

ASSEMBLY, No. 5277

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 25, 2021

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Regulates dental therapy and licensure of dental therapists.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the regulation of dental therapy, amending
2 various parts of the statutory law, and supplementing chapter 6
3 of 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 7 of P.L.1951, c.199 (C.45:6-15.7) is amended to read as
9 follows:

10 7. In every dental clinic operated, conducted or maintained in
11 this State all dental operations shall be performed by a licensed
12 dentist **【or】** , licensed hygienist, or licensed dental therapist in
13 accordance with the provisions of Title 45, chapter six of the
14 Revised Statutes.

15 (cf: P.L.1951, c.199, s.7)

16

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

19 2. For the purposes of this act:

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

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

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

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

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

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

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

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

19 i. "Institution" means any nursing home, veterans' home,
20 hospital or prison, or any State or county facility providing inpatient
21 care, supervision and treatment for persons with developmental
22 disabilities.

23 j. "Practice of dental therapy" means the performance of
24 educational, preventive and therapeutic services through one or more
25 of the following practices and procedures: identification of oral and
26 systemic conditions requiring evaluation or treatment by dentists,
27 physicians or other health care providers, and management of referrals
28 to dentists, physicians and other health care providers; diagnosis and
29 treatment of oral diseases and conditions that are within the dental
30 therapist scope of practice; comprehensive charting of the oral cavity;
31 oral health instruction and disease prevention education, including
32 nutritional counseling and dietary analysis; dispensing and
33 administering of nonnarcotic analgesics and anti-inflammatory and
34 antibiotic medications as prescribed by a licensed health care provider,
35 except schedule II, III or IV controlled substances; applying topical
36 preventive or prophylactic agents, including fluoride varnish,
37 antimicrobial agents and pit and fissure sealants; pulp vitality testing;
38 applying desensitizing medication or resin in the oral cavity; interim
39 therapeutic restorations; fabricating athletic mouth guards; changing
40 periodontal dressings; administering local anesthetics in the oral cavity
41 under the general supervision of a dentist; simple extraction of erupted
42 primary teeth; nonsurgical extraction of periodontally diseased
43 permanent teeth with tooth mobility of three or greater, except a tooth
44 that is unerupted, impacted, fractured or needs to be sectioned for
45 removal; emergency palliative treatment of dental pain; preparation
46 and placement of direct restoration in primary and permanent teeth that
47 does not require the fabrication of crowns, bridges, veneers or
48 dentures; fabrication and placement of single-tooth temporary crowns;

1 preparation and placement of preformed crowns on primary teeth;
2 indirect and direct pulp capping on permanent teeth; indirect pulp
3 capping on primary teeth; dental suture removal; minor adjustments
4 and repairs on removable prostheses; placement and removal of space
5 maintainers; and recementing permanent crowns.

6 “Collaborative agreement” means a written agreement between a
7 dental therapist and a dentist licensed pursuant to chapter 379 of the
8 general statutes, that defines the working relationship between the
9 dental therapist and the dentist and the parameters of the practice of
10 dental therapy.

11 “Dental therapist” means a licensed dental hygienist authorized
12 to engage in the practice of dental therapy under a collaborative
13 agreement.

14 (cf: P.L.2012, c.29, s.1)

15
16 3. Section 9 of P.L.1979, c.46 (C.45:6-56) is amended to read as
17 follows:

18 9. a. (1) Every two years, at the time of license renewal, each
19 person licensed to practice dental hygiene and dental therapy in this
20 State shall provide the board with a certified statement, upon a form
21 issued and distributed by the board, that such licensed person has
22 attended, or participated in not less than 20 hours of continuing
23 education in dental hygiene or dental therapy as follows: lectures
24 or study club sessions dealing with clinical subjects, college post-
25 graduate courses, scientific sessions of conventions, research on
26 clinical subjects, service as a clinician or any other such evidence of
27 continuing education which the board may approve.

28 (2) Every two years, at the time of registration renewal, each
29 person registered as a registered dental assistant or limited
30 registered dental assistant in this State shall provide the board with
31 a certified statement, upon a form issued and distributed by the
32 board, that such registered person has attended, or participated in
33 not less than 10 hours of continuing education in dental assisting or
34 dental therapy as follows: lectures or study club sessions dealing
35 with clinical subjects, college post-graduate courses, scientific
36 sessions of conventions, research on clinical subjects, service as a
37 clinician or any other such evidence of continuing education which
38 the board may approve.

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

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

47 (cf: P.L.2005, c.5, s.1)

1 4. Section 10 of P.L.1979, c.46 (C.45:6-57) is amended to read as
2 follows:

3 10. Every person licensed to practice dental hygiene or dental
4 therapy shall biennially apply, on a form furnished by the board, for
5 a certificate of registration, which shall be issued by the secretary of
6 the board upon payment of a fee of \$10.00. The certificate of
7 registration shall be displayed in the office or place in which the
8 holder thereof practices dental hygiene or dental therapy. Where a
9 dental hygienist practices dental hygiene or a dental therapist
10 practices dental therapy at more than one office or place, a duplicate
11 registration certificate shall be issued upon the payment of an
12 additional fee of \$5.00 for each such certificate. The license of any
13 person who fails to procure any biennial certificate of registration,
14 at the time and in the manner required by the board, except a person
15 on the inactive status list, may be suspended by the board in the
16 manner provided by section 12 of P.L. 1979, c. 46 (C. 45:6-59).
17 Any license so suspended shall be reinstated at any time within
18 three years from the date of such suspension upon the payment of
19 all past due biennial registration fees and an additional
20 reinstatement fee of \$25.00. Any person whose license shall have
21 been suspended for such cause shall, during the period of such
22 suspension, be regarded as an unlicensed person and, in case such
23 person shall continue or engage in the practice of dental hygiene
24 during such period, shall be liable to the penalties prescribed by
25 section 11 of P.L. 1979, c. 46 (C. 45:6-58) for practicing dental
26 hygiene or dental therapy without a license. Said fees shall be used
27 by the board in the same manner as similar fees received by it under
28 the provisions of chapter 6 of Title 45 of the Revised Statutes.
29 (cf: P.L.1988, c.31, s.1)

30

31 5. Section 3 of P.L.1988, c.31 (C.45:6-57.1) is amended to read as
32 follows:

33 3. A licensed dental hygienist or licensed dental therapy may
34 apply to the board for inactive license status on a form furnished by
35 the board. Upon receipt of the completed inactive status application
36 form the board shall place the licensee on an inactive status list.
37 While on the list, the person shall pay an inactive license renewal
38 fee in an amount prescribed by the board and shall not practice
39 dental hygiene or dental therapy within the State.

40 A person on the inactive status list who wants to resume the
41 practice of dental hygiene or dental therapy shall apply to the board
42 for a current biennial certificate of registration and shall pay the
43 prescribed registration fee. Any person who has been on the
44 inactive status list for five or more years shall furnish the board
45 with satisfactory evidence of current knowledge and skill in the
46 practice of dental hygiene or dental therapy as required by
47 regulation of the board.

48 (cf: P.L.1988, c.31, s.3)

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

3 11. Any person practicing dental hygiene or dental therapy in this
4 State without first having obtained a license as provided by this act
5 or P.L. , c. (C.) (pending before the Legislature as this
6 bill), or without the current biennial certificate of registration, or
7 contrary to any of the provisions of this act, or any person who fails
8 to comply with the provisions of section 9 of P.L.1979, c.46
9 (C.45:6-56), except a person on the inactive status list, or who
10 practices dental hygiene or dental therapy, or works as a registered
11 dental assistant or limited registered dental assistant under a false or
12 assumed name, or buys, sells or fraudulently obtains a diploma or
13 certificate showing or purporting to show graduation or completion
14 of a course in dental hygiene **【or】**, dental assisting, or dental
15 therapy, or who violates any of the provisions of this act, shall be
16 liable to a penalty of \$300.00 for the first offense and of \$500.00
17 for the second and each subsequent offense.

18 (cf: P.L.1995, c.367, s.5)

19

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

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

27 a. Selling or bartering, or offering to sell or barter, any diploma
28 or document showing or purporting to show graduation as a dental
29 hygienist or dental assistant;

30 b. Purchasing or procuring by barter any such diploma,
31 certificate or transcript with intent that it be used as evidence of the
32 qualifications of the holder to practice dental hygiene **【or】**, work as
33 a registered dental assistant or limited registered dental assistant, or
34 of the holder to practice dental therapy, or in fraud of the laws
35 regulating such practice or work;

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

38 d. Using or attempting to use such diploma, certificate or
39 transcript which has been purchased, fraudulently issued, and
40 counterfeited or materially altered, either as a license or registration
41 or color of license or registration to practice dental hygiene or work
42 as a registered dental assistant or limited registered dental assistant
43 or to practice a dental therapist, or in order to procure registration
44 as a dental hygienist; or

45 e. In any affidavit or examination required of an applicant for
46 examination, license or registration under the laws regulating the
47 practice of dental hygiene or dental assisting or dental therapy,

1 willfully making a false statement in a material regard, or
2 impersonating another applicant at an examination.

3 (cf: P.L.1995, c.367, s.7)

4
5 8. Section 14 of P.L.1979, c.46 (C.45:6-61) is amended to read as
6 follows:

7 14. Any licensed dentist who shall permit any unlicensed or
8 unregistered person to practice dental hygiene **【or】**, work as a
9 registered dental assistant or limited registered dental assistant, or
10 practice dental therapy under his direction or control or shall permit
11 or direct a licensed dental hygienist, registered dental assistant or
12 limited registered dental assistant, or licensed dental therapist to
13 perform any act not authorized in this act shall be guilty of a
14 violation of this act and of conduct constituting willful and gross
15 malpractice or willful and gross neglect in the practice of dentistry.

16 (cf: P.L.1995, c.367, s.8)

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

20 17. Nothing in this act shall be construed as permitting a licensed
21 dental hygienist or licensed dental therapist to establish an
22 independent office or engage in independent practice in connection
23 with the performance of traditional hygienist services or traditional
24 therapist services whether or not there is supervision or direct
25 supervision of a licensed dentist.

26 (cf: P.L.2012, c.29, s.3)

27
28 10. Section 4 of P.L.2012, c.29 (C.45:6-69.1) is amended to read as
29 follows:

30 4. The administration of local anesthesia, the monitoring of a
31 patient administered nitrous oxide, and any other anesthetic
32 procedures that may be designated by the New Jersey State Board
33 of Dentistry, by regulation, shall be performed by a licensed dental
34 hygienist or licensed dental therapist only under direct supervision.

35 (cf: P.L.2012, c.9, s.4)

36
37 11. Section 6 of P.L.2012, c.29 (C.45:6-73) is amended to read as
38 follows:

39 6. Except as otherwise provided in P.L.1964, c.186 (C.45:6-
40 16.1 et seq.), R.S.45:6-19 and R.S.45:6-20, no person other than a
41 person duly licensed to practice dentistry in this State shall:

42 a. make any diagnosis or develop any treatment plan with
43 respect to the dental condition or treatment of any living person in
44 this State;

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

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

3 d. receive payment for the performance of dental ~~【or】~~ dental
4 hygienist services, or dental therapist services from any source
5 other than an employer authorized by law to practice dentistry in
6 this State or any dental clinic, institution, or employment agency, as
7 defined pursuant to section 1 of P.L.1989, c.331 (C.34:8-43), that
8 employs licensed dental hygienists or licensed dental therapists to
9 provide temporary dental hygiene or dental therapy services.

10 (cf: P.L.2012, c.29, s.6)

11
12 12. (New section) No person shall engage in the practice of dental
13 therapy unless that person:

14 a. is a dental hygienist licensed pursuant to section 3 of P.L.1979,
15 c.46 (C.45:6-50);

16 b. has obtained a dental therapist certification that is:

17 (1) in writing, on a form issued by an institution of higher education
18 accredited by the Commission on Dental Accreditation after successful
19 completion of a dental therapy program that includes, in accordance
20 with the Commission on Dental Accreditation's standards for dental
21 therapy education programs, full-time instruction or its equivalent at
22 the postsecondary college level and incorporates all dental therapy
23 practice competencies; and

24 (2) signed by the dental therapist and the director of the dental
25 therapy education program;

26 c. has successfully completed a comprehensive examination
27 prescribed by the Commission on Dental Competency Assessments, or
28 its equivalent, and administered independently of any institution of
29 higher education that offers a program in dental therapy; and

30 d. has entered into a collaborative agreement. Prior to entering the
31 first collaborative agreement, a person shall have received a certificate
32 of completion, signed by a dentist licensed pursuant to chapter 6 of
33 Title 45 of the Revised Statutes, that verifies completion of one
34 thousand hours of clinical training under the direct supervision of that
35 dentist.

36
37 13. (New section) A dental therapist shall practice in a dental clinic
38 or institution under the supervision of a dentist licensed pursuant to
39 chapter 6 of Title 45 of the Revised Statutes in accordance with a
40 collaborative agreement.

41
42 14. (New section) No provision of this section shall be construed to
43 prohibit a dental hygienist enrolled in a dental therapy program, as
44 described in section 11 of P.L. , c. (C.) (pending before the
45 Legislature as this bill) from performing dental therapy work as a
46 required component of his or her course of study in such program,
47 provided such dental hygienist:

- 1 a. performs such work under supervision of a dentist licensed
- 2 pursuant to chapter 6 of Title 45 of the Revised Statutes;
- 3 b. shall not hold them self out as a licensed dental therapist; and
- 4 c. shall not receive compensation for such work.

5

6 15. (New section) a. A collaborative agreement shall include:

7 (1) identification of public health facilities where services may be

8 provided and the populations to be served;

9 (2) any limitations on the services that may be provided by the

10 dental therapist;

11 (3) age and procedure-specific practice protocols, including case

12 selection criteria, assessment guidelines and imaging frequency;

13 (4) a procedure for creating and maintaining dental records for the

14 patients that are treated by the dental therapist;

15 (5) a plan to manage medical emergencies in each institution and

16 dental clinic where the dental therapist provides care;

17 (6) a quality assurance plan for monitoring care provided by the

18 dental therapist, including patient care review, referral follow-up and a

19 quality assurance chart review;

20 (7) protocols for dispensing and administering medications,

21 including the specific conditions and circumstances under which these

22 medications may be dispensed and administered;

23 (8) criteria relating to the provision of care to patients with specific

24 medical conditions or complex medication histories, including

25 requirements for consultation prior to the initiation of care;

26 (9) criteria for the supervision of dental assistants, limited registered

27 dental assistants, and dental hygienists; and

28 (10) a plan for the provision of referrals in situations that are beyond

29 the capabilities or the scope of practice of the dental therapist.

30 b. A collaborative agreement shall be:

31 (1) signed and maintained by the supervising dentist and the dental

32 therapist and kept on file at the locations where the dental therapist is

33 employed;

34 (2) reviewed by the dentist and dental therapist on an annual basis

35 and revised as needed; and

36 (3) available for inspection upon the request of the New Jersey

37 Division of Consumer Affairs.

38

39 16. A dentist who enters into a collaborative agreement with a

40 dental therapist:

41 a. shall be professionally responsible and legally liable for all

42 services authorized and performed by the dental therapist pursuant to a

43 collaborative agreement; and

44 b. shall not enter into a collaborative agreement with more than

45 two dental therapists at any one time.

46 Nothing in this section shall be construed to require a dentist to

47 enter into a collaborative agreement with a dental therapist.

