§18371. Dentist

1. Scope of practice. A dentist, faculty dentist, limited dentist or resident dentist may:

A. Perform a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other compensation paid, or to be paid, directly or indirectly to the person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed; [PL 2015, c. 429, §21 (NEW).]

B. Obtain impressions of a human tooth, teeth or jaws and perform a phase of an operation incident to the replacement of a part of a tooth; [PL 2017, c. 388, §13 (AMD).]

C. Supply artificial substitutes for the natural teeth and furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth; [PL 2015, c. 429, §21 (NEW).]

D. Place dental appliances or structures in the human mouth and adjust or attempt or profess to adjust the same; [PL 2015, c. 429, §21 (NEW).]

E. Furnish, supply, construct, reproduce or repair or profess to the public to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth; [PL 2015, c. 429, §21 (NEW).]

F. Diagnose or profess to diagnose, prescribe for and treat or profess to prescribe for and treat disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure; [PL 2015, c. 429, §21 (NEW).]

G. Extract or attempt to extract human teeth; [PL 2015, c. 429, §21 (NEW).]

H. Correct or attempt to correct malformations of teeth and jaws; [PL 2015, c. 429, §21 (NEW).]

I. Repair or fill cavities in the human teeth; [PL 2015, c. 429, §21 (NEW).]

J. Diagnose malposed teeth and make and adjust appliances or artificial casts for treatment of the malposed teeth in the human mouth with or without instruction; [PL 2015, c. 429, §21 (NEW).]

K. Use an x-ray machine for the purpose of taking dental x-rays and interpret or read or profess to interpret or read dental x-rays; [PL 2015, c. 429, §21 (NEW).]

L. Use the words dentist, dental surgeon or oral surgeon and the letters D.D.S. or D.M.D. and any other words, letters, title or descriptive matter that represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structures and state, profess or permit to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations; [PL 2015, c. 429, §21 (NEW).]

M. Prescribe drugs or medicine and administer local anesthesia, analgesia including nitrous oxide and oxygen inhalation and, with the appropriate permit issued by the board, administer sedation and general anesthesia necessary for proper dental treatment; [PL 2021, c. 134, §4 (AMD).]

N. Take case histories and perform physical examinations to the extent the activities are necessary in the exercise of due care in conjunction with the provision of dental treatment or the administration of anesthesia. A dentist is not permitted to perform physical examinations within a hospital licensed by the Department of Health and Human Services unless this activity is permitted by the hospital; and [PL 2021, c. 134, §5 (AMD).]

O. Administer botulinum toxin or dermal fillers to a patient with a diagnosed dental condition or when that administration is identified as part of a patient's dental treatment plan. A dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery

from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization may administer botulinum toxin or dermal fillers in the course of treatment for oral or maxillofacial disease, disfigurement or disjunction. [RR 2021, c. 1, Pt. A, §35 (COR).]

[RR 2021, c. 1, Pt. A, §35 (COR).]

2. Limitations. Individuals practicing dentistry as described in this section who possess one of the following licenses shall adhere to the restrictions in this subsection.

A. [PL 2017, c. 388, §14 (RP).]

B. [PL 2017, c. 388, §14 (RP).]

C. An individual with a faculty dentist license may provide dental services only as part of the education program for which the license was issued by the board. [PL 2015, c. 429, §21 (NEW).]

D. An individual with a limited dentist license may provide dental services only in the nonprofit dental clinic for which the license was issued by the board and may not accept remuneration for those services. [PL 2015, c. 429, §21 (NEW).]

E. An individual with a resident dentist license may provide dental services only under the supervision of a dentist in a board-approved setting and in accordance with the level of supervision and control for which the license was issued by the board. [PL 2021, c. 676, Pt. A, §47 (RPR).]

[PL 2021, c. 676, Pt. A, §47 (AMD).]

3. Delegation authorized. A dentist may delegate to an unlicensed person or a licensed person activities related to dental care and treatment that are delegated by custom and usage as long as those activities are under the supervision or control of the dentist. A dentist who delegates activities to an unlicensed person as described is legally liable for the activities of that unlicensed person and the unlicensed person in this relationship is considered the dentist's agent.

A. [PL 2021, c. 223, §8 (RP).]

B. [PL 2021, c. 223, §8 (RP).]

C. [PL 2021, c. 223, §8 (RP).]

[PL 2021, c. 223, §8 (RPR).]

4. Delegation not authorized. A dentist may not delegate to an unlicensed person activities related to dental care or treatment that require a license under this chapter. A dentist may not delegate to a licensed person activities related to dental care or treatment that are outside the scope of practice of that licensed person.

[PL 2021, c. 223, §9 (AMD).]

5. Supervision of dental therapists. A dentist, referred to in this section as the "supervising dentist," who employs a dental therapist shall comply with this subsection.

A. A supervising dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist supervised by that dentist that are beyond the scope of practice of the dental therapist and that the supervising dentist is unable to provide. [PL 2019, c. 388, §9 (AMD).]

B. The supervising dentist is responsible for all authorized services and procedures performed by the dental therapist pursuant to a written practice agreement executed by the dentist pursuant to section 18377. [PL 2019, c. 388, §9 (AMD).]

C. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental therapist. [PL 2019, c. 388, §9 (AMD).]

D. A supervising dentist who signs a written practice agreement shall file a copy of the agreement with the board, keep a copy for the dentist's own records and make a copy available to patients of the dental therapist upon request. [PL 2019, c. 388, §9 (AMD).]

[PL 2019, c. 388, §9 (AMD).]

6. Prescription for laboratory services. A dentist who uses the services of a person not licensed to practice dentistry in this State to construct, alter, repair or duplicate a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance shall first furnish the unlicensed person with a written prescription, which must contain:

A. The name and address of the unlicensed person; [PL 2015, c. 429, §21 (NEW).]

B. The patient's name or number. In the event the number is used, the name of the patient must be written upon the duplicate copy of the prescription retained by the dentist; [PL 2015, c. 429, §21 (NEW).]

C. The date on which the prescription was written; [PL 2015, c. 429, §21 (NEW).]

D. A description of the work to be done, with diagrams if necessary; [PL 2015, c. 429, §21 (NEW).]

E. A specification of the type and quality of materials to be used; and [PL 2015, c. 429, §21 (NEW).]

F. The signature of the dentist and the number of the dentist's state license. [PL 2015, c. 429, §21 (NEW).]

The dentist shall retain for 2 years a duplicate copy of all prescriptions issued pursuant to this subsection for inspection by the board.

[PL 2015, c. 429, §21 (NEW).]

SECTION HISTORY

PL 2015, c. 429, §21 (NEW). PL 2017, c. 288, Pt. A, §35 (AMD). PL 2017, c. 388, §§13-15 (AMD). PL 2019, c. 388, §9 (AMD). PL 2021, c. 88, §3 (AMD). PL 2021, c. 134, §§4-6 (AMD). PL 2021, c. 223, §§7-9 (AMD). RR 2021, c. 1, Pt. A, §35 (COR). PL 2021, c. 676, Pt. A, §47 (AMD).

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