

# STATE OF NEW YORK

488--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to registered dental hygienists working without supervision but within a collaborative practice agreement with a licensed dentist

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

1 Section 1. Section 6606 of the education law, as amended by chapter  
2 244 of the laws of 1973, subdivision 1 as amended by chapter 239 of the  
3 laws of 2013, is amended to read as follows:  
4 § 6606. Definition of practice of dental hygiene. 1. The practice of  
5 the profession of dental hygiene is defined as the performance of dental  
6 services which shall include removing calcareous deposits, accretions  
7 and stains from the exposed surfaces of the teeth which begin at the  
8 epithelial attachment and applying topical agents indicated for a  
9 complete dental prophylaxis, removing cement, placing or removing rubber  
10 dam, removing sutures, placing matrix band, providing patient education,  
11 applying topical medication, placing and exposing diagnostic dental  
12 X-ray films, performing topical fluoride applications and topical anes-  
13 thetic applications, polishing teeth, taking medical history, charting  
14 caries, taking impressions for study casts, placing and removing tempo-  
15 rary restorations, administering and monitoring nitrous oxide analgesia  
16 and administering and monitoring local infiltration anesthesia, subject  
17 to certification in accordance with section sixty-six hundred five-b of  
18 this article, and any other function in the definition of the practice  
19 of dentistry as may be delegated by a licensed dentist in accordance  
20 with regulations promulgated by the commissioner. The practice of dental  
21 hygiene may be conducted in the office of any licensed dentist or in any

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

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1 appropriately equipped school or public institution but must be done  
2 either under the supervision of a licensed dentist or [~~, in the case of a~~  
3 ~~registered dental hygienist working for a hospital as defined in article~~  
4 ~~twenty-eight of the public health law, pursuant to a collaborative~~  
5 ~~arrangement with a licensed and registered dentist who has a formal~~  
6 ~~relationship with the same hospital in accordance with regulations~~  
7 ~~promulgated by the department in consultation with the department of~~  
8 ~~health]~~ may be performed by a registered dental hygienist designated as  
9 a registered dental hygienist, collaborative practice (RDH-CP) in  
10 collaboration with a licensed dentist provided such services are  
11 performed in accordance with a written practice agreement and written  
12 practice protocols to be known as a collaborative practice agreement.  
13 Under a collaborative practice agreement, dental hygienists may perform  
14 all services which are designated in regulation under general super-  
15 vision without prior evaluation of a dentist or medical professional and  
16 may be performed without supervision in a collaborative practice  
17 setting. Such collaborative arrangement shall not obviate or supersede  
18 any law or regulation which requires identified services to be performed  
19 under the personal supervision of a dentist. [~~When dental hygiene~~  
20 ~~services are provided pursuant to a collaborative agreement, such dental~~  
21 ~~hygienist shall instruct individuals to visit a licensed dentist for~~  
22 ~~comprehensive examination or treatment.]~~

23 2. (a) The collaborative practice agreement shall include consider-  
24 ation for medically compromised patients, specific medical conditions,  
25 and age- and procedure-specific practice protocols, including, but not  
26 limited to recommended intervals for the performance of dental hygiene  
27 services and a periodicity in which an examination by a dentist should  
28 occur.

29 (b) The collaborative practice agreement shall be:

30 (i) signed and maintained by the dentist, the dental hygienist and the  
31 facility, program or organization; and

32 (ii) reviewed annually by the collaborating dentist and dental hygien-  
33 ist; and

34 (iii) made available to the department and other interested parties  
35 upon request.

36 (c) A registered dental hygienist, collaborative practice (RDH-CP)  
37 shall have no more than one collaborative practice agreement with a  
38 collaborative dentist at one time.

39 3. Before performing services authorized under this section, a dental  
40 hygienist must provide the patient with a written statement advising the  
41 patient that the dental hygiene services provided are not a substitute  
42 for a dental examination by a licensed dentist. If the dental hygienist  
43 makes any referrals to the patient for further procedures, the dental  
44 hygienist must fill out a referral form and provide a copy of the form  
45 to the collaborating dentist.

46 4. A contractual arrangement under this section may be made by either  
47 a New York state licensed and registered dentist or a registered dental  
48 hygienist, collaborative practice (RDH-CP) in the following settings: a  
49 hospital as defined in article twenty-eight of the public health law,  
50 any appropriately equipped school, federally qualified health centers,  
51 long-term care facilities, group homes servicing the intellectually and  
52 developmentally disabled population, facilities serving veterans,  
53 facilities servicing the homeless, prisons, drug treatment facilities,  
54 domestic violence shelters, and appropriate settings in which homebound  
55 residents are unable to be relocated for necessary treatment.

1 5. A collaborating dentist shall have collaborative agreements with no  
2 more than six RDH-CPs. The department may grant exceptions to these  
3 limitations for public health settings on a case-by-case basis.

4 6. A dental hygienist must make application to the department to prac-  
5 tice as an RDH-CP and pay a fee set by the department. As a condition of  
6 collaborative practice, the dental hygienist must have been engaged in  
7 practice for three years with a minimum of four thousand five hundred  
8 practice hours and shall complete an eight-hour continuing education  
9 program that includes instruction in medical emergency procedures, risk  
10 management, dental hygiene jurisprudence and professional ethics.

11 7. The commissioner shall promulgate regulations defining the func-  
12 tions a dental hygienist may perform that are consistent with the train-  
13 ing and qualifications for a license as a dental hygienist.

14 § 2. This act shall take effect immediately.