

STATE OF NEW YORK

5848--C

2019-2020 Regular Sessions

IN SENATE

May 15, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to infiltration anesthesia, nitrous oxide, and dental assisting practice

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 dental hygienist shall not administer or monitor nitrous oxide
4 analgesia or local infiltration anesthesia in the practice of dental
5 hygiene without a dental hygiene restricted local infiltration
6 anesthesia/nitrous oxide analgesia certificate and except under the
7 personal supervision of a dentist [~~and in conjunction with the perform-~~
8 ~~ance of dental hygiene procedures~~] authorized by law and in accordance
9 with regulations promulgated by the commissioner. Personal supervision,
10 for purposes of this section, means that the supervising dentist remains
11 in the dental office where the local infiltration anesthesia or nitrous
12 oxide analgesia services are being performed, personally authorizes and
13 prescribes the use of local infiltration anesthesia or nitrous oxide
14 analgesia for the patient and, before dismissal of the patient,
15 personally examines the condition of the patient after the use of local
16 infiltration anesthesia or nitrous oxide analgesia is completed. It is
17 professional misconduct for a dentist to fail to provide the supervision

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

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1 required by this section, and any dentist found guilty of such miscon-
2 duct under the procedures prescribed in section sixty-five hundred ten
3 of this title shall be subject to the penalties prescribed in section
4 sixty-five hundred eleven of this title.

5 § 2. Section 6608 of the education law, as amended by chapter 390 of
6 the laws of 2019, is amended to read as follows:

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

50 § 3. This act shall take effect immediately.