

5757

2013-2014 Regular Sessions

I N S E N A T E

June 12, 2013

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 ASSEMBLY, 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.

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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 OBTAIN 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 OBTAIN 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.