

5096

2013-2014 Regular Sessions

I N A S S E M B L Y

February 20, 2013

Introduced by M. of A. PAULIN, CAHILL -- Multi-Sponsored by -- M. of A. GABRYSZAK, ORTIZ, 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:

- 1 Section 1. The education law is amended by adding a new section 6607-a
2 to read as follows:
3 S 6607-A. PRACTICE OF COLLABORATIVE PRACTICE DENTAL HYGIENE AND USE OF
4 TITLE "REGISTERED DENTAL HYGIENIST, COLLABORATIVE PRACTICE" (RDH-CP). 1.
5 THE PRACTICE OF THE PROFESSION OF DENTAL HYGIENE, AS DEFINED UNDER THIS
6 ARTICLE, MAY BE PERFORMED IN COLLABORATION WITH A LICENSED DENTIST
7 PROVIDED SUCH SERVICES ARE PERFORMED IN ACCORDANCE WITH A WRITTEN PRACTICE
8 AGREEMENT AND WRITTEN PRACTICE PROTOCOLS TO BE KNOWN AS A COLLABORATIVE
9 PRACTICE AGREEMENT. UNDER A COLLABORATIVE PRACTICE AGREEMENT,
10 DENTAL HYGIENISTS MAY PERFORM ALL SERVICES WHICH ARE DESIGNATED IN REGULATION
11 WITHOUT PRIOR EVALUATION OF A DENTIST OR MEDICAL PROFESSIONAL AND
12 MAY BE PERFORMED WITHOUT SUPERVISION IN A COLLABORATIVE PRACTICE
13 SETTING.
14 2. (A) THE COLLABORATIVE PRACTICE AGREEMENT SHALL INCLUDE CONSIDERATION
15 FOR MEDICALLY COMPROMISED PATIENTS, SPECIFIC MEDICAL CONDITIONS,
16 AND AGE- AND PROCEDURE-SPECIFIC PRACTICE PROTOCOLS, INCLUDING, BUT NOT
17 LIMITED TO RECOMMENDED INTERVALS FOR THE PERFORMANCE OF DENTAL HYGIENE
18 SERVICES AND A PERIODICITY IN WHICH AN EXAMINATION BY A DENTIST SHOULD
19 OCCUR.
20 (B) THE COLLABORATIVE AGREEMENT SHALL BE:
21 (I) SIGNED AND MAINTAINED BY THE DENTIST, THE DENTAL HYGIENIST, AND
22 THE FACILITY, PROGRAM, OR ORGANIZATION;

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

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1 (II) REVIEWED ANNUALLY BY THE COLLABORATING DENTIST AND DENTAL HYGIEN-
2 IST; AND

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

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

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

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

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

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

37 S 2. This act shall take effect immediately.