

STATE OF NEW YORK

7754

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Higher Education

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
18 required by this section, and any dentist found guilty of such miscon-
19 duct under the procedures prescribed in section sixty-five hundred ten
20 of this [~~title~~] article shall be subject to the penalties prescribed in
21 section sixty-five hundred eleven of this [~~title~~] article.

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

24 § 6608. Definition of practice of registered dental assisting. The
25 practice of registered dental assisting is defined as providing support-

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

LBD11520-01-1

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

42 § 3. This act shall take effect immediately.