

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

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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)

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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)

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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)

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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.

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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.

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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.

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

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Revises statutes concerning dental hygienists and dentists.