

6232--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 18, 2013

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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 -- 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

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

1     Section 1. Subdivision 1 of section 6605-b of the education law, as  
2     added by chapter 437 of the laws of 2001, is amended to read as follows:  
3     1. [A] NOTWITHSTANDING ANY PROVISION HEREIN TO THE CONTRARY, A dental  
4     hygienist shall not administer or monitor nitrous oxide analgesia or  
5     local infiltration anesthesia in the practice of dental hygiene without  
6     a dental hygiene restricted local infiltration anesthesia/nitrous oxide  
7     analgesia certificate and except under the personal supervision of a  
8     dentist and in conjunction with the performance of dental hygiene proce-  
9     dures authorized by law and in accordance with regulations promulgated  
10    by the commissioner. Personal supervision, for purposes of this section,  
11    means that the supervising dentist remains in the dental office where  
12    the local infiltration anesthesia or nitrous oxide analgesia services  
13    are being performed, personally authorizes and prescribes the use of  
14    local infiltration anesthesia or nitrous oxide analgesia for the patient  
15    and, before dismissal of the patient, personally examines the condition  
16    of the patient after the use of local infiltration anesthesia or nitrous  
17    oxide analgesia is completed. It is professional misconduct for a  
18    dentist to fail to provide the supervision required by this section, and  
19    any dentist found guilty of such misconduct under the procedures  
20    prescribed in section sixty-five hundred ten of this title shall be  
21    subject to the penalties prescribed in section sixty-five hundred eleven  
22    of this title.

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

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1 S 2. Subdivision 1 of section 6606 of the education law, as amended by  
2 chapter 437 of the laws of 2001, is amended to read as follows:

3 1. The practice of the profession of dental hygiene is defined as the  
4 performance of dental services which shall include removing calcareous  
5 deposits, accretions and stains from the exposed surfaces of the teeth  
6 which begin at the epithelial attachment and applying topical agents  
7 indicated for a complete dental prophylaxis, removing cement, placing or  
8 removing rubber dam, removing sutures, placing matrix band, providing  
9 patient education, applying topical medication, placing and exposing  
10 DIAGNOSTIC DENTAL X-ray films, performing topical fluoride applications  
11 and topical anesthetic applications, polishing teeth, taking medical  
12 history, charting caries, taking impressions for study casts, placing  
13 and removing temporary restorations, administering and monitoring  
14 nitrous oxide analgesia and administering and monitoring local infil-  
15 tration anesthesia, subject to certification in accordance with section  
16 sixty-six hundred five-b of this article, and any other function in the  
17 definition of the practice of dentistry as may be delegated by a  
18 licensed dentist in accordance with regulations promulgated by the  
19 commissioner. The practice of dental hygiene may be conducted in the  
20 office of any licensed dentist or in any appropriately equipped school  
21 or public institution but must be done EITHER under the supervision of a  
22 licensed dentist OR, IN THE CASE OF A REGISTERED DENTAL HYGIENIST WORK-  
23 ING FOR A HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC  
24 HEALTH LAW, PURSUANT TO A COLLABORATIVE ARRANGEMENT WITH A LICENSED  
25 DENTIST PURSUANT TO REGULATIONS PROMULGATED PURSUANT TO ARTICLE TWENTY-  
26 EIGHT OF THE PUBLIC HEALTH LAW.

27 S 3. Section 6608 of the education law, as amended by chapter 300 of  
28 the laws of 2006, is amended to read as follows:

29 S 6608. Definition of practice of certified dental assisting. The  
30 practice of certified dental assisting is defined as providing support-  
31 ive services to a dentist in his/her performance of dental services  
32 authorized under this article. Such support shall include providing  
33 patient education, taking preliminary medical histories and vital signs  
34 to be reviewed by the dentist, placing and removing rubber dams, select-  
35 ing and prefitting provisional crowns, selecting and prefitting ortho-  
36 dontic bands, removing orthodontic arch wires and ligature ties, placing  
37 and removing matrix bands, taking impressions for study casts or diag-  
38 nostic casts, removing periodontal dressings, and such other dental  
39 supportive services authorized by the dentist consistent with regu-  
40 lations promulgated by the commissioner, provided that such functions  
41 are performed under the direct personal supervision of a licensed  
42 dentist in the course of the performance of dental services. Such  
43 services shall not include diagnosing and/or performing surgical proce-  
44 dures, irreversible procedures or procedures that would alter the hard  
45 or soft tissue of the oral and maxillofacial area or any other proce-  
46 dures determined by the department. The practice of certified dental  
47 assisting may be conducted in the office of any licensed dentist or in  
48 any appropriately equipped school or public institution but must be done  
49 under the direct personal supervision of a licensed dentist. Direct  
50 personal supervision, for purposes of this section, means supervision of  
51 dental procedures based on instructions given by a licensed dentist in  
52 the course of a procedure who remains in the dental office where the  
53 supportive services are being performed, personally diagnoses the condi-  
54 tion to be treated, personally authorizes the procedures, and before  
55 dismissal of the patient, who remains the responsibility of the licensed  
56 dentist, evaluates the services performed by the dental assistant. Noth-

1 ing herein authorizes a dental assistant to perform any of the services  
2 or functions defined as part of the practice of dental hygiene in  
3 accordance with the provisions of subdivision one of section sixty-six  
4 hundred six of this article, except those functions authorized pursuant  
5 to this section. All dental supportive services provided in this section  
6 may be performed by currently registered dental hygienists under a  
7 dentist's supervision OR BY A REGISTERED DENTAL HYGIENIST WORKING FOR A  
8 HOSPITAL AS DEFINED IN ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW WHO  
9 PRACTICES IN COLLABORATION WITH A LICENSED DENTIST IN ACCORDANCE WITH  
10 SUBDIVISION ONE OF SECTION SIXTY-SIX HUNDRED SIX OF THIS ARTICLE, as  
11 defined in regulations of the commissioner.

12 S 4. Subdivision 10 of section 6611 of the education law, as amended  
13 by chapter 65 of the laws of 2011, is amended to read as follows:

14 10. [Beginning January first, two thousand nine, each] EACH dentist  
15 AND REGISTERED DENTAL HYGIENIST WORKING FOR A HOSPITAL AS DEFINED IN  
16 ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW WHO PRACTICES IN COLLAB-  
17 ORATION WITH A LICENSED DENTIST shall become certified in cardiopulmo-  
18 nary resuscitation (CPR) from an approved provider and thereafter main-  
19 tain current certification, which shall be included in the mandatory  
20 hours of continuing education acceptable for dentists to the extent  
21 provided in the commissioner's regulations. In the event the dentist OR  
22 REGISTERED DENTAL HYGIENIST cannot physically perform CPR, the commis-  
23 sioner's regulations shall allow the dentist OR REGISTERED DENTAL  
24 HYGIENIST to make arrangements for another individual in the office to  
25 administer CPR. All dental facilities shall have an automatic external  
26 defibrillator or other defibrillator at the facility.

27 S 5. This act shall take effect April 1, 2014, provided that effective  
28 immediately, the addition, amendment and/or repeal of any rule or regu-  
29 lation necessary for the implementation of such sections on the effec-  
30 tive date of this act are authorized and directed to be made and  
31 completed on or before such effective date.