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

5816

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the profession of denturology

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

Section 1. The article heading of article 133 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

DENTISTRY [AND], DENTAL HYGIENE
AND DENTUROLOGY

S 2. Section 6600 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

S 6600. Introduction. This article applies to the professions of dentistry [and], dental hygiene AND DENTUROLOGY. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

S 3. Section 6603 of the education law, as amended by chapter 393 of the laws of 1999, is amended to read as follows:

S 6603. State board for dentistry. A state board for dentistry shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than thirteen dentists licensed in this state for at least five years, NOT LESS THAN FIVE DENTUROLOGY EDUCATORS PRACTICING IN THIS STATE FOR AT LEAST FIVE YEARS, not less than three dental hygienists licensed in this state for at least five years, and not less than one certified dental assistant licensed in this state for at least one year. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a dentist licensed in this state.

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

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S 4. Subdivisions 3, 4 and 5 of section 6610 of the education law, as added by chapter 987 of the laws of 1971, are amended to read as follows:

3. A student from [engagng] ENGAGING in any procedure authorized under section sixty-six hundred six of this article in clinical practice as part of a registered program in dental hygiene under supervision of a dentist holding a license or a limited permit for instructing in dentistry in a school of dental hygiene;

4. An employee of a federal agency from using the title of and practicing as a dentist [or], dental hygienist OR DENTUROLOGIST insofar as such activities are required by his salaried position;

5. A dentist [or], a dental hygienist, OR A DENTUROLOGIST licensed in some other state or country from making a teaching clinical demonstration before a regularly organized dental or medical society or group, or from meeting licensed dentists in this state for consultation, provided such activities are limited to such demonstration or consultation.

S 5. Section 6610 of the education law is amended by adding a new subdivision 3-a to read as follows:

3-A. A STUDENT FROM ENGAGING IN CLINICAL PRACTICE AS PART OF A REGISTERED PROGRAM OPERATED BY A SCHOOL OF DENTUROLOGY UNDER SUPERVISION OF A DENTIST HOLDING A LICENSE OR LIMITED PERMIT FOR INSTRUCTING IN DENTISTRY IN A SCHOOL OF DENTUROLOGY.

S 6. Subdivisions 1, 2, 3 and 7 of section 6611 of the education law, subdivision 1 as amended by chapter 576 of the laws of 2001, subdivisions 2 and 3 as added by chapter 987 of the laws of 1971 and subdivision 7 as amended by chapter 649 of the laws of 2006, are amended to read as follows:

1. Except upon the written dental laboratory prescription of a licensed dentist OR A LICENSED DENTUROLOGIST and except by the use of impressions or casts made by a licensed dentist, no dental laboratory shall furnish, supply, construct, reproduce, place, adjust, or repair any dental prosthesis, device, or appliance. A dental laboratory prescription shall be made out in duplicate. It shall contain such data as may be prescribed by the commissioner's regulations. One copy shall be retained by the practitioner of dentistry OR DENTUROLOGY for a period of one year. The other copy shall be issued to the person, firm or corporation engaged in filling dental laboratory prescriptions, who or which shall each retain and file in their respective offices or places of business their respective copies for a period of one year.

2. The department is empowered to inspect and to have access to all places, including the office or offices of a licensed dentist, where copies of dental laboratory prescriptions issued by him OR A LICENSED DENTUROLOGIST UNDER HIS SUPERVISION are retained as required by this section, and to all places where dental laboratory prescriptions are filled or to any workroom or workrooms in which prosthetic restorations, prosthetic dentures, bridges, orthodontic or other appliances or structures to be used as substitutes for natural teeth or tissue or for the correction of malocclusion or deformities are made, repaired or altered, with power to subpoena and examine records of dental laboratory prescriptions. A person who fails to grant access to such places or who fails to maintain prescriptions as required by this section shall be guilty of a class A misdemeanor.

3. The department may arrange for the conduct of clinical examinations in the clinic of any school of dentistry [or], dental hygiene OR DENTU-

ROLOGY, within or outside the state for dental [or], dental hygiene OR DENTUROLOGY candidates.

7. Any dentist [or], dental hygienist OR DENTUROLOGIST, who in the performance of dental services, x-rays the mouth or teeth of a patient shall during the performance of such x-rays shield the torso and thyroid area of such patient including but not limited to the gonads and other reproductive organs with a lead apron thyroid collar, or other similar protective garment or device. Notwithstanding the provisions of this subdivision, if in the dentist's professional judgment the use of a thyroid collar would be inappropriate under the circumstances, because of the nature of the patient, the type of x-ray being taken, or other factors, the dentist [or], dental hygienist OR DENTUROLOGIST need not shield the thyroid area.

S 7. Subdivisions 1 and 2 of section 6612 of the education law, as added by chapter 332 of the laws of 1985, are amended to read as follows:

1. Except as provided herein, every dentist OR DENTUROLOGIST licensed in this state making or directing to be made a removable prosthetic denture, bridge, appliance or other structure to be used and worn as a substitute for natural teeth, shall offer to the patient for whom the prosthesis is intended the opportunity to have such prosthesis marked with the patient's name or initials. Such markings shall be accomplished at the time the prosthesis is made and the location and methods used to apply or implant them shall be determined by the dentist [or], the person acting on behalf of the dentist OR THE DENTUROLOGIST. Such marking shall be permanent, legible and cosmetically acceptable.

2. Notwithstanding the foregoing, if in the judgment of the dentist [or], the person making the prosthesis OR THE DENTUROLOGIST, such identification is not practicable or clinically safe, the identification marks may be omitted entirely.

S 8. The education law is amended by adding six new sections 6614, 6615, 6616, 6617, 6618 and 6619 to read as follows:

S 6614. DEFINITION OF PRACTICE OF DENTUROLOGY. THE PRACTICE OF DENTUROLOGY INCLUDES PRESCRIBING AND FABRICATION OF DENTAL PROSTHESES, INCLUDING THE TAKING OF DENTURE IMPRESSIONS AND BITE REGISTRATION FOR THE PURPOSE OF OR WITH A VIEW TO THE MAKING, PRODUCING, REPRODUCING, CONSTRUCTION, FINISHING, SUPPLYING, ALTERING OR REPAIRING OF A COMPLETE UPPER OR COMPLETE LOWER OR PARTIAL UPPER OR PARTIAL LOWER PROSTHETIC DENTURE, OR ANY COMBINATION THEREOF, TO BE FITTED TO AN EDENTULOUS ARCH OR ARCHES. THE PRACTICE OF DENTUROLOGY MAY BE CONDUCTED IN THE OFFICE OF ANY LICENSED DENTIST OR IN AN APPROPRIATELY EQUIPPED SCHOOL OR PUBLIC INSTITUTION BUT MUST BE DONE UNDER THE SUPERVISION OF A LICENSED DENTIST, PROVIDED, HOWEVER, THE FINAL FITTING OF ANY PARTIAL OR FULL PROSTHETIC DENTURE SHALL BE DONE BY A LICENSED DENTIST.

S 6615. PRACTICE OF DENTUROLOGY AND USE OF THE TITLE "DENTUROLOGIST". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE UNDER THIS ARTICLE SHALL PRACTICE DENTUROLOGY AND USE THE TITLE "DENTUROLOGIST".

S 6616. REQUIREMENTS FOR A LICENSE AS A DENTUROLOGIST. TO QUALIFY FOR A LICENSE AS A DENTUROLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING HIGH SCHOOL GRADUATION AND COMPLETION OF A BACHELOR'S DEGREE IN A PROGRAM IN DENTUROLOGY, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

3. EXPERIENCE: HAVE EXPERIENCE SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

6. CITIZENSHIP OR IMMIGRATION STATUS: BE A UNITED STATES CITIZEN OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES; PROVIDED, HOWEVER, THAT THE BOARD OF REGENTS MAY GRANT A THREE YEAR WAIVER FOR AN ALIEN TO PRACTICE IN AN AREA WHICH HAS BEEN DESIGNATED A FEDERAL DENTAL HEALTH PROFESSIONS SHORTAGE AREA, EXCEPT THAT THE BOARD OF REGENTS MAY GRANT AN ADDITIONAL EXTENSION NOT TO EXCEED SIX YEARS TO AN ALIEN TO ENABLE HIM OR HER TO SECURE CITIZENSHIP OR PERMANENT RESIDENT STATUS, PROVIDED SUCH STATUS IS BEING ACTIVELY PURSUED;

7. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

8. FEES: PAY A FEE OF ONE HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL LICENSE, A FEE OF ONE HUNDRED DOLLARS FOR EACH REEXAMINATION, A FEE OF ONE HUNDRED DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, AND A FEE OF ONE HUNDRED DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 6617. MANDATORY CONTINUING EDUCATION FOR DENTUROLOGISTS. 1. (A) EACH DENTUROLOGIST, LICENSED PURSUANT TO THIS ARTICLE AND REQUIRED TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. DENTUROLOGISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE.

(B) DENTUROLOGISTS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

(C) A LICENSED DENTUROLOGIST NOT ENGAGED IN THE PRACTICE OF DENTUROLOGY SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF DENTUROLOGY DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATION OF THE COMMISSIONER.

2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION SHALL COMPLETE A MINIMUM OF THIRTY-FIVE HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION INCLUDING CURRENTLY MANDATED CHILD ABUSE REPORTING INSTRUCTIONS AND INFECTION CONTROL TRAINING AS APPROVED BY THE DEPARTMENT. OF THESE THIRTY-FIVE HOURS A MAXIMUM OF TEN HOURS MAY BE SELF-INSTRUCTIONAL COURSEWORK AS APPROVED BY THE DEPARTMENT. ANY DENTUROLOGIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE AND ONE-QUARTER HOURS PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT

SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVISION FOUR OF THIS SECTION.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF COMPLETION OF REQUIRED CONTINUING EDUCATION AND WHO PRACTICES DENTUROLOGY WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT, PROGRAMS MUST BE TAKEN FROM SPONSORS APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

5. THE MANDATORY CONTINUING EDUCATION FEE OF THIRTY-FIVE DOLLARS SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-SIX HUNDRED SIXTEEN OF THIS ARTICLE.

S 6618. LIMITED PERMITS. THE DEPARTMENT SHALL ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS ALL REQUIREMENTS FOR ADMISSION TO THE LICENSING EXAMINATION. ALL PRACTICE UNDER A LIMITED PERMIT SHALL BE UNDER THE DIRECT PERSONAL SUPERVISION OF A LICENSED DENTIST. LIMITED PERMITS SHALL BE FOR ONE YEAR AND MAY BE RENEWED AT THE DISCRETION OF THE DEPARTMENT FOR ONE ADDITIONAL YEAR. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE FORTY DOLLARS.

S 6619. RULES AND REGULATIONS FOR DENTUROLOGY. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REGARDING THE CURRICULUM REQUIRED FOR A LICENSE IN DENTUROLOGY. SUCH CURRICULUM SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO INSTRUCTION IN:

1. HEAD AND NECK ANATOMY;
2. ANATOMY AND PHYSIOLOGY;
3. DENTAL MATERIAL;
4. DENTAL HISTOLOGY;
5. DENTUROLOGY THEORY AND PRACTICE;
6. INFECTION CONTROL;
7. PREVENTIVE DENTISTRY;
8. PHARMACOLOGY;
9. MEDICAL TERMINOLOGY;
10. PATHOPHYSIOLOGY-ORAL CAVITY;
11. GERONTOLOGY;
12. RADIOLOGY; AND
13. APPLIED KINESIOLOGY.

S 9. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.