

STATE OF NEW YORK

7754--C

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the practice of dental assisting

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 6608 of the education law, as amended by chapter
2 390 of the laws of 2019, is amended to read as follows:
3 § 6608. Definition of practice of registered dental assisting. The
4 practice of registered dental assisting is defined as providing support-
5 iver services to a dentist in his or her performance of dental services
6 authorized under this article. Such support shall include providing
7 patient education, taking preliminary medical histories and vital signs
8 to be reviewed by the dentist, placing and removing rubber dams, select-
9 ing and prefitting provisional crowns, selecting and prefitting ortho-
10 dontic bands, removing orthodontic arch wires and ligature ties, placing
11 and removing matrix bands, taking impressions for study casts or diag-
12 nostic casts, removing periodontal dressings, placing and removing
13 temporary restorations, and such other dental supportive services
14 authorized by the dentist consistent with regulations promulgated by the
15 commissioner, provided that such functions are performed under the
16 direct personal supervision of a licensed dentist in the course of the
17 performance of dental services. Such services shall not include diagnos-
18 ing and/or performing surgical procedures, irreversible procedures or
19 procedures that would alter the hard or soft tissue of the oral and

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

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1 maxillofacial area or any other procedures determined by the department.
2 The practice of registered dental assisting may be conducted in the
3 office of any licensed dentist or in any appropriately equipped school
4 or public institution but must be done under the direct personal super-
5 vision of a licensed dentist. Direct personal supervision, for purposes
6 of this section, means supervision of dental procedures based on
7 instructions given by a licensed dentist in the course of a procedure
8 who remains in the dental office where the supportive services are being
9 performed, personally diagnoses the condition to be treated, personally
10 authorizes the procedures, and before dismissal of the patient, who
11 remains the responsibility of the licensed dentist, evaluates the
12 services performed by the registered dental assistant. Nothing herein
13 authorizes a registered dental assistant to perform any of the services
14 or functions defined as part of the practice of dental hygiene in
15 accordance with the provisions of subdivision one of section sixty-six
16 hundred six of this article, except those functions authorized pursuant
17 to this section. All dental supportive services provided in this section
18 may be performed by currently registered dental hygienists either under
19 a dentist's supervision, as defined in regulations of the commissioner,
20 or, in the case of a registered dental hygienist working for a hospital
21 as defined in article twenty-eight of the public health law, pursuant to
22 a collaborative arrangement with a licensed dentist in accordance with
23 subdivision one of section sixty-six hundred six of this article. Such
24 collaborative arrangement shall not obviate or supersede any law or
25 regulation which requires identified services to be performed under the
26 personal supervision of a dentist.

27 § 2. This act shall take effect immediately.