

# STATE OF NEW YORK

4064

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. HYNDMAN, WILLIAMS, TAYLOR, RIVERA, DICKENS, D'URSO, MOSLEY, GOTTFRIED, MONTESANO, LAWRENCE, GALEF -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to registered dental assisting

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  
REGISTERED DENTAL ASSISTING

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

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

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

§ 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 three dental hygienists licensed in this state for at least five years, and not less than one ~~[certified]~~ registered dental assistant licensed in this state for at least one year. An executive secretary to the board shall be

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

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1 appointed by the board of regents on recommendation of the commissioner  
2 and shall be a dentist licensed in this state.

3 § 4. Section 6608 of the education law, as amended by chapter 239 of  
4 the laws of 2013, is amended to read as follows:

5 § 6608. Definition of practice of [~~certified~~] registered dental  
6 assisting. The practice of [~~certified~~] registered dental assisting is  
7 defined as providing supportive services to a dentist in [~~his/her~~] his  
8 or her performance of dental services authorized under this article.

9 Such support shall include providing patient education, taking prelimi-  
10 nary medical histories and vital signs to be reviewed by the dentist,  
11 placing and removing rubber dams, selecting and prefitting provisional  
12 crowns, selecting and prefitting orthodontic bands, removing orthodontic  
13 arch wires and ligature ties, placing and removing matrix bands, taking  
14 impressions for study casts or diagnostic casts, removing periodontal  
15 dressings, and such other dental supportive services authorized by the  
16 dentist consistent with regulations promulgated by the commissioner,  
17 provided that such functions are performed under the direct personal  
18 supervision of a licensed dentist in the course of the performance of  
19 dental services. Such services shall not include diagnosing and/or  
20 performing surgical procedures, irreversible procedures or procedures  
21 that would alter the hard or soft tissue of the oral and maxillofacial  
22 area or any other procedures determined by the department. The practice  
23 of [~~certified~~] registered dental assisting may be conducted in the  
24 office of any licensed dentist or in any appropriately equipped school  
25 or public institution but must be done under the direct personal super-  
26 vision of a licensed dentist. Direct personal supervision, for purposes  
27 of this section, means supervision of dental procedures based on  
28 instructions given by a licensed dentist in the course of a procedure  
29 who remains in the dental office where the supportive services are being  
30 performed, personally diagnoses the condition to be treated, personally  
31 authorizes the procedures, and before dismissal of the patient, who  
32 remains the responsibility of the licensed dentist, evaluates the  
33 services performed by the registered dental assistant. Nothing herein  
34 authorizes a registered dental assistant to perform any of the services  
35 or functions defined as part of the practice of dental hygiene in  
36 accordance with the provisions of subdivision one of section sixty-six  
37 hundred six of this article, except those functions authorized pursuant  
38 to this section. All dental supportive services provided in this section  
39 may be performed by currently registered dental hygienists either under  
40 a dentist's supervision, as defined in regulations of the commissioner,  
41 or, in the case of a registered dental hygienist working for a hospital  
42 as defined in article twenty-eight of the public health law, pursuant to  
43 a collaborative arrangement with a licensed dentist in accordance with  
44 subdivision one of section sixty-six hundred six of this article. Such  
45 collaborative arrangement shall not obviate or supersede any law or  
46 regulation which requires identified services to be performed under the  
47 personal supervision of a dentist.

48 § 5. Section 6608-a of the education law, as added by chapter 494 of  
49 the laws of 1994, is amended to read as follows:

50 § 6608-a. Practice of [~~certified~~] registered dental assisting and use  
51 of title "[~~certified~~] registered dental assistant". Only a person  
52 certified under section sixty-six hundred eight-b of this article or  
53 exempt pursuant to section sixty-six hundred ten of this article shall  
54 practice [~~certified~~] registered dental assisting. Only a person certi-  
55 fied pursuant to section sixty-six hundred eight-b of this article shall  
56 use the title "[~~certified~~] registered dental assistant".

§ 6. Section 6608-b of the education law, as added by chapter 494 of the laws of 1994, subdivision 4 as amended by chapter 300 of the laws of 2006 and subdivision 5 as amended by chapter 565 of the laws of 1995, is amended to read as follows:

§ 6608-b. Requirements for certification as a ~~[certified]~~ registered dental assistant. To qualify for certification as a ~~[certified]~~ registered dental assistant, an applicant shall fulfill the following requirements:

(1) Application: file an application with the department;

(2) Age: be at least ~~[seventeen]~~ eighteen years of age;

(3) Fees: pay a fee of forty-five dollars to the department for initial certification and a fee of fifty dollars for each triennial registration period;

(4) Education and experience: (A) have received a high school diploma, or its equivalent, and (B) have successfully completed, in accordance with the commissioner's regulations, (i) an approved one-year course of study in dental assisting in a degree-granting institution or a board of cooperative educational services program which includes at least two hundred hours of clinical experience, or an equivalent approved course of study in dental assisting in a non-degree granting institution which shall not be a professional association or professional organization or (ii) an alternate course of study in dental assisting acceptable to the department which shall be provided by a degree-granting institution or a board of cooperative educational services program which includes at least one thousand hours of relevant work experience; ~~[and]~~

(5) Examination: pass an examination in dental assisting given by an organization which administers such examinations ~~[for certifying dental assistants]~~ and which is acceptable to the department~~[.]; and~~

(6) Character: be of good moral character as determined by the department.

§ 7. This act shall take effect immediately.