

5757

2013-2014 Regular Sessions

I N   S E N A T E

June 12, 2013

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Introduced by Sens. HANNON, YOUNG -- read twice and ordered printed, and  
when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to registered dental  
hygienists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1.     Subdivision 1 of section 6606 of the education law, as  
2 amended by chapter 437 of the laws of 2001, is amended to read as  
3 follows:  
4     1. The practice of the profession of dental hygiene is defined as the  
5 performance of dental services which shall include removing calcareous  
6 deposits, accretions and stains from the exposed surfaces of the teeth  
7 which begin at the epithelial attachment and applying topical agents  
8 indicated for a complete dental prophylaxis, removing cement, placing or  
9 removing rubber dam, removing sutures, placing matrix band, providing  
10 patient education, applying topical medication, placing and exposing  
11 DIAGNOSTIC DENTAL X-ray films, performing topical fluoride applications  
12 and topical anesthetic applications, polishing teeth, taking medical  
13 history, charting caries, taking impressions for study casts, placing  
14 and removing temporary restorations, administering and monitoring  
15 nitrous oxide analgesia and administering and monitoring local infil-  
16 tration anesthesia, subject to certification in accordance with section  
17 sixty-six hundred five-b of this article, and any other function in the  
18 definition of the practice of dentistry as may be delegated by a  
19 licensed dentist in accordance with regulations promulgated by the  
20 commissioner. The practice of dental hygiene may be conducted in the  
21 office of any licensed dentist or in any appropriately equipped school  
22 or public institution but must be done EITHER under the supervision of a  
23 licensed dentist OR, IN THE CASE OF A REGISTERED DENTAL HYGIENIST WORK-  
24 ING FOR A HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC  
25 HEALTH LAW, PURSUANT TO A COLLABORATIVE ARRANGEMENT WITH A LICENSED AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD11370-02-3

1 REGISTERED DENTIST WHO HAS A FORMAL RELATIONSHIP WITH THE SAME HOSPITAL  
2 IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT IN CONSUL-  
3 TATION WITH THE DEPARTMENT OF HEALTH. SUCH COLLABORATIVE ARRANGEMENT  
4 SHALL NOT OBVIATE OR SUPERSEDE ANY LAW OR REGULATION WHICH REQUIRES  
5 IDENTIFIED SERVICES TO BE PERFORMED UNDER THE PERSONAL SUPERVISION OF A  
6 DENTIST. WHEN DENTAL HYGIENE SERVICES ARE PROVIDED PURSUANT TO A COLLA-  
7 BORATIVE AGREEMENT, SUCH DENTAL HYGIENIST SHALL INSTRUCT INDIVIDUALS TO  
8 VISIT A LICENSED DENTIST FOR COMPREHENSIVE EXAMINATION OR TREATMENT.

9 S 2. Section 6608 of the education law, as amended by chapter 300 of  
10 the laws of 2006, is amended to read as follows:

11 S 6608. Definition of practice of certified dental assisting. The  
12 practice of certified dental assisting is defined as providing support-  
13 ive services to a dentist in his/her performance of dental services  
14 authorized under this article. Such support shall include providing  
15 patient education, taking preliminary medical histories and vital signs  
16 to be reviewed by the dentist, placing and removing rubber dams, select-  
17 ing and prefitting provisional crowns, selecting and prefitting ortho-  
18 dontic bands, removing orthodontic arch wires and ligature ties, placing  
19 and removing matrix bands, taking impressions for study casts or diag-  
20 nostic casts, removing periodontal dressings, and such other dental  
21 supportive services authorized by the dentist consistent with regu-  
22 lations promulgated by the commissioner, provided that such functions  
23 are performed under the direct personal supervision of a licensed  
24 dentist in the course of the performance of dental services. Such  
25 services shall not include diagnosing and/or performing surgical proce-  
26 dures, irreversible procedures or procedures that would alter the hard  
27 or soft tissue of the oral and maxillofacial area or any other proce-  
28 dures determined by the department. The practice of certified dental  
29 assisting may be conducted in the office of any licensed dentist or in  
30 any appropriately equipped school or public institution but must be done  
31 under the direct personal supervision of a licensed dentist. Direct  
32 personal supervision, for purposes of this section, means supervision of  
33 dental procedures based on instructions given by a licensed dentist in  
34 the course of a procedure who remains in the dental office where the  
35 supportive services are being performed, personally diagnoses the condi-  
36 tion to be treated, personally authorizes the procedures, and before  
37 dismissal of the patient, who remains the responsibility of the licensed  
38 dentist, evaluates the services performed by the dental assistant. Noth-  
39 ing herein authorizes a dental assistant to perform any of the services  
40 or functions defined as part of the practice of dental hygiene in  
41 accordance with the provisions of subdivision one of section sixty-six  
42 hundred six of this article, except those functions authorized pursuant  
43 to this section. All dental supportive services provided in this section  
44 may be performed by currently registered dental hygienists EITHER under  
45 a dentist's supervision, as defined in regulations of the commissioner,  
46 OR, IN THE CASE OF A REGISTERED DENTAL HYGIENIST WORKING FOR A HOSPITAL  
47 AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, PURSUANT TO  
48 A COLLABORATIVE ARRANGEMENT WITH A LICENSED DENTIST IN ACCORDANCE WITH  
49 SUBDIVISION ONE OF SECTION SIXTY-SIX HUNDRED SIX OF THIS ARTICLE. SUCH  
50 COLLABORATIVE ARRANGEMENT SHALL NOT OBVIATE OR SUPERSEDE ANY LAW OR  
51 REGULATION WHICH REQUIRES IDENTIFIED SERVICES TO BE PERFORMED UNDER THE  
52 PERSONAL SUPERVISION OF A DENTIST.

53 S 3. Subdivision 10 of section 6611 of the education law, as amended  
54 by chapter 65 of the laws of 2011, is amended to read as follows:

55 10. [Beginning January first, two thousand nine, each] EACH dentist  
56 AND REGISTERED DENTAL HYGIENIST WORKING FOR A HOSPITAL AS DEFINED IN

1 ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW WHO PRACTICES IN COLLAB-  
2 ORATION WITH A LICENSED DENTIST shall become certified in cardiopulmo-  
3 nary resuscitation (CPR) from an approved provider and thereafter main-  
4 tain current certification, which shall be included in the mandatory  
5 hours of continuing education acceptable for dentists to the extent  
6 provided in the commissioner's regulations. In the event the dentist OR  
7 REGISTERED DENTAL HYGIENIST cannot physically perform CPR, the commis-  
8 sioner's regulations shall allow the dentist OR REGISTERED DENTAL  
9 HYGIENIST to make arrangements for another individual in the office to  
10 administer CPR. All dental facilities shall have an automatic external  
11 defibrillator or other defibrillator at the facility.

12 S 4. This act shall take effect January 1, 2015, provided that effec-  
13 tive immediately, the addition, amendment and/or repeal of any rule or  
14 regulation necessary for the implementation of such sections on the  
15 effective date of this act are authorized and directed to be made and  
16 completed on or before such effective date.