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

111--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

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

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. 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" (RDH-CP). 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 A COLLABORATIVE PRACTICE AGREEMENT, 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.

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

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(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.

(C) ONLY ONE AGREEMENT BETWEEN A COLLABORATING DENTIST AND REGISTERED DENTAL HYGIENIST, COLLABORATIVE PRACTICE (RDH-CP) MAY BE IN FORCE AT A TIME.

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 NEW YORK STATE LICENSED AND REGISTERED 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 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.

6. A DENTAL HYGIENIST MUST MAKE APPLICATION TO THE NEW YORK STATE EDUCATION DEPARTMENT TO PRACTICE AS A REGISTERED DENTAL HYGIENIST, COLLABORATIVE PRACTICE (RDH-CP) AND PAY A FEE SET BY THE DEPARTMENT. AS A CONDITION OF COLLABORATIVE PRACTICE, THE DENTAL HYGIENIST MUST HAVE BEEN ENGAGED IN PRACTICE FOR THREE YEARS WITH A MINIMUM OF FOUR THOUSAND FIVE HUNDRED PRACTICE HOURS AND MUST COMPLETE AN EIGHT HOUR CONTINUING EDUCATION PROGRAM THAT INCLUDES INSTRUCTION IN MEDICAL EMERGENCY PROCEDURES, RISK MANAGEMENT, DENTAL HYGIENE JURISPRUDENCE AND PROFESSIONAL ETHICS.

S 2. This act shall take effect immediately.