

5704

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. PHEFFER, PAULIN, GABRYSZAK, REILLY, MAISEL --
Multi-Sponsored by -- M. of A. DelMONTE, WEISENBERG -- read once and
referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to allowing dental
hygienists to perform block anesthesia

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 X-ray films, performing topical fluoride applications and topical anes-
12 thetic applications, polishing teeth, taking medical history, charting
13 caries, taking impressions for study casts, placing and removing tempo-
14 rary restorations, administering and monitoring nitrous oxide analgesia
15 and administering and monitoring local infiltration OR BLOCK anesthesia,
16 subject to certification in accordance with section sixty-six hundred
17 five-b of this article, and any other function in the definition of the
18 practice of dentistry as may be delegated by a licensed dentist in
19 accordance with regulations promulgated by the commissioner. The prac-
20 tice of dental hygiene may be conducted in the office of any licensed
21 dentist or in any appropriately equipped school or public institution
22 but must be done under the supervision of a licensed dentist.
23 S 2. Section 6605-b of the education law, as added by chapter 437 of
24 the laws of 2001, is amended to read as follows:

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

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1 S 6605-b. Dental hygiene restricted local infiltration OR BLOCK
2 anesthesia/nitrous oxide analgesia certificate. 1. A dental hygienist
3 shall not administer or monitor nitrous oxide analgesia or local infil-
4 tration OR BLOCK anesthesia in the practice of dental hygiene without a
5 dental hygiene restricted local infiltration OR BLOCK anesthesia/nitrous
6 oxide analgesia certificate and except under the personal supervision of
7 a dentist and in conjunction with the performance of dental hygiene
8 procedures authorized by law and in accordance with regulations promul-
9 gated by the commissioner. Personal supervision, for purposes of this
10 section, means that the supervising dentist remains in the dental office
11 where the local infiltration OR BLOCK anesthesia or nitrous oxide
12 analgesia services are being performed, personally authorizes and
13 prescribes the use of local infiltration OR BLOCK anesthesia or nitrous
14 oxide analgesia for the patient and, before dismissal of the patient,
15 personally examines the condition of the patient after the use of local
16 infiltration OR BLOCK anesthesia or nitrous oxide analgesia is
17 completed. It is professional misconduct for a dentist to fail to
18 provide the supervision required by this section, and any dentist found
19 guilty of such misconduct under the procedures prescribed in section
20 sixty-five hundred ten of this title shall be subject to the penalties
21 prescribed in section sixty-five hundred eleven of this title.

22 2. The commissioner shall promulgate regulations establishing stand-
23 ards and procedures for the issuance of such certificate. Such standards
24 shall require completion of an educational program and/or course of
25 training or experience sufficient to ensure that a dental hygienist is
26 specifically trained in the administration and monitoring of nitrous
27 oxide analgesia and local infiltration OR BLOCK anesthesia, the possible
28 effects of such use, and in the recognition of and response to possible
29 emergency situations.

30 3. The fee for a dental hygiene restricted local infiltration OR BLOCK
31 anesthesia/nitrous oxide analgesia certificate shall be twenty-five
32 dollars and shall be paid on a triennial basis upon renewal of such
33 certificate. A certificate may be suspended or revoked in the same
34 manner as a license to practice dental hygiene.

35 S 3. This act shall take effect January 1, 2010.