes concerning dental hygienists and dentists.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 3/16/2012)

1 AN ACT concerning the practice of dentistry, amending and
2 supplementing P.L.1979, c.46, and supplementing chapter 6 of
3 Title 45 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.1979, c.46 (C.45:6-49) is amended to read
9 as follows:

10 2. For the purposes of this act:

11 a. "Board" means the New Jersey State Board of Dentistry.

12 b. "Registered dental assistant" means any person who has
13 fulfilled the requirements for registration established by this act and
14 who has been registered by the board. A registered dental assistant
15 shall work under the direct supervision of a licensed dentist.

16 c. "Dental assistant" means any person who is trained by
17 formal education or office internship to perform, under the direct
18 supervision of a dentist, any routine office procedure, not including
19 an intra-oral procedure, in the office of a dentist.

20 d. "Dental hygienist" means any person who performs in the
21 office of any licensed dentist or in any appropriately equipped
22 school, **[licensed]** dental clinic, or **[public or private]** institution
23 under the supervision of a licensed dentist, those educational,
24 preventive and therapeutic services and procedures which licensed
25 dental hygienists are trained to perform, and which are specifically
26 permitted by regulation of the board, and such intra-oral clinical
27 services which are primarily concerned with preventive dental
28 procedures, including, but not limited to, during the course of a
29 complete prophylaxis, removing all hard and soft deposits and
30 stains from the surfaces of the human teeth to the depth of the
31 gingival sulcus, polishing natural and restored surfaces of teeth,
32 applying indicated topical agents, surveying intra- and extra-oral
33 structures, noting deformities, defects and abnormalities thereof,
34 performing a complete oral prophylaxis and providing clinical
35 instruction to promote the maintenance of dental health.

36 e. "Direct supervision" means acts performed in the office of a
37 licensed dentist wherein he is physically present at all times during
38 the performance of such acts and such acts are performed pursuant
39 to his order, control and full professional responsibility.

40 f. "Supervision" means acts performed pursuant to a dentist's
41 written order, control and full professional responsibility, whether
42 or not he is physically present.

43 g. "Limited registered dental assistant" means any person who
44 has fulfilled the requirements for registration established by this
45 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.

1 the board. A limited registered dental assistant shall be limited to
2 working under the direct supervision of a dentist who conducts a
3 limited dental practice in the dental specialty for which the assistant
4 has been trained and registered, and in performing those intra-oral
5 procedures as defined by the board which are involved in that
6 specialty.

7 h. "Dental clinic" means dental clinic as defined in section 1 of
8 P.L.1951, c.199 (C.45:6-15.1).

9 i. "Institution" means any nursing home, veterans' home,
10 hospital or prison, or any State or county facility providing inpatient
11 care, supervision and treatment for persons with developmental
12 disabilities.

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

14

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

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

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

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

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

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

39

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

42 17. Nothing in this act shall be construed as permitting a
43 licensed dental hygienist to establish an independent office [for the
44 purpose of performing] or engage in independent practice in
45 connection with the performance of traditional hygienist services

1 whether or not there is supervision or direct supervision of a
2 licensed dentist.

3 (cf: P.L.1979, c.46, s.17)

4

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

10

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

26

27 6. (New section) Except as otherwise provided in P.L.1964,
28 c.186 (C.45:6-16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person
29 other than a person duly licensed to practice dentistry in this State
30 shall:

31 a. make any diagnosis or develop any treatment plan with
32 respect to the dental condition or treatment of any living person in
33 this State;

34 b. perform any surgical or irreversible procedure, including,
35 but not limited to, the cutting of hard or soft tissue or the extraction
36 of any tooth on any living person in this State;

37 c. either bill or submit a claim for any service rendered
38 involving the practice of dentistry or dental hygiene in this State; or

39 d. receive payment for the performance of dental or dental
40 hygienist services from any source other than an employer
41 authorized by law to practice dentistry in this State or any dental
42 clinic, institution, or employment agency, as defined pursuant to
43 section 1 of P.L.1989, c.331 (C.34:8-43), that employs licensed
44 dental hygienists to provide temporary dental hygiene services.

45

46 7. This act shall take effect on the 60th day next following
47 enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

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

1 that a person has either dental caries or some other medical or
2 dental condition requiring diagnosis or treatment by a dentist shall
3 so inform in writing, within seven days, the dentist who is
4 providing the supervision, except if it appears that emergent care is
5 indicated, the dental hygienist shall immediately notify the
6 supervising dentist.

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

ASSEMBLY, No. 1759

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman JOHN F. AMODEO

District 2 (Atlantic)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

Revises statutes concerning dental hygienists and dentists.

CURRENT VERSION OF TEXT

As reported by the Assembly Regulated Professions Committee with technical review.



(Sponsorship Updated As Of: 6/15/2012)

1 AN ACT concerning the practice of dentistry, amending and
2 supplementing P.L.1979, c.46, and supplementing chapter 6 of
3 Title 45 of the Revised Statutes.

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

7
8 1. Section 2 of P.L.1979, c.46 (C.45:6-49) is amended to read
9 as follows:

10 2. For the purposes of this act:

11 a. "Board" means the New Jersey State Board of Dentistry.

12 b. "Registered dental assistant" means any person who has
13 fulfilled the requirements for registration established by this act and
14 who has been registered by the board. A registered dental assistant
15 shall work under the direct supervision of a licensed dentist.

16 c. "Dental assistant" means any person who is trained by
17 formal education or office internship to perform, under the direct
18 supervision of a dentist, any routine office procedure, not including
19 an intra-oral procedure, in the office of a dentist.

20 d. "Dental hygienist" means any person who performs in the
21 office of any licensed dentist or in any appropriately equipped
22 school, **[licensed]** dental clinic, or **[public or private]** institution
23 under the supervision of a licensed dentist, those educational,
24 preventive and therapeutic services and procedures which licensed
25 dental hygienists are trained to perform, and which are specifically
26 permitted by regulation of the board, and such intra-oral clinical
27 services which are primarily concerned with preventive dental
28 procedures, including, but not limited to, during the course of a
29 complete prophylaxis, removing all hard and soft deposits and
30 stains from the surfaces of the human teeth to the depth of the
31 gingival sulcus, polishing natural and restored surfaces of teeth,
32 applying indicated topical agents, surveying intra- and extra-oral
33 structures, noting deformities, defects and abnormalities thereof,
34 performing a complete oral prophylaxis and providing clinical
35 instruction to promote the maintenance of dental health.

36 e. "Direct supervision" means acts performed in the office of a
37 licensed dentist wherein he is physically present at all times during
38 the performance of such acts and such acts are performed pursuant
39 to his order, control and full professional responsibility.

40 f. "Supervision" means acts performed pursuant to a dentist's
41 written order, control and full professional responsibility, whether
42 or not he is physically present.

43 g. "Limited registered dental assistant" means any person who
44 has fulfilled the requirements for registration established by this

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.

1 amendatory and supplementary act and who has been registered by
2 the board. A limited registered dental assistant shall be limited to
3 working under the direct supervision of a dentist who conducts a
4 limited dental practice in the dental specialty for which the assistant
5 has been trained and registered, and in performing those intra-oral
6 procedures as defined by the board which are involved in that
7 specialty.

8 h. "Dental clinic" means dental clinic as defined in section 1 of
9 P.L.1951, c.199 (C.45:6-15.1).

10 i "Institution" means any nursing home, veterans' home,
11 hospital or prison, or any State or county facility providing inpatient
12 care, supervision and treatment for persons with developmental
13 disabilities.

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

15

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

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

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

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

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

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

40

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

43 17. Nothing in this act shall be construed as permitting a
44 licensed dental hygienist to establish an independent office [for the
45 purpose of performing] or engage in independent practice in
46 connection with the performance of traditional hygienist services

1 whether or not there is supervision or direct supervision of a
2 licensed dentist.

3 (cf: P.L.1979, c.46, s.17)

4

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

10

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

26

27 6. (New section) Except as otherwise provided in P.L.1964,
28 c.186 (C.45:6-16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person
29 other than a person duly licensed to practice dentistry in this State
30 shall:

31 a. make any diagnosis or develop any treatment plan with
32 respect to the dental condition or treatment of any living person in
33 this State;

34 b. perform any surgical or irreversible procedure, including,
35 but not limited to, the cutting of hard or soft tissue or the extraction
36 of any tooth on any living person in this State;

37 c. either bill or submit a claim for any service rendered
38 involving the practice of dentistry or dental hygiene in this State; or

39 d. receive payment for the performance of dental or dental
40 hygienist services from any source other than an employer
41 authorized by law to practice dentistry in this State or any dental
42 clinic, institution, or employment agency, as defined pursuant to
43 section 1 of P.L.1989, c.331 (C.34:8-43), that employs licensed
44 dental hygienists to provide temporary dental hygiene services.

45

46 7. This act shall take effect on the 60th day next following
47 enactment.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1759

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 1759.

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.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

This bill is identical to Senate Bill No. 298, which was also reported by the committee today.