

STATE OF NEW YORK

8533

IN SENATE

March 9, 2022

Introduced by Sen. HARCKHAM -- 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 dental assisting practice

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 ive 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
20 maxillofacial area or any other procedures determined by the department.
21 The practice of registered dental assisting may be conducted in the
22 office of any licensed dentist or in any appropriately equipped school
23 or public institution but must be done under the direct personal super-
24 vision of a licensed dentist. Direct personal supervision, for purposes
25 of this section, means supervision of dental procedures based on
26 instructions given by a licensed dentist in the course of a procedure
27 who remains in the dental office where the supportive services are being
28 performed, personally diagnoses the condition to be treated, personally

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

LBD14651-01-2

1 authorizes the procedures, and before dismissal of the patient, who
2 remains the responsibility of the licensed dentist, evaluates the
3 services performed by the registered dental assistant. Nothing herein
4 authorizes a registered dental assistant to perform any of the services
5 or functions defined as part of the practice of dental hygiene in
6 accordance with the provisions of subdivision one of section sixty-six
7 hundred six of this article, except those functions authorized pursuant
8 to this section. All dental supportive services provided in this section
9 may be performed by currently registered dental hygienists either under
10 a dentist's supervision, as defined in regulations of the commissioner,
11 or, in the case of a registered dental hygienist working for a hospital
12 as defined in article twenty-eight of the public health law, pursuant to
13 a collaborative arrangement with a licensed dentist in accordance with
14 subdivision one of section sixty-six hundred six of this article. Such
15 collaborative arrangement shall not obviate or supersede any law or
16 regulation which requires identified services to be performed under the
17 personal supervision of a dentist.

18 § 2. This act shall take effect immediately.