

**LEGISLATIVE HISTORY CHECKLIST**  
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(Limited registered dental  
 assistants--)

NJSA: 45:6-49

LAWS OF: 1995 CHAPTER: 367

BILL NO: A1827

SPONSOR(S): Kavanaugh & Bateman

DATE INTRODUCED: May 23, 1994

COMMITTEE: ASSEMBLY Commerce

SENATE: Commerce

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

DATE OF PASSAGE: ASSEMBLY: December 11, 1995

SENATE: December 21, 1995

DATE OF APPROVAL: January 5, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

**FOLLOWING WERE PRINTED:**

REPORTS: No

HEARINGS: No

KBP:pp

[FIRST REPRINT]  
ASSEMBLY, No. 1827

STATE OF NEW JERSEY

INTRODUCED MAY 23, 1994

By Assemblymen KAVANAUGH, BATEMAN and Felice

1 AN ACT concerning registered dental assistants and limited  
2 registered dental assistants and amending and supplementing  
3 P.L.1979, c.46.

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

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

9 2. For the purposes of this act:

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

11 b. "Registered dental assistant" means any person who has  
12 fulfilled the requirements for registration established by this act  
13 and who has been registered by the board. A registered dental  
14 assistant shall work under the direct supervision of a licensed  
15 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  
19 including 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 clinic, or public or private institution under the  
23 supervision of a licensed dentist, those educational, preventive  
24 and therapeutic services and procedures which licensed dental  
25 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  
37 a licensed dentist wherein he is physically present at all times  
38 during the performance of such acts and such acts are performed  
39 pursuant 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,  
42 whether or not he is physically present.

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:  
1 Assembly ACP committee amendments adopted March 9, 1995.

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

10 (cf: P.L.1979, c.46, s.2)

11       2. Section 3 of P.L.1979, c.46 (C.45:6-50) is amended to read  
12 as follows:

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

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

17       b. To issue licenses to practice dental hygiene;

18       c. To certify academic and clinical institutions and hospitals  
19 which educate and train persons for the practice of dental  
20 hygiene or dental assisting in accordance with standards  
21 substantially similar to those of the American Dental  
22 Association's Commission on Accreditation of Dental and Dental  
23 Auxiliary Educational Programs and Council on Hospital Dental  
24 Service and taking into consideration the advice of the New  
25 Jersey Department of Higher Education and the New Jersey  
26 Department of Education;

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

29       e. To establish by rule or regulation, standards for the training  
30 and utilization of registered dental assistants and limited  
31 registered dental assistants;

32       f. To establish and recognize councils and committees which  
33 may advise and make recommendations to the board on various  
34 aspects of the education and practice for dental hygienists [and] ,  
35 registered dental assistants, limited registered dental assistants  
36 or dental assistants;

37       g. To prescribe expanded functions to be performed solely by  
38 dental hygienists and to be performed by [both] dental hygienists  
39 [and], registered dental assistants and limited registered dental  
40 assistants [registered by the board] under a single standard of  
41 proficiency necessary and proper to protect and promote the  
42 public health and welfare of the citizens of this State, and impose  
43 such restrictions and requirements, including the setting of  
44 educational prerequisites to the performance of such functions  
45 and the administration of examinations, as are necessary to  
46 insure adherence to the adopted standard of proficiency.  
47 Expansion and assignment of such functions, training and  
48 examination procedures shall be developed in consultation with  
49 the relevant advisory councils;

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

53       i. To do any and all other things which may be appropriate to  
54 achieve the objectives contemplated by this act, or which may be

1 useful in executing any of the duties, powers or functions of the  
2 board.

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

4 3. Section 8 of P.L.1979, c.46 (C.45:6-55) is amended to read  
5 as follows:

6 8. a. The board shall adopt rules and procedure for the  
7 registration of dental assistants and limited dental assistants.  
8 Every applicant for registration shall satisfactorily complete [the  
9 Certification Examination given by the Certifying Board of the  
10 American Dental Assistants' Association] an examination  
11 approved by the board and a nationally recognized accrediting  
12 agency, which examination shall require the applicant to  
13 demonstrate that the applicant is capable of performing the  
14 functions of a registered dental assistant or limited registered  
15 dental assistant, as the case may be, and shall be administered  
16 within the State at least once each year at such time and place as  
17 the board designates and,

18 (1) Have satisfactorily completed and graduated from a  
19 training program for dental assistants accredited by the  
20 American Dental Association's Commission on Accreditation of  
21 Dental and Dental Auxiliary Educational Programs and approved  
22 by the board, or

23 (2) Have a high school diploma or its equivalent <sup>1</sup>[, at least six  
24 months' work experience as a dental assistant]<sup>1</sup> and [at least 2  
25 years work experience as a dental assistant] <sup>1</sup> at least 2 years  
26 work experience as a dental assistant.

27 (b) For three years from the date the first internship program  
28 is implemented pursuant to the provisions of sections 10 or 11 of  
29 P.L. , c. (C. or )(pending before the Legislature as this  
30 bill), a dental assistant or limited dental assistant may satisfy the  
31 work experience requirement of paragraph (2) of subsection a. of  
32 this section by completing at least six months' work experience  
33 as a dental assistant and<sup>1</sup> have successfully completed a board  
34 approved internship in the office and under the direct supervision  
35 of a licensed New Jersey dentist. The internship for a registered  
36 dental assistant shall consist of three months' training in the  
37 office of a dental practitioner under a licensed dentist's direct  
38 supervision and the internship for a limited registered dental  
39 assistant shall consist of three months' training in the office of a  
40 dentist under a licensed dentist's direct supervision who has  
41 received a permit of limited dental practice in a specialty area  
42 from the board.

43 <sup>1</sup>[b.] c.<sup>1</sup> The board by rule or regulation shall specify those  
44 intra-oral procedures which may be performed by registered  
45 dental assistants and limited registered dental assistants,  
46 provided that such procedures shall not include those procedures  
47 which are traditionally performed by dental hygienists.

48 (cf: P.L.1979, c.46, s.8)

49 4. Section 9 of P.L.1979, c.46 (C.45:6-56) is amended to read  
50 as follows:

51 9. a. Four years from [the effective date of this act] March  
52 21, 1979 and every 4 years thereafter, each person licensed to  
53 practice dental hygiene or registered as a registered dental  
54 assistant or limited registered dental assistant in this State shall

1 provide the board with a certified statement, upon a form issued  
2 and distributed by the board, that such licensed or registered  
3 person has attended, or participated in not less than 20 hours of  
4 continuing education in dental hygiene or dental assisting as  
5 follows: lectures or study club sessions dealing with clinical  
6 subjects, college post-graduate courses, scientific sessions of  
7 conventions, research on clinical subjects, service as a clinician  
8 or any other such evidence of continuing education which the  
9 board may approve.

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

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

18 (cf: P.L.1979, c.46, s.9)

19 5. Section 11 of P.L.1979, c.46 (C.45:6-58) is amended to read  
20 as follows:

21 11. Any person practicing dental hygiene in this State without  
22 first having obtained a license as provided by this act, or without  
23 the current biennial certificate of registration, or contrary to any  
24 of the provisions of this act, or any person who fails to comply  
25 with the provisions of section 9 of P.L.1979, c.46 (C.45:6-56),  
26 except a person on the inactive status list, or who practices  
27 dental hygiene or works as a registered dental assistant or limited  
28 registered dental assistant under a false or assumed name, or  
29 buys, sells or fraudulently obtains a diploma or certificate  
30 showing or purporting to show graduation or completion of a  
31 course in dental hygiene or dental assisting, or who violates any  
32 of the provisions of this act, shall be liable to a penalty of  
33 \$300.00 for the first offense and of \$500.00 for the second and  
34 each subsequent offense.

35 (cf: P.L.1988, c.31, s.2)

36 6. Section 12 of P.L.1979, c.46 (C.45:6-59) is amended to read  
37 as follows:

38 12. The board may refuse to grant or may suspend or revoke a  
39 license to practice dental hygiene or the registration of a dental  
40 assistant or limited dental assistant upon proof to the satisfaction  
41 of the board that the applicant for or holder of such license or  
42 registration:

43 a. Has secured such license or registration through deceit,  
44 fraud or willful misrepresentation;

45 b. Has been convicted of a crime involving moral turpitude;

46 c. Habitually uses drugs or intoxicants;

47 d. Has been guilty of malpractice or willful or gross neglect in  
48 the practice of dental hygiene or dental assisting; or

49 e. Has violated more than once any of the provisions of this  
50 act. Before any license or registration shall be suspended or  
51 revoked, the accused person shall be furnished with a copy of the  
52 complaint and be given a hearing before said board in person or  
53 by attorney, and any person whose license or registration shall be  
54 suspended or revoked in accordance with this section, shall be

1 deemed an unlicensed or unregistered person during the period of  
2 such suspension or revocation and shall be subject to the penalties  
3 prescribed in this act for persons who practice dental hygiene or  
4 work as a registered dental assistant or limited registered dental  
5 assistant without having first obtained a license or registration  
6 [so] to do so. Any person whose license of registration shall be  
7 suspended or revoked under authority of this act may, in the  
8 discretion of the board, be relicensed or re-registered at any  
9 time without an examination on application being made to the  
10 board.

11 (cf: P.L.1979, c.46, s.12)

12 7. Section 13 of P.L.1979, c.46 (C.45:6-60) is amended to read  
13 as follows:

14 13. Any person, company or association who commits any of  
15 the following acts is a disorderly person, and upon every  
16 conviction thereof shall be subject to a fine of not less than  
17 \$300.00 nor more than \$500.00 or by imprisonment for not less  
18 than 30 days nor more than 90 days, or by both such fine and  
19 imprisonment:

20 a. Selling or bartering, or offering to sell or barter, any  
21 diploma or document showing or purporting to show graduation as  
22 a dental hygienist or dental assistant;

23 b. Purchasing or procuring by barter any such diploma,  
24 certificate or transcript with intent that it be used as evidence of  
25 the qualifications of the holder to practice dental hygiene or  
26 work as a registered dental assistant or limited registered dental  
27 assistant, or in fraud of the laws regulating such practice or work;

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

30 d. Using or attempting to use such diploma, certificate or  
31 transcript which has been purchased, fraudulently issued, and  
32 counterfeited or materially altered, either as a license or  
33 registration or color of license or registration to practice dental  
34 hygiene or work as a registered dental assistant or limited  
35 registered dental assistant, or in order to procure registration as  
36 a dental hygienist; or

37 e. In any affidavit or examination required of an applicant for  
38 examination, license or registration under the laws regulating the  
39 practice of dental hygiene or dental assisting, willfully making a  
40 false statement in a material regard, or impersonating another  
41 applicant at an examination.

42 (cf: P.L.1979, c.46, s.13)

43 8. Section 14 of P.L.1979, c.46 (C.45:6-61) is amended to read  
44 as follows:

45 14. Any licensed dentist who shall permit any unlicensed or  
46 unregistered person to practice dental hygiene or work as a  
47 registered dental assistant or limited registered dental assistant  
48 under his direction or control or shall permit or direct a licensed  
49 dental hygienist [or] registered dental assistant or limited  
50 registered dental assistant to perform any act not authorized in  
51 this act shall be guilty of a violation of this act and of conduct  
52 constituting willful and gross malpractice or willful and gross  
53 neglect in the practice of dentistry.

54 (cf: P.L.1979, c.46, s.14)

1       9. Section 23 of P.L.1979, c.46 (C.45:6-69) is amended to read  
2 as follows:

3       23. Nothing herein shall be construed to exempt registered  
4 dental assistants, limited registered dental assistants, dental  
5 assistants or other dental office personnel from compliance with  
6 [P.L.1968, c.291 (C.45:25-1 et seq.)] P.L.1981, c.295 (C.26:2D-24  
7 et seq.).

8 (cf: P.L.1979, c.46, s.23)

9       10. (New section) The board shall establish by rule or  
10 regulation the required training which shall be included in dental  
11 assistant internship programs. An internship program for an  
12 individual seeking registration as a dental assistant shall include  
13 training in the intra-oral procedures that are performed in the  
14 office of a dentist licensed for general practice. The board shall  
15 establish a committee consisting of two board members and three  
16 licensed dentists which shall develop and monitor a satisfactory  
17 internship program for individuals seeking registration as a dental  
18 assistant.

19       11. (New section) Upon the request of a recognized  
20 professional dental specialty society, the board shall establish by  
21 rule or regulation the required training which shall be included in  
22 a limited dental assistant internship program. An internship  
23 program for an individual seeking registration as a limited dental  
24 assistant shall include training in those intra-oral procedures that  
25 are performed in the office of a dentist who has received from  
26 the board a permit of limited dental practice in the specialty  
27 area for which the assistant seeks registration. The board shall  
28 establish a committee consisting of two board members and three  
29 licensed dentists which shall develop and monitor a satisfactory  
30 internship program for individuals seeking registration as a  
31 limited dental assistant.

32       12. This act shall take effect on the 180th day following  
33 enactment.

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38       Creates category of limited registered dental assistant under the  
39 Board of Dentistry.

1 regulation the required training which shall be included in dental  
2 assistant internship programs. An internship program for an  
3 individual seeking registration as a dental assistant shall include  
4 training in the intra-oral procedures that are performed in the  
5 office of a dentist licensed for general practice. The board shall  
6 establish a committee consisting of two board members and three  
7 licensed dentists which shall develop and monitor a satisfactory  
8 internship program for individuals seeking registration as a dental  
9 assistant.

10 11. (New section) Upon the request of a recognized  
11 professional dental specialty society, the board shall establish by  
12 rule or regulation the required training which shall be included in  
13 a limited dental assistant internship program. An internship  
14 program for an individual seeking registration as a limited dental  
15 assistant shall include training in those intra-oral procedures that  
16 are performed in the office of a dentist who has received from  
17 the board a permit of limited dental practice in the specialty  
18 area for which the assistant seeks registration. The board shall  
19 establish a committee consisting of two board members and three  
20 licensed dentists which shall develop and monitor a satisfactory  
21 internship program for individuals seeking registration as a  
22 limited dental assistant.

23 12. This act shall take effect on the 180th day following  
24 enactment.

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#### STATEMENT

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29 This bill creates the new category of limited registered dental  
30 assistant under the New Jersey State Board of Dentistry. A  
31 limited registered dental assistant would be limited to working  
32 under the direct supervision of a dentist who received a permit  
33 from the board to engage in a limited dental practice in a  
34 specialty area.

35 The bill also provides for the establishment of internship  
36 programs for the training of registered dental assistants and  
37 limited registered dental assistants. The internship for a  
38 registered dental assistant or limited registered dental assistant  
39 would be for three months. The examination for registration of  
40 dental assistants and limited dental assistants would require that  
41 the applicant demonstrate the capability of performing the  
42 functions of a registered dental assistant or limited registered  
43 dental assistant, as the case may be.

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48 Creates category of limited registered dental assistant under the  
49 Board of Dentistry.



ASSEMBLY COMMERCE AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1827**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 9, 1995

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly, No. 1827 with amendments.

This amended bill amends and supplements "The Dental Auxiliaries Act," P.L.1979, c.46 (C.45:6-48 et seq.), to create the new category of limited registered dental assistant under the New Jersey State Board of Dentistry and to modify the requirements for becoming a registered dental assistant.

Under current law, the board may register an individual as a registered dental assistant to perform under the direct supervision of a licensed dentist those intra-oral procedures which are defined by the board as within the assistant's scope of practice. This bill will create the new category of limited registered dental assistant. A limited registered dental assistant would be limited to working under the direct supervision of a dentist who has received a permit from the board to engage in a limited dental practice in a specialty area. A limited registered dental assistant would be authorized to perform those intra-oral procedures which are defined by the board as within that specialty area and within the assistant's scope of practice.

The bill also provides for the establishment of pilot internship programs for the training of registered dental assistants and limited registered dental assistants. The committee amended the bill to provide that these internship programs shall only be in effect for three years from the date the first internship program is implemented pursuant to this act. Currently, to qualify for registration as a registered dental assistant, an individual must have passed an examination and either have satisfactorily completed an approved and accredited training program for dental assistants, or have a high school diploma and at least two years of work experience as a dental assistant. This bill, as amended, provides that during the aforementioned three year period that the pilot program is in effect an individual may qualify for registration as a registered dental assistant or a limited registered dental assistant by having passed an examination and either having successfully completed an approved and accredited dental assistant training program, or having a high school diploma or its equivalent, at least six months' experience as a dental assistant, and successfully completed a three-month internship program. The internship program for a registered dental assistant shall consist of three months' training under a licensed dentist's direct supervision, and the internship for a limited registered dental assistant shall consist of three months' training under the direct supervision of a

licensed dentist who has received a permit of limited dental practice in a specialty area. As stipulated in the committee amendments, following the expiration date of the pilot program a dental assistant may satisfy the work experience requirement by having at least 2 years work experience as a dental assistant. The bill directs the New Jersey State Board of Dentistry to establish committees consisting of representatives of the board and licensed dentists to develop and monitor satisfactory internship programs. The board would only be required to establish a limited registered dental assistant internship program for a specialty area, however, if such a program is requested by a recognized professional dental specialty society.

As is currently required for registered dental assistants, a limited registered dental assistant would also be required to complete 20 hours of continuing education in dental assisting every four years.

The bill also requires that the examination for registration of dental assistants and limited dental assistants must require the applicant to demonstrate that the applicant is capable of performing the functions for which the applicant is seeking registration.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1827

STATE OF NEW JERSEY

DATED: DECEMBER 18, 1995

The Senate Commerce Committee reports favorably Assembly, No. 1827 (1R).

This bill amends and supplements "The Dental Auxiliaries Act," P.L.1979, c.46 (C.45:6-48 et seq.), to create the new category of limited registered dental assistant under the New Jersey State Board of Dentistry and to modify the requirements for becoming a registered dental assistant.

Under current law, the board may register an individual as a registered dental assistant to perform under the direct supervision of a licensed dentist those intra-oral procedures which are defined by the board as within the assistant's scope of practice. This bill will create the new category of limited registered dental assistant. A limited registered dental assistant would be limited to working under the direct supervision of a dentist who has received a permit from the board to engage in a limited dental practice in a specialty area. A limited registered dental assistant would be authorized to perform those intra-oral procedures which are defined by the board as within that specialty area and within the assistant's scope of practice.

The bill also provides for the establishment of pilot internship programs for the training of registered dental assistants and limited registered dental assistants. These pilot internship programs shall only be in effect for three years from the date the first internship program is implemented pursuant to this bill. Currently, to qualify for registration as a registered dental assistant, an individual must have passed an examination and either have satisfactorily completed an approved and accredited training program for dental assistants, or have a high school diploma and at least two years of work experience as a dental assistant. This bill provides that during the time period that the pilot internship programs are in effect an individual may qualify for registration as a dental assistant or limited dental assistant by having passed an examination and (1) having successfully completed an approved and accredited dental assistant training program, or (2) having a high school diploma or its equivalent, at least six months' experience as a dental assistant, and successfully completed a three-month internship program, or (3) having a high school diploma and at least two years of work experience as a dental assistant. The internship program for a registered dental assistant shall consist of three months' training under a licensed dentist's direct supervision, and the internship for a limited registered dental assistant shall consist of three months' training under the direct supervision of a licensed dentist who has received a permit of limited dental practice in a specialty area.

The bill directs the New Jersey State Board of Dentistry to establish committees consisting of representatives of the board and licensed dentists to develop and monitor satisfactory internship programs. The board would only be required to establish a limited registered dental assistant internship program for a specialty area, however, if such a program is requested by a recognized professional dental specialty society.

As is currently required for registered dental assistants, a limited registered dental assistant would also be required to complete 10 hours of continuing education in dental assisting every two years.

The bill also requires that the examination for registration of dental assistants and limited dental assistants must require the applicant to demonstrate that the applicant is capable of performing the functions for which the applicant is seeking registration.

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