

2C:21-30

**LEGISLATIVE HISTORY CHECKLIST**  
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(Dentistry--without license--practice)

**NJSA:** 2C:21-30; 45:6-23

**LAWS OF:** 1995 **CHAPTER:** 124

**BILL NO:** A1861

**SPONSOR(S):** Felice and others

**DATE INTRODUCED:** June 13, 1994

**COMMITTEE:** **ASSEMBLY:** Commerce

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
First reprint enacted denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** November 14, 1994

**SENATE:** May 25, 1995

**DATE OF APPROVAL:** June 19, 1995

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** No

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** Yes

**HEARINGS:** No

974.90 New Jersey. Governor's Task Force on Health Care Fraud.  
I59 The fight against fraud: a comprehensive program to combat  
1993 health care fraud. December, 1993. Trenton, 1993.  
[see pp. 7, 21-22, 46-47]

KBG:pp

[FIRST REPRINT]  
ASSEMBLY, No. 1861

STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1994

By Assemblymen FELICE, MIKULAK  
and Assemblywoman Vandervalk

1 AN ACT concerning the practice of dentistry and supplementing  
2 chapter 21 of Title 2C of the New Jersey Statutes <sup>1</sup>and  
3 amending R.S.45:6-23<sup>1</sup>.  
4

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

7 1. A person is guilty of a crime of the third degree if he  
8 knowingly does not possess a license to practice dentistry or  
9 knowingly has had the license suspended, revoked or otherwise  
10 limited by an order entered by the New Jersey State Board of  
11 Dentistry, and he:

- 12 a. engages in that practice;  
13 b. exceeds the scope of practice permitted by a board order;  
14 c. holds himself out to the public or any person as being  
15 eligible to engage in that practice;  
16 d. engages in any activity for which such license is a necessary  
17 prerequisite, including, but not limited to, the ordering of  
18 controlled dangerous substances or prescription legend drugs from  
19 a distributor or manufacturer; or  
20 e. practices dentistry under a false or assumed name or falsely  
21 impersonates another person licensed by the board.

22 <sup>1</sup>2. R.S.45:6-23 is amended to read as follows:

23 45:6-23. Any person, company or association shall be guilty of  
24 a misdemeanor, and upon every conviction thereof shall be  
25 punished by a fine of not less than five hundred dollars, or by  
26 imprisonment for not less than six months, or both, who:

- 27 a. Sells or barter, or offers to sell or barter, any diploma or  
28 document conferring or purporting to confer any dental degree or  
29 any certificate or transcript made or purposting to be made  
30 pursuant to the laws regulating the licensing and registration of  
31 dentists; or  
32 b. Purchases or procures by barter any such diploma,  
33 certificate or transcript with intent that the same shall be used  
34 as evidence of the holder's qualification to practice dentistry, or  
35 in fraud of the laws regulating such practice; or  
36 c. With fraudulent intent, alters in a material regard any such  
37 diploma, certificate or transcript; or  
38 d. Uses or attempts to use any such diploma, certificate or  
39 transcript which has been purchased, fraudulently issued,  
40 couterfeited or materially altered, either as a license or color of  
41 license to practice dentistry, or in order to procure registration  
42 as a dentist [; or

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.

Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup> Assembly ACP committee amendments adopted September 29, 1994.

1 e. Practices dentistry under a false or assumed name].<sup>1</sup>  
2 (cf: R.S.45:6-23)

3 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

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9 Makes practice of dentistry without a license a crime of the third  
degree.

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STATE OF NEW JERSEY

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2 chapter 21 of Title 2C of the New Jersey Statutes.

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

6 1. A person is guilty of a crime of the third degree if he  
7 knowingly does not possess a license to practice dentistry or  
8 knowingly has had the license suspended, revoked or otherwise  
9 limited by an order entered by the New Jersey State Board of  
10 Dentistry, and he:

11 a. engages in that practice;

12 b. exceeds the scope of practice permitted by a board order;

13 c. holds himself out to the public or any person as being  
14 eligible to engage in that practice;

15 d. engages in any activity for which such license is a necessary  
16 prerequisite, including, but not limited to, the ordering of  
17 controlled dangerous substances or prescription legend drugs from  
18 a distributor or manufacturer; or

19 e. practices dentistry under a false or assumed name or falsely  
20 impersonates another person licensed by the board.

21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill makes it a crime of the third degree to practice  
27 dentistry without a license; to hold oneself out to the public as  
28 being able to practice dentistry while not having a license; to  
29 engage, without a license, in activities for which a dentist's  
30 license is a necessary prerequisite, such as ordering controlled  
31 dangerous substances or prescription drugs from a distributor or  
32 manufacturer; to practice dentistry under a false or assumed  
33 name or falsely impersonate another licensed dentist; or to  
34 exceed any limitation on the scope of practice ordered by the  
35 New Jersey State Board of Dentistry.

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40 Makes practice of dentistry without a license a crime of the third  
41 degree.

ASSEMBLY COMMERCE AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1861

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 29, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 1861 with amendments.

As amended, this bill makes it a crime of the third degree to practice dentistry without a license; to hold oneself out to the public as being able to practice dentistry while not having a license; to engage, without a license, in activities for which a dentist's license is a necessary prerequisite, such as ordering controlled dangerous substances or prescription drugs from a distributor or manufacturer; to practice dentistry under a false or assumed name or falsely impersonate another licensed dentist; or to exceed any limitation on the scope of practice ordered by the New Jersey State Board of Dentistry.

This bill has been amended to make it identical to S-899(1R). The amendments delete reference to practice of dentistry under a false or assumed name from R.S.45:6-23 inasmuch as this unlawful activity would be covered by the bill's provisions.