

# STATE OF NEW YORK

6399

2021-2022 Regular Sessions

## IN SENATE

April 27, 2021

Introduced by Sen. HARCKHAM -- 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 local block anesthesia

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 6605-b of the education law, as added by chapter  
2 437 of the laws of 2001, is amended to read as follows:

3 § 6605-b. Dental hygiene restricted local infiltration and block  
4 anesthesia/nitrous oxide analgesia certificate. 1. A dental hygienist  
5 shall not administer or monitor nitrous oxide analgesia or local infil-  
6 tration or block anesthesia in the practice of dental hygiene without a  
7 dental hygiene restricted local infiltration and block  
8 anesthesia/nitrous oxide analgesia certificate and except under the  
9 personal supervision of a dentist and in conjunction with the perform-  
10 ance of dental hygiene procedures authorized by law and in accordance  
11 with regulations promulgated by the commissioner. Personal supervision,  
12 for purposes of this section, means that the supervising dentist remains  
13 in the dental office where the local infiltration or block anesthesia or  
14 nitrous oxide analgesia services are being performed, personally author-  
15 izes and prescribes the use of local infiltration or block anesthesia or  
16 nitrous oxide analgesia for the patient and, before dismissal of the  
17 patient, personally examines the condition of the patient after the use  
18 of local infiltration or block anesthesia or nitrous oxide analgesia is  
19 completed. It is professional misconduct for a dentist to fail to  
20 provide the supervision required by this section, and any dentist found  
21 guilty of such misconduct under the procedures prescribed in section  
22 sixty-five hundred ten of this [~~title~~] article shall be subject to the  
23 penalties prescribed in section sixty-five hundred eleven of this  
24 [~~title~~] article.

25 2. The commissioner shall promulgate regulations establishing stand-  
26 ards and procedures for the issuance of such certificate. Such standards

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

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1 shall require completion of an educational program and/or course of  
2 training or experience sufficient to ensure that a dental hygienist is  
3 specifically trained in the administration and monitoring of nitrous  
4 oxide analgesia and local infiltration or block anesthesia, the possible  
5 effects of such use, and in the recognition of and response to possible  
6 emergency situations.

7 3. The fee for a dental hygiene restricted local infiltration and  
8 block anesthesia/nitrous oxide analgesia certificate shall be twenty-  
9 five dollars and shall be paid on a triennial basis upon renewal of such  
10 certificate. A certificate may be suspended or revoked in the same  
11 manner as a license to practice dental hygiene.

12 § 2. Subdivision 1 of section 6606 of the education law, as amended by  
13 chapter 239 of the laws of 2013, is amended to read as follows:

14 1. The practice of the profession of dental hygiene is defined as the  
15 performance of dental services which shall include removing calcareous  
16 deposits, accretions and stains from the exposed surfaces of the teeth  
17 which begin at the epithelial attachment and applying topical agents  
18 indicated for a complete dental prophylaxis, removing cement, placing or  
19 removing rubber dam, removing sutures, placing matrix band, providing  
20 patient education, applying topical medication, placing and exposing  
21 diagnostic dental X-ray films, performing topical fluoride applications  
22 and topical anesthetic applications, polishing teeth, taking medical  
23 history, charting caries, taking impressions for study casts, placing  
24 and removing temporary restorations, administering and monitoring  
25 nitrous oxide analgesia and administering and monitoring local infil-  
26 tration and block anesthesia, subject to certification in accordance  
27 with section sixty-six hundred five-b of this article, and any other  
28 function in the definition of the practice of dentistry as may be deleg-  
29 ated by a licensed dentist in accordance with regulations promulgated by  
30 the commissioner. The practice of dental hygiene may be conducted in the  
31 office of any licensed dentist or in any appropriately equipped school  
32 or public institution but must be done either under the supervision of a  
33 licensed dentist or, in the case of a registered dental hygienist work-  
34 ing for a hospital as defined in article twenty-eight of the public  
35 health law, pursuant to a collaborative arrangement with a licensed and  
36 registered dentist who has a formal relationship with the same hospital  
37 in accordance with regulations promulgated by the department in consul-  
38 tation with the department of health. Such collaborative arrangement  
39 shall not obviate or supersede any law or regulation which requires  
40 identified services to be performed under the personal supervision of a  
41 dentist. When dental hygiene services are provided pursuant to a colla-  
42 borative agreement, such dental hygienist shall instruct individuals to  
43 visit a licensed dentist for comprehensive examination or treatment.

44 § 3. This act shall take effect immediately.