

45:6-48 et al

LEGISLATIVE HISTORY CHECKLIST

("Dental Auxiliaries Act" -- regulates dental hygienists and assistants)

WJSA 45:6-48 et al.

LAWS OF 1979

CHAPTER 46

Bill No. S1144

Sponsor(s) Bedell, Merlino and J. Russo

Date Introduced May 4, 1978

Committee: Assembly Commerce, Industry & Professions

Senate Labor, Industry & Professions

Amended during passage Yes

Amendments during passage denoted by asterisks. Substituted for A1451 (not attached since identical to S1144)

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Following statements are attached if available:

Sponsor statement	Yes	X X
Committee Statement: Assembly	Yes	X X
Senate	Yes	X X
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Following were printed:

Reports	X X	No
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SENATE, No. 1144

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1978

By Senators BEDELL, MERLINO and J. RUSSO

Referred to Committee on Labor, Industry and Professions

AN ACT to regulate the practice of dental hygienists and dental assistants, amending R. S. 45:6-1 *and ***[section 8]*** **sections 8 and 9*** of P. L. 1968, c. 291,* and repealing P. L. 1948, c. 34.

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

1 1. This act shall be known and may be cited as "The Dental
2 Auxiliaries Act."

1 2. For the purposes of this act:

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

3 b. "**[Certified]* *Registered* dental assistant" means any
4 person who has fulfilled the requirements for **[certification]**
5 **registration** established by this act and who has been **[certi-
5A fied]**** **registered** by the board.

6 c. "Dental assistant" means any person who is trained by formal
7 education or office internship to perform, under the direct super-
8 vision of a dentist, any routine office procedure, not including an
9 intra-oral procedure, in the office of a dentist.

10 d. "Dental hygienist" means any person who performs in the
11 office of any licensed dentist or in any appropriately equipped
12 school, licensed clinic, or public or private institution under the
13 supervision of a licensed dentist, those educational, preventive
14 and therapeutic services and procedures which licensed dental
15 hygienists are trained to perform*, and which are specifically per-
15A mitted by regulation of the board*, and such intra-oral clinical ser-
16 vices which are primarily concerned with preventive dental pro-
17 cedures, including, but not limited to, *during the course of a com-

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

18 *plete prophylaxis*,* removing all hard and ****[sofe]**** ****soft****
 19 deposits and stains from the surfaces of the human teeth to the
 20 depth of the gingival ****[sulcas]**** ****sulcus****, polishing natural
 20A and restored surfaces of teeth, applying indicated topical
 21 agents, surveying intra- and extra-oral structures, noting
 22 deformities, defects and abnormalities thereof, performing a
 23 complete oral prophylaxis and providing clinical instruction to
 24 promote the maintenance of dental health.

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

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

1 3. The board shall have the following additional powers and
 2 duties, under this act:

3 a. To examine, admit, and deny persons applying for admission
 4 to the practice of dental hygiene;

5 b. To issue licenses to practice dental hygiene;

6 c. To certify academic and clinical institutions and hospitals
 7 which educate and train persons for the practice of dental hygiene
 8 or ****[to certify dental assistants]**** **** ***[certified]**** **** dental**
 9 **assisting**** in accordance with standards substantially similar to
 10 those of the American Dental Association's ****[Council on Dental**
 11 **Education]**** ****Commission on Accreditation of Dental and**
 12 **Dental Auxiliary Educational Programs**** and Council on
 13 Hospital Dental Service and taking into consideration the advice
 13A of the New Jersey Department of Higher Education and the New
 13B Jersey Department of Education;

14 d. To issue certificates of good standing to dental hygienists
 15 who hold a valid subsisting license to practice in this State;

16 e. To establish by rule or regulation, standards for the training
 17 and utilization of *registered* dental assistants;

18 f. To establish and recognize councils and committees which may
 19 advise and make recommendations to the board on various aspects
 20 of the education and practice for dental hygienists and ****[certi-**
 21 **fied]**** ****registered**** dental assistants or dental assistants;

22 g. To prescribe expanded functions to be performed solely by
 23 dental hygienists and to be performed by both dental hygienists
 24 and dental assistants ****[certified]**** ****registered**** by the board
 25 under a single standard of proficiency necessary and proper to
 26 protect and promote the public health and welfare of the citizens

27 of this State, and impose such restrictions and requirements,
 28 including the setting of educational prerequisites to the perform-
 29 ance of such functions and the administration of examinations, as
 30 are necessary to insure adherence to the adopted standard of
 31 proficiency. Expansion and assignment of such functions, train-
 32 ing and examination procedures shall be developed in consultation
 33 with the relevant advisory councils;

34 h. To adopt rules and regulations to achieve the objectives
 35 contemplated by this act, pursuant to the Administrative Procedure
 36 Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.);

37 i. To do any and all other things which may be appropriate to
 38 achieve the objectives contemplated by this act, or which may be
 39 useful in executing any of the duties, powers or functions of
 40 the board.

1 4. The board shall hold at least two meetings annually at which
 2 they will examine and license persons to practice dental hygiene*
 3 at which meetings five members shall constitute a quorum]*.

1 5. a. The board shall adopt rules for the examination of can-
 2 didates for licenses to practice dental hygiene. Every applicant
 3 shall present to the secretary of the board a written application
 4 for admission to the examination on a form provided by the board.
 5 No person shall be examined by the board unless he ***[is of good
 6 moral character and]**** has satisfactorily completed such course
 7 on dental hygiene as may be required by the board. Any rule alter-
 8 ing the nature or increasing the severity of the examination or
 9 subjects to be included therein shall not be enforced until 6 months
 10 after its public promulgation and adoption. The examination of
 11 applicants shall be confined to written or oral, or both written and
 12 oral, examination upon subjects properly relating to the science of
 13 dental hygiene, the knowledge of which is necessary to the proper
 14 and skillful practice of said science. The board *[may]* *shall*
 15 also require from applicants, as part of the examination, demon-
 16 stration of their clinical skill in dental hygiene.

17 b. The fee for the examination for license to practice dental
 18 hygiene shall *[accompany every application and shall be as fol-
 19 lows: for the first examination, \$20.00, and for every re-examina-
 20 tion, \$10.00]* *be determined by the board from time to time and
 21 shall accompany every application*. Such fee shall not be refunded,
 22 unless for sickness or other good cause appearing to the satisfac-
 23 tion of the board such applicant was prevented from attending
 24 and completing such examination. Upon the approval of the ap-
 25 plication for examination, such applicant shall thereupon be en-
 26 titled to admission to such examination. If said applicant fails

27 to pass the examination, he may be re-examined at the next regular
28 examination.

1 6. All persons who pass the required examination shall be
2 registered by the board as licensed dental hygienists, and shall
3 be issued licenses to practice dental hygiene under the seal and
4 hand of the president and secretary of the board.

1 7. The board may waive the requirements for examination***~~],~~
2 except where~~]~~*** *of a candidate for a license to practice dental*
3 *hygiene when**** the board reasonably determines that it is
4 ***~~[not]~~*** in the public interest. *~~[A license to practice dental~~
5 hygiene shall be issued to any person who has been lawfully
6 licensed to practice dental hygiene in another state or territory of
7 the United States having and maintaining a standard of examina-
8 tion for licensure substantially equivalent to or higher than that of
8A this State, provided said applicant:

9 a. Meets the character and training qualifications for examina-
10 tion established in section 5 of this act;

11 b. Has, on a full-time cumulative basis, for at least 2 years
12 immediately preceding the application to the board engaged in the
13 active practice of dental hygiene or taught the clinical aspects of
14 dental hygiene in a school certified by the board or its equivalent
15 body in another state or territory. A license shall not be issued
16 as aforesaid unless the applicant pays the requisite fee as provided
17 in subsection b. of section 5 of this act and deposits with the board
18 a certificate from the board of dentistry of the state in which said
19 applicant is licensed, certifying to the fact of licensure and good
20 standing.]*

1 8. a. The board shall adopt rules and procedure for the *~~[cer-~~
2 ~~tification]~~* *registration** of dental assistants. Every applicant
2A for*~~[certification]~~* *registration** shall***~~[:]~~*** *satisfactorily*
2B *complete the Certification Examination given by the Certifying*
2C *Board of the American Dental Assistants' Association and,****

3 (1) Have satisfactorily completed and graduated from a train-
4 ing program for dental assistants accredited by the American
5 Dental Association's Commission on ***~~[Dental Education]~~***
5A ****Accreditation of Dental and Dental Auxiliary Educational Pro-*
5B *grams and approved by the board****, or

6 (2) Have a high school diploma or its equivalent and at least
7 ***~~[3 years full-time]~~*** *2 years**** work experience as a dental
8 assistant ***~~[immediately prior to application to take the certifica-~~
9 ~~tion examination, and satisfactorily complete the American Dental~~
10 ~~Assistants' Association Certification Examination]~~***.

11 b. The board by rule or regulation ***may*** *shall* specify those
 12 intra-oral procedures which may be performed by **certified**
 13 *registered* dental assistants, provided that such procedures
 14 shall not include those procedures which are traditionally per-
 15 formed by dental hygienists.

1 9. a. Four years from the effective date of this act and every
 2 4 years thereafter, each person licensed to practice dental hygiene
 3 *or registered as a registered dental assistant* in this State shall
 4 provide the board with a certified statement, upon a form issued
 5 and distributed by the board, that such licensed *or registered*
 6 person has attended, or participated in not less than 20 hours of
 7 continuing education in dental hygiene *or dental assisting* as
 8 follows: lectures or study club sessions dealing with clinical
 9 subjects, college post-graduate courses, scientific sessions of con-
 10 ventions, research on clinical subjects, service as a clinician, or any
 11 other such evidence of continuing education which the board may
 11A approve.

12 b. The board shall notify each licensed *or registered* person
 13 of any failure to comply with this requirement, and shall further
 14 notify said person that upon continued failure to comply for a
 15 period of 3 months from the date of notice, the board may, at its
 15A discretion take action pursuant to section 11 of this act.

16 c. The board, in its discretion, may waive any of the requirements
 17 of this section in cases of certified illness or undue hardship to be
 18 determined on an individual basis.

1 10. Every person licensed to practice dental hygiene shall bien-
 2 nially apply, on a form furnished by the board, for a certificate of
 3 registration, which shall be issued by the secretary of the board
 4 upon payment of a fee of **\$2.00** *\$10.00*. The certificate of
 5 registration shall be displayed in the office or place in which the
 6 holder thereof practices dental hygiene. Where a dental hygienist
 7 practices dental hygiene at more than one office or place, a dupli-
 8 cate registration certificate shall be issued upon the payment of
 9 an additional fee of **\$1.00** *\$5.00* for each such certificate.
 10 The license of any person who fails to procure any biennial certifi-
 11 cate of registration, at the time and in the manner required by the
 12 board, may be suspended by the board in the manner provided by
 13 section 12 of this act. Any license so suspended shall be reinstated
 14 at any time within 3 years from the date of such suspension upon
 15 the payment of all past due biennial registration fees and an ad-
 16 ditional reinstatement fee of \$25.00. Any person whose license shall
 17 have been suspended for such cause shall, during the period of such
 18 suspension, be regarded as an unlicensed person and, in case such

19 person shall continue or engage in the practice of dental hygiene
 20 during such period, shall be liable to the penalties prescribed by
 21 section ~~***[10]***~~ ~~***11***~~ of this act for practicing dental
 22 hygiene without a license. Said fees shall be used by the board in
 23 the same manner as similar fees received by it under the provisions
 24 of chapter 6 of Title 45 of the Revised Statutes.

1 11. Any person practicing dental hygiene in this State without
 2 first having obtained a license as provided by this act, or without
 3 the current biennial certificate of registration, or contrary to any
 4 of the provisions of this act, or who practices dental hygiene ~~***or~~
 5 ~~works as a registered dental assistant***~~ under a false or assumed
 6 name, or buys, sells or fraudulently obtains a diploma or certificate
 7 showing or purporting to show graduation or completion of a
 8 course in dental hygiene ~~***or dental assisting***~~, or who violates
 9 any of the provisions of this act, shall be liable to a penalty of
 10 \$300.00 for the first offense and of \$500.00 for the second and each
 11 subsequent offense.

1 12. The board may refuse to grant or may suspend or revoke a
 2 license to practice dental hygiene ~~***or the registration of a dental~~
 3 ~~assistant***~~ upon proof to the satisfaction of the board that the
 3A applicant for or holder of such license ~~***or registration***~~;

4 a. Has secured such license ~~***or registration***~~ through deceit,
 5 fraud or willful misrepresentation;
 6 b. Has been convicted of a crime involving moral turpitude;
 7 c. Habitually uses drugs or intoxicants;
 8 d. Has been guilty of malpractice or willful or gross neglect in
 9 the practice of dental hygiene ~~***or dental assisting***~~; or

10 e. Has violated more than once any of the provisions of this act.
 11 Before any license ~~***or registration***~~ shall be suspended or
 12 revoked, the accused person shall be furnished with a copy of the
 13 complaint and be given a hearing before said board in person or by
 14 attorney, and any person whose license ~~***or registration***~~ shall
 15 be suspended or revoked in accordance with this section, shall be
 15A deemed an unlicensed ~~***or unregistered***~~ person during the
 16 period of such suspension or revocation and shall be subject to the
 17 penalties prescribed in this act for persons who practice dental
 18 hygiene ~~***or work as a registered dental assistant***~~ without
 19 having first obtained a license ~~***or registration***~~ so to do. Any
 20 person whose license ~~***of registration***~~ shall be suspended
 21 or revoked under authority of this act may, in the discretion of the
 22 board, be relicensed ~~***or re-registered***~~ at any time without
 23 an examination on application being made to the board.

1 13. Any person, company or association who commits any of the
 2 following acts is a disorderly person, and upon every conviction
 3 thereof shall be subject to a fine of not less than \$300.00 nor more
 4 than \$500.00 or by imprisonment for not less than 30 days nor more
 5 than 90 days, or by both such fine and imprisonment:

6 a. Selling or bartering, or offering to sell or barter, any diploma
 7 or document showing or purporting to show graduation as a dental
 8 hygienist ****or dental assistant****;

9 b. Purchasing or procuring by barter any such diploma, certifi-
 10 cate or transcript with intent that it be used as evidence of the
 11 qualifications of the holder to practice dental hygiene ****or work*
 12 *as a registered dental assistant****, or in fraud of the laws regulat-
 12A ing such practice ****or work****;

13 c. With fraudulent intent, altering in a material regard, such
 14 diploma, certificate or transcript;

15 d. Using or attempting to use such diploma, certificate or tran-
 16 script which has been purchased, fraudulently issued, and counter-
 17 feited or materially altered, either as a license ****or registra-*
 18 *tion**** or color of license ****or registration**** to practice dental
 19 hygiene ****or work as a registered dental assistant****, or in order
 19A to procure registration as a dental hygienist; or

20 e. In any affidavit or examination required of an applicant for
 21 examination, license or registration under the laws regulating the
 22 practice of dental hygiene ****or dental assisting****, willfully mak-
 23 ing a false statement in a material regard, or impersonating another
 24 applicant at an examination.

1 14. Any licensed dentist who shall permit any unlicensed ****or*
 2 *unregistered**** person to practice dental hygiene ****or work as a*
 3 *registered dental assistant**** under his direction or control or shall
 4 permit or direct a licensed dental ****[hygienist]**** ****hygienist*
 5 *or registered dental assistant**** to perform any act not authorized
 6 in this act shall be guilty of a violation of this act and of conduct
 7 constituting willful and gross malpractice or willful and gross
 8 neglect in the practice of dentistry.

1 15. Any person who has graduated from an approved school or
 2 college of dental hygiene and has been licensed to practice dental
 3 hygiene in this State may, subject to the supervision of a **New*
 4 *Jersey** licensed dentist, practice dental hygiene in an institution
 5 in this State.

1 16. a. Subject to the provisions of section ****[19]**** ****20****
 2 of this act, and in accordance with the regulations promulgated
 3 hereunder, any licensed dentist in this State may assign to a

4 licensed dental hygienist or ****[certified]**** ****registered**** dental
 5 assistant or dental assistant any tasks or procedures to be per-
 6 formed in a dental office or dental facility for which the dentist
 7 exercises ****[direction,]**** ****direct**** supervision and full responsi-
 8 bility, ****[including the making of radiographic exposures of teeth**
 9 **and surrounding tissues for diagnosis by said dentist,]**** except
 10 those procedures requiring the professional judgment and skill of
 11 a dentist; provided, however, that the performance of procedures
 12 deemed to constitute the practice of dental hygiene shall be assigned
 13 only to a licensed *****dental***** hygienist. A licensed dentist may*,
 14 *in accordance with the provisions of P. L. 1968, c. 291 (C. 45:25-1*
 15 *et seq.)*,* assign to a licensed dental hygienist or ****[certified]****
 15A ****registered**** dental assistant or dental assistant the task of mak-
 15B ing radiographic exposures of teeth and surrounding tissues for
 15C diagnosis by said dentist.

16 b. Procedures requiring professional judgment and skill not
 17 assignable to such *licensed* dental hygienists *****[and]**** *****,*****
 18 *registered* dental assistants *****and dental assistants***** shall
 18A include, but not be limited to:

- 19 (1) Diagnosis and treatment planning;
- 20 (2) Cutting of hard or soft tissue and removing all hard and
 21 soft artificial deposits;
- 22 (3) Any procedure involving the adjustment of any appliance
 23 or prosthesis which replaces missing teeth or parts thereof, main-
 24 tains tooth position, adjusts the occlusion of teeth, or creates
 25 orthodontic movement;
- 26 (4) Administration of a general or local anesthetic or parenteral
 27 medication, except a topical anesthetic or medication, in connection
 28 with a dental operation; and
- 29 (5) Taking impressions for other than diagnostic purposes.

30 c. Anything herein to the contrary notwithstanding, this section
 31 shall not be construed to prevent a dental hygienist from perform-
 32 ing a complete oral prophylaxis.

1 **17. Nothing in this act shall be construed as permitting a li-*
 2 *censed dental hygienist to establish an independent office for the*
 3 *purpose of performing traditional hygienist services whether or not*
 4 *there is supervision or direct supervision of a licensed dentist.**

1 ****[17.]**** **18.** All proceedings pending and undisposed of, and
 2 any new proceedings based upon any event or transaction occurring
 3 before the effective date of this act, shall be continued, or may be
 4 initiated and processed to completion and shall be governed, to the
 5 extent that it is fair and feasible to do so, in accordance with the

6 law in force at the time of the occurrence of the event or trans-
7 action involved, notwithstanding the repeal by this act of any
8 statute now in force.

1 *~~[18.]~~* *19.* All rules and regulations heretofore adopted by the
2 board shall continue to be effective on an interim basis as though
3 hereafter adopted as rules and regulations of the board to the
4 extent they are not inconsistent with the provisions of this act.

1 *~~[19.]~~* *20.* Section 16 of this act shall remain in force and
2 effect for a period not to exceed 2 years after the effective date of
3 this act. Within 1 year after the effective date of this act, the board
4 shall propose rules and regulations governing the practice of dental
5 hygiene, establish a program for ~~certification~~ *registration*
6 of ~~certified~~ *registered* dental assistants, and
7 establish the tasks which a duly licensed dentist may assign to a
8 ~~certified~~ *registered* dental assistant. Such rules and
9 regulations shall take effect 2 years after the enactment of this act.

1 *~~[20.]~~* *21.* If any clause, sentence, paragraph, section or part
2 of this act shall be adjudged by any court of competent jurisdiction
3 to be invalid, such judgment shall not affect, impair or invalidate
4 the remainder thereof, but shall be confined in its operation to the
5 clause, sentence or part thereof directly involved in the contro-
6 versy in which such judgment shall have been rendered.

1 *~~[21.]~~* *22.* R. S. 45:6-1 is amended to read as follows:
2 45:6-1. The State Board of Registration and Examination in
3 Dentistry in the Division of Professional Boards of the Department
4 of Law and Public Safety, hereinafter in this chapter designated
5 as the "board," created and established by an act entitled "An
6 act to regulate the practice of dentistry in the State of New Jersey,
7 and to repeal certain acts now relating to the same," approved
8 March 31, 1915 (L. 1915, c. 146, p. 261), as amended and supple-
9 mented, is continued, and shall hereafter be known and designated
10 as the New Jersey State Board of Dentistry. Wherever in any
11 law, rule, regulation, judicial or administrative proceeding or
12 otherwise, reference is made to the State Board of Registration
13 and Examination in Dentistry, the same shall mean and refer to
14 the New Jersey State Board of Dentistry.

15 *~~The~~* *In addition to two public members, the* board shall
16 consist of ~~eight~~ *nine* members, ~~each~~ *eight* of whom shall have
17 resided and practiced dentistry in this State for at least 10 years
18 *each* immediately preceding ~~this appointment~~ *their appointments*
19 *and one of whom shall be a dental hygienist appointed by the Gov-*
20 *ernor for a term of 4 years. In appointing such dental hygienist,*

21 *the Governor shall give due consideration to, but shall not be bound*
 22 *by, the recommendation of the New Jersey Dental Hygienists As-*
 23 *sociation.* Upon the expiration of the term of office of any member,
 24 his successor shall be appointed by the Governor, subject to the
 25 provisions of section 45:1-2 of this Title, for a term of 4 years,
 26 except that the successors of the members whose terms will expire
 27 on June 4, 1949, shall be appointed each for a term expiring on
 28 August 31, *****[1962]***** **1952***; the successors of the members
 29 whose terms will expire on November 9, 1949, and January 7, 1950,
 30 respectively, shall be appointed each for a term expiring on August
 31 31, 1953; the successors of the members whose terms will expire
 32 on July 31, 1950, and October 8, 1950, respectively, shall be
 33 appointed each for a term expiring on August 31, 1954; and the
 34 successors of the members whose terms will expire on July 30,
 35 1951, and November 4, 1951, respectively, shall be appointed each
 36 for a term expiring on August 31, 1955. Each member shall hold
 37 his office until his successor is appointed and qualifies. Any
 38 vacancy in the membership of the board, occurring from any
 39 cause, shall be filled by the Governor for the unexpired term only.
 40 Upon cause being shown before him, the Governor may remove a
 41 member from office upon proven charges of inefficiency, incompe-
 42 tency, immorality or professional misconduct.

1 *23. *Nothing herein shall be construed to exempt ****[certified]*****
 2 ***registered** dental assistants, dental assistants or other dental*
 3 *office personnel from compliance with P. L. 1968, c. 291*
 4 *(C. 45:25-1 et seq.).*

1 24. *Section 8 of P. L. 1968, c. 291 (C. 45:25-8) is amended to*
 2 *read as follows:*

3 8. (a) All applicants shall be required to pass an examination
 4 encompassing the following subjects: X-ray physics, radiographic
 5 techniques, darkroom chemistry and techniques, anatomy and
 6 physiology, radiation protection, radiation therapy, medical termi-
 7 nology, basic electronics, radiological equipment maintenance,
 8 radiological mathematics and professional ethics.

9 (b) The board shall prepare and submit to the department, as
 10 required, lists of examination questions or problems. Examinations
 11 shall be administered by the board.

12 (c) The board shall hold an examination at least once every 6
 13 months at such times and places as the board may determine, for
 14 applicants desirous of practicing as X-ray technicians in this State.

15 (d) Examinations shall include a written portion but may also
 16 include practical and oral portions. Following each examination,
 17 the papers and the practical and oral examinations shall be graded

18 and the standing of each applicant shall be recorded. The board
19 shall either pass or reject each applicant.

20 (e) An applicant who fails to pass the examination may apply
21 for a second examination. A nonrefundable application fee of
22 \$20.00 shall be charged for the second and for any subsequent
23 examination.

24 (f) The board may accept in lieu of its own examination a cer-
25 tificate of the American Registry of Radiologic Technologists
26 issued on the basis of a registry examination satisfactory to the
27 board.

28 (g) The board may accept in lieu of its own examination a cer-
29 tificate, registration or license as an X-ray technician issued by
30 another state; such acceptance will be based on standards in the
31 other state satisfactory to the board.

32 (h) *The board may accept in lieu of its own examination a cer-*
33 *tificate of the New Jersey Board of Dentistry issued on the basis*
34 *of satisfactory completion of the ***[American Dental Assistants'*
35 *Association]*** Certification Examination ***given by the Certi-*
36 *fying Board of the American Dental Assistants' Association****
37 *and any educational requirements as may be prescribed by the New*
38 *Jersey Board of Dentistry.**

1 ***25. Section 9 of P. L. 1968, c. 291 (C. 45:25-9) is amended to
2 read as follows:

3 9. (a) The board shall issue a certificate to each candidate who
4 has either successfully passed the examination, or who has paid
5 the prescribed fee and has qualified under subsection (f), **[or]** (g)
6 *or (h)* of section 8 of this act.

7 (b) The board may, in its discretion, issue a limited certificate
8 to any applicant who does not qualify by reason of a restricted
9 area or duration of training and experience for the issuance of a
10 certificate under the provisions of sections 6, 8 or 10 of this act,
11 but who has demonstrated to the satisfaction of the board by ex-
12 amination that he is capable of performing the functions of an
13 X-ray technician in chest radiography or radiation therapy or of
14 acting as a dental technician. A limited certificate shall specify
15 the activities that its holder may engage in, and shall be issued
16 only if the board finds that its issuance will not violate the purposes
17 of this act or tend to endanger the public health and safety.

18 (c) The board may, in its discretion, issue a temporary certificate
19 (1) to any person who qualified for examination under section 10
20 of this act (2) to any person who has failed his first examination
21 under section 10 of this act and who applied for a second examina-
22 tion, and (3) to any person whose certification or recertification

23 may be pending and in whose case the issuance of a temporary
 24 certificate may be justified by reason of special circumstances. A
 25 temporary certificate shall be issued only if the board finds that
 26 its issuance will not violate the purposes of this act or tend to
 27 endanger the public health and safety. A temporary certificate
 28 shall expire 90 days after the date of the next examination if the
 29 applicant is required to take the same, or, if the applicant does
 30 not take the examination, then on the date of such examination.
 31 In all other cases, a temporary certificate shall expire when the
 32 determination is made either to issue to the applicant, or to deny
 33 him the issuance, of a regular certificate, and in no event shall such
 34 a temporary certificate be issued for a period longer than 180 days.

35 (d) Every X-ray technician shall carry his certificate with him
 36 when at work. The certificate shall be displayed on request.***

1 *~~22.~~* ***~~25.~~*** **26.*** The following, except to the
 2 extent set forth in sections *~~17~~* *18* and *~~18~~* *19* of this
 2A act, is repealed:

3 P. L. 1948, c. 34 (C. 45:6-33 to 45:6-47).

1 *~~23.~~* ***~~26.~~*** **27.*** This act shall take effect im-
 2 mediately.

19 *appointed by the Governor for a term of 4 years. In appointing*
 20 *such dental hygienist, the Governor shall give due consideration*
 21 *to, but shall not be bound by, the recommendation of the New Jer-*
 22 *sey Dental Hygienists Association. Upon the expiration of the*
 23 *term of office of any member, his successor shall be appointed by*
 24 *the Governor, subject to the provisions of section 45:1-2 of this*
 25 *Title, for a term of 4 years, except that the successors of the*
 26 *members whose terms will expire on June 4, 1949, shall be appointed*
 27 *each for a term expiring on August 31, 1952; the successors of the*
 28 *members whose terms will expire on November 9, 1949, and Janu-*
 29 *ary 7, 1950, respectively, shall be appointed each for a term ex-*
 30 *piring on August 31, 1953; the successors of the members whose*
 31 *terms will expire on July 31, 1950, and October 8, 1950, respectively,*
 32 *shall be appointed each for a term expiring on August 31, 1954;*
 33 *and the successors of the members whose terms will expire on July*
 34 *30, 1951, and November 4, 1951, respectively, shall be appointed*
 35 *each for a term expiring on August 31, 1955. Each member shall*
 36 *hold his office until his successor is appointed and qualifies. Any*
 37 *vacancy in the membership of the board, occurring from any cause,*
 38 *shall be filled by the Governor for the unexpired term only. Upon*
 39 *cause being shown before him, the Governor may remove a member*
 40 *from office upon proven charges of inefficiency, incompetency, im-*
 41 *morality or professional misconduct.*

1 22. The following, except to the extent set forth in sections 17
 2 and 18 of this act, is repealed:

3 P. L. 1948, c. 34 (C. 45:6-33 to 45:6-47).

1 23. This act shall take effect immediately.

STATEMENT

This bill revises and modernizes the law governing dental hygienists which was enacted in 1948. It is designed to reflect the advances made in this area and to afford a statutory vehicle for continued professional excellence.

It changes the composition of the State Board of Dentistry by adding one licensed dental hygienist to the board.

Important for the future, the bill establishes a 2-year period, from the date the law would take effect, during which dentists would be authorized to assign to duly licensed dental hygienists and certified dental assistants expanded functions to be performed in a dental office or dental facility for which the dentist exercises supervision and full responsibility, except those procedures requiring the professional judgment and skill of a dentist. However,

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a certified dental assistant could not perform the functions which constitute the practice of dental hygiene. The board will impose such restrictions and requirements, including the setting of educational prerequisites to the performance of such expanded functions.

With respect to the above, 12 months after the act takes effect (12 months before the end of the aforementioned 2-year period), the board would have to propose rules governing the practice of dental hygiene, establish a program for the certification of certified dental assistants, and establish the tasks that a dentist may assign to a certified dental assistant. These rules would take effect 2 years after the act takes effect.

The bill also permits licensed dental hygienists to perform those duties they are educated to perform, and permitted by the board, in licensed schools and institutions under the supervision and written orders of a dentist.

In addition, this bill mandates continuing education requirements for dental hygienists.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1144

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 27, 1978

Senate Bill No. 1144, entitled "The Dental Auxiliaries Act," is a revision and modernization of the law governing dental hygienists and dental assistants. It covers five basic areas as follows:

(1) Adds one licensed dental hygienist to the New Jersey State Board of Dentistry by increasing the size of the Board by one member.

(2) Clarifies the definition of supervision so that licensed hygienists will be allowed to perform the functions they have been educated to perform in schools, clinics or other licensed institutions under the general supervision of a licensed dentist. Currently, a hygienist can legally practice only when a dentist is on the premises. As a result of this situation hygienists are prohibited from seeing patients in schools and institutions unless a dentist is present. All dental care which is provided must be under the supervision and full responsibility of a dentist, but a dentist need not be on the premises at all times. This type of general supervision permitted for licensed hygienists working in an institutional setting is allowed in forty-one states, but not in New Jersey.

(3) Provides that the New Jersey State Board of Dentistry set up a program for the registration of those dental assistants who wish to be allowed to perform intra-oral procedures. The registration program includes formal education in an accredited training program or demonstrated competence as a result of equivalent work experience, and the successful completion of the Certified Examination for Dental Assistants. Currently dental assistants are not required to enroll in a recognized educational program. Consequently, on-the-job training is permitted resulting in the situation that most dental assistants do not meet the minimum educational standards established and approved by the American Dental Association.

At the present time, dental assistants may perform illegal intra-oral procedures in areas of dentistry which include orthodontics, periodontics and general practice. This abuse is a result of several factors including: the absence of educational requirements, the lack of adequate

publicity of rules and regulations by the New Jersey State Board of Dentistry, and the fact that the current Dental Practice Act does not recognize, and therefore does not regulate, dental assistants.

(4) Mandates continuing education for dental hygienists and registered dental assistants. Four years from the effective date of this act, and subsequently every 4 years after, every licensed dental hygienist and registered dental assistant will have to provide the Board of Dentistry with evidence of completion of at least 20 hours of continuing education in dental hygiene.

(5) Enables the future utilization of formally trained dental auxiliaries in expanded functions under strictly controlled Rules and Regulations promulgated by the State Board.

The committee made technical and substantive amendments to the bill, including, use of the term "registered" rather than "certified" dental assistance, deletion of the quorum requirement of five members at examination meetings, provisions for allowing the dental board to establish examination fees, elimination of reciprocity language with respect to granting licenses to hygienists licensed in other jurisdictions, and making controls regarding dental auxiliaries' use of X-ray equipment consistent with the act regulating X-ray technicians.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 1144

[SECOND OFFICIAL COPY REPRINT]

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 1978

Senate Bill No. 1144 (2nd OCR) with Assembly committee amendments revises and modernizes the law governing licensed dental hygienists and their practice and provides for the registration of qualified dental assistants. It covers five basic areas as follows:

(1) Adds a licensed dental hygienist to the New Jersey State Board of Dentistry.

(2) Clarifies the definition of supervision so that a licensed dental hygienist would be allowed to perform his practice in schools, clinics or other institutions under the written orders and full responsibility of a licensed dentist. Presently, a hygienist can legally practice only when a dentist is on the premises.

(3) Provides for the registration of qualified dental assistants by the New Jersey State Board of Dentistry. A dental assistant may qualify for an examination to become a registered dental assistant by either completing an accredited training program or having 2 years work experience as a dental assistant.

(4) Mandates continuing education for licensed dental hygienists and registered dental assistants.

(5) Enables the future utilization of licensed dental hygienists and registered dental assistants in expanded functions under strictly controlled rules and regulations promulgated by the State board.

The committee made technical and substantive amendments to the bill. Under section 24, registered dental assistants would be certified by the X-Ray Technician Board of Examiners to take dental X-rays. Section 25 was added to the bill by the committee to allow the X-Ray Technician Board of Examiners to issue the certificates and to charge a fee for such. The work experience criterion to qualify for the examination to become a registered dental assistant was reduced from 3 to 2 years. In section 5, one of the criteria for an applicant to qualify

for the dental hygiene licensing examination was amended out of the bill because it was a very subjective standard and the board has adequate objective grounds to refuse, suspend or revoke a license to practice dental hygiene under section 12 of the bill.

The committee amended sections 11, 12 and 13 of the bill to bring registered dental assistants under the sanction powers of the board and the penalty provisions of the bill. The bill provides for the registration of qualified dental assistants and allows those who don't or don't care to qualify to remain dental assistants. Because the bill provides for the expansion of the functions of registered dental assistants beyond those that dental assistants are allowed to do, the members of the committee felt that the board should have the power to suspend or revoke the registration of registered dental assistants for certain unacceptable conduct such as the habitual use of drugs or intoxicants or willful or gross neglect in dental assisting and to penalize registered dental assistants for violation of the act.

Section 26 repeals P. L. 1948, c. 34 (C. 45:6-33 to 45:6-47) which is the present statute providing for the regulation of the practice of dental hygiene and the licensing of dental hygienists.
