

# STATE OF NEW YORK

4558

2019-2020 Regular Sessions

## IN SENATE

March 14, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed 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:

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

3 DENTISTRY [~~AND~~], DENTAL HYGIENE, AND  
4 REGISTERED DENTAL ASSISTING

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

7 § 6600. Introduction. This article applies to the professions of  
8 dentistry [~~and~~], dental hygiene, and registered dental assisting. The  
9 general provisions for all professions contained in article one hundred  
10 thirty of this title apply to this article.

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

13 § 6603. State board for dentistry. A state board for dentistry shall  
14 be appointed by the board of regents on recommendation of the commis-  
15 sioner for the purpose of assisting the board of regents and the depart-  
16 ment on matters of professional licensing and professional conduct in  
17 accordance with section sixty-five hundred eight of this title. The  
18 board shall be composed of not less than thirteen dentists licensed in  
19 this state for at least five years, not less than three dental hygien-  
20 ists licensed in this state for at least five years, and not less than  
21 one [~~certified~~] registered dental assistant licensed in this state for  
22 at least one year. An executive secretary to the board shall be  
23 appointed by the board of regents on recommendation of the commissioner  
24 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.

LBD08322-01-9

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

3 § 6608. Definition of practice of [~~certified~~] registered dental  
4 assisting. The practice of [~~certified~~] registered dental assisting is  
5 defined as providing supportive services to a dentist in [~~his/her~~] his  
6 or her performance of dental services authorized under this article.  
7 Such support shall include providing patient education, taking prelimi-  
8 nary medical histories and vital signs to be reviewed by the dentist,  
9 placing and removing rubber dams, selecting and prefitting provisional  
10 crowns, selecting and prefitting orthodontic bands, removing orthodontic  
11 arch wires and ligature ties, placing and removing matrix bands, taking  
12 impressions for study casts or diagnostic casts, removing periodontal  
13 dressings, and such other dental supportive services authorized by the  
14 dentist consistent with regulations promulgated by the commissioner,  
15 provided that such functions are performed under the direct personal  
16 supervision of a licensed dentist in the course of the performance of  
17 dental services. Such services shall not include diagnosing and/or  
18 performing surgical procedures, irreversible procedures or procedures  
19 that would alter the hard or soft tissue of the oral and maxillofacial  
20 area or any other procedures determined by the department. The practice  
21 of [~~certified~~] registered dental assisting may be conducted in the  
22 office of any licensed dentist or in any appropriately equipped school  
23 or public institution but must be done under the direct personal super-  
24 vision of a licensed dentist. Direct personal supervision, for purposes  
25 of this section, means supervision of dental procedures based on  
26 instructions given by a licensed dentist in the course of a procedure  
27 who remains in the dental office where the supportive services are being  
28 performed, personally diagnoses the condition to be treated, personally  
29 authorizes the procedures, and before dismissal of the patient, who  
30 remains the responsibility of the licensed dentist, evaluates the  
31 services performed by the registered dental assistant. Nothing herein  
32 authorizes a registered dental assistant to perform any of the services  
33 or functions defined as part of the practice of dental hygiene in  
34 accordance with the provisions of subdivision one of section sixty-six  
35 hundred six of this article, except those functions authorized pursuant  
36 to this section. All dental supportive services provided in this section  
37 may be performed by currently registered dental hygienists either under  
38 a dentist's supervision, as defined in regulations of the commissioner,  
39 or, in the case of a registered dental hygienist working for a hospital  
40 as defined in article twenty-eight of the public health law, pursuant to  
41 a collaborative arrangement with a licensed dentist in accordance with  
42 subdivision one of section sixty-six hundred six of this article. Such  
43 collaborative arrangement shall not obviate or supersede any law or  
44 regulation which requires identified services to be performed under the  
45 personal supervision of a dentist.

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

48 § 6608-a. Practice of [~~certified~~] registered dental assisting and use  
49 of title "[~~certified~~] registered dental assistant". Only a person  
50 certified under section sixty-six hundred eight-b of this article or  
51 exempt pursuant to section sixty-six hundred ten of this article shall  
52 practice [~~certified~~] registered dental assisting. Only a person certi-  
53 fied pursuant to section sixty-six hundred eight-b of this article shall  
54 use the title "[~~certified~~] registered dental assistant".

55 § 6. Section 6608-b of the education law, as added by chapter 494 of  
56 the laws of 1994, subdivision 4 as amended by chapter 300 of the laws of

1 2006 and subdivision 5 as amended by chapter 565 of the laws of 1995, is  
2 amended to read as follows:

3 § 6608-b. Requirements for certification as a [~~certified~~] registered  
4 dental assistant. To qualify for certification as a [~~certified~~] regis-  
5 tered dental assistant, an applicant shall fulfill the following  
6 requirements:

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

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

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

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

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

27 (6) Character: be of good moral character as determined by the depart-  
28 ment.

29 § 7. This act shall take effect immediately.