S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 16, 2010

Introduced by M. of A. PAULIN, CAHILL, CASTRO -- Multi-Sponsored by -- M. of A. GABRYSZAK, HYER-SPENCER, ORTIZ, REILLY, TITONE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to registered dental hygienists working without supervision but within a collaborative practice agreement with a licensed dentist

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

Section 1. Subdivision 1 of section 6606 of the education law, as amended by chapter 437 of the laws of 2001, is amended to read as follows:

1. The practice of the profession of dental hygiene is defined as the performance of [dental] services [which shall include removing calcareous deposits, accretions and stains from the exposed surfaces of the teeth which begin at the epithelial attachment and applying topical agents indicated for a complete dental prophylaxis, removing cement, placing or removing rubber dam, removing sutures, placing matrix band, providing patient education, applying topical medication, placing and exposing X-ray films, performing topical fluoride applications and topical anesthetic applications, polishing teeth, taking medical history, charting caries, taking impressions for study casts, placing and removing temporary restorations, administering and monitoring nitrous oxide analgesia and administering and monitoring local infiltration anesthesia, subject to certification in accordance with section sixty-six hundred five-b of this article, and any other function in the definition of the practice of dentistry as may be delegated by a licensed dentist in accordance with regulations promulgated by the commissioner. The practice of dental hygiene may be conducted in the office of any licensed dentist or in any appropriately equipped school or public institution but must be done under the supervision of a licensed dentist] FOR THE CONTROL OF ORAL DISEASE AND THE PROMOTION OF ORAL HEALTH THROUGH EDUCATION AND THE DELIVERY OF PREVENTATIVE AND THERAPEUTIC TREATMENTS TO MINIMIZE ORAL DISEASE. SUCH SERVICES SHALL INCLUDE BUT NOT BE LIMITED TO ASSESSMENT, DENTAL HYGIENE DIAGNOSIS, DENTAL HYGIENE CARE PLANNING, ORAL HEALTH TEACHING, ORAL HEALTH COUNSELING, AND PROVISION OF TREATMENT SUPPORTIVE TO THE DENTAL HYGIENE CARE PRESCRIBED BY A LICENSED DENTIST CONSISTENT WITH REGULATIONS SET FORTH BY THE

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

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COMMISSIONER. UNDER THE SUPERVISION OF A LICENSED DENTIST, THE PRACTICE OF DENTAL HYGIENE SHALL NOT BE IMPEDED BY THE SETTING IN WHICH A LICENSED DENTAL HYGIENIST MAY PROVIDE DENTAL HYGIENE SERVICES. A REGISTERED DENTAL HYGIENIST, COLLABORATIVE PRACTICE, AUTHORIZED PURSUANT TO SECTION SIX THOUSAND SIX HUNDRED SEVEN-A OF THIS ARTICLE SHALL PRACTICE WITHOUT SUPERVISION BUT WITHIN THE COLLABORATIVE PRACTICE AGREEMENT BETWEEN A LICENSED DENTIST AND SUCH DENTAL HYGIENIST.

S 2. The education law is amended by adding a new section 6607-a to read as follows:

S 6607-A. PRACTICE OF COLLABORATIVE PRACTICE DENTAL HYGIENE AND USE OF TITLE "REGISTERED DENTAL HYGIENIST, COLLABORATIVE PRACTICE". 1. THE PRACTICE OF THE PROFESSION OF DENTAL HYGIENE, AS DEFINED UNDER THIS ARTICLE, MAY BE PERFORMED IN COLLABORATION WITH A LICENSED DENTIST PROVIDED SUCH SERVICES ARE PERFORMED IN ACCORDANCE WITH A WRITTEN PRACTICE AGREEMENT AND WRITTEN PRACTICE PROTOCOLS TO BE KNOWN AS A COLLABORATIVE PRACTICE AGREEMENT. UNDER COLLABORATIVE PRACTICE AGREEMENTS, DENTAL HYGIENISTS MAY PERFORM ALL SERVICES WHICH ARE DESIGNATED IN REGULATION WITHOUT PRIOR EVALUATION OF A DENTIST OR MEDICAL PROFESSIONAL AND MAY BE PERFORMED WITHOUT SUPERVISION IN A COLLABORATIVE PRACTICE SETTING.

2. (A) THE COLLABORATIVE PRACTICE AGREEMENT SHALL INCLUDE CONSIDERATION FOR MEDICALLY COMPROMISED PATIENTS, SPECIFIC MEDICAL CONDITIONS, AND AGE- AND PROCEDURE-SPECIFIC PRACTICE PROTOCOLS, INCLUDING, BUT NOT LIMITED TO RECOMMENDED INTERVALS FOR THE PERFORMANCE OF DENTAL HYGIENE SERVICES AND A PERIODICITY IN WHICH AN EXAMINATION BY A DENTIST SHOULD OCCUR.

(B) THE COLLABORATIVE AGREEMENT SHALL BE:

(I) SIGNED AND MAINTAINED BY THE DENTIST, THE DENTAL HYGIENIST, AND THE FACILITY, PROGRAM, OR ORGANIZATION;

(II) REVIEWED ANNUALLY BY THE COLLABORATING DENTIST AND DENTAL HYGIENIST; AND

(III) MADE AVAILABLE TO THE DEPARTMENT AND OTHER INTERESTED PARTIES UPON REQUEST.

3. BEFORE PERFORMING ANY SERVICES AUTHORIZED UNDER THIS SECTION, A DENTAL HYGIENIST MUST PROVIDE THE PATIENT WITH A WRITTEN STATEMENT ADVISING THE PATIENT THAT THE DENTAL HYGIENE SERVICES PROVIDED ARE NOT A SUBSTITUTE FOR A DENTAL EXAMINATION BY A LICENSED DENTIST. IF THE DENTAL HYGIENIST MAKES ANY REFERRALS TO THE PATIENT FOR FURTHER DENTAL PROCEDURES, THE DENTAL HYGIENIST MUST FILL OUT A REFERRAL FORM AND PROVIDE A COPY OF THE FORM TO THE COLLABORATING DENTIST.

4. THE COLLABORATIVE PRACTICE DENTAL HYGIENIST MAY ENTER INTO A CONTRACTUAL ARRANGEMENT WITH ANY QUALIFIED DENTIST, HEALTH CARE FACILITY, PROGRAM, AND/OR NON-PROFIT ORGANIZATION TO PERFORM DENTAL HYGIENE SERVICES IN THE FOLLOWING SETTINGS: DENTAL OFFICES; LONGTERM CARE FACILITIES/SKILLED NURSING FACILITIES; PUBLIC OR PRIVATE SCHOOLS; PUBLIC HEALTH AGENCIES/FEDERALLY QUALIFIED HEALTH CENTERS; CORRECTIONAL FACILITIES; PUBLIC INSTITUTIONS/MENTAL HEALTH FACILITIES; AND PRIVATE SETTINGS IN WHICH HOMEBOUND RESIDENTS ARE UNABLE TO BE RELOCATED FOR NECESSARY TREATMENT.

5. A COLLABORATIVE PRACTICE DENTAL HYGIENIST MAY HAVE MORE THAN ONE COLLABORATING DENTIST OR ORGANIZATION. A COLLABORATING DENTIST SHALL HAVE COLLABORATIVE AGREEMENTS WITH NO MORE THAN SIX COLLABORATIVE PRACTICE DENTAL HYGIENISTS. THE DEPARTMENT MAY GRANT EXCEPTIONS TO THESE LIMITATIONS FOR PUBLIC HEALTH SETTINGS ON A CASE-BY-CASE BASIS.

S 3. This act shall take effect immediately.