

STATE OF NEW YORK

488--C

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 -- 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 -- 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

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

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1 and administering and monitoring local infiltration anesthesia, subject
2 to certification in accordance with section sixty-six hundred five-b of
3 this article, and any other function in the definition of the practice
4 of dentistry as may be delegated by a licensed dentist in accordance
5 with regulations promulgated by the commissioner. The practice of dental
6 hygiene may be conducted in the office of any licensed dentist or in any
7 appropriately equipped school or public institution but ~~[must]~~ shall be
8 done either under the supervision of a licensed dentist or ~~[, in the case~~
9 ~~of a registered dental hygienist working for a hospital as defined in~~
10 ~~article twenty-eight of the public health law, pursuant to a collabora-~~
11 ~~tive arrangement with a licensed and registered dentist who has a formal~~
12 ~~relationship with the same hospital in accordance with regulations~~
13 ~~promulgated by the department in consultation with the department of~~
14 ~~health]~~ may be performed by a registered dental hygienist designated as
15 a registered dental hygienist, collaborative practice in collaboration
16 with a licensed dentist provided such services are performed in accord-
17 ance with a written practice agreement and written practice protocols to
18 be known as a collaborative practice agreement. Under a collaborative
19 practice agreement, dental hygienists may perform all services which are
20 designated in regulation under general supervision without prior evalu-
21 ation of a dentist or medical professional and may be performed without
22 supervision in an authorized setting as defined in subdivision four of
23 this section. Such collaborative ~~[arrangement]~~ agreements shall not
24 obviate or supersede any law or regulation which requires identified
25 services to be performed under the personal supervision of a dentist.
26 ~~[When dental hygiene services are provided pursuant to a collaborative~~
27 ~~agreement, such dental hygienist shall instruct individuals to visit a~~
28 ~~licensed dentist for comprehensive examination or treatment.]~~

29 2. The collaborative practice agreement shall:

30 (a) be signed and maintained by the dentist, the dental hygienist and
31 authorized setting;

32 (b) be reviewed annually by the dentist and dental hygienist;

33 (c) include consideration for medically compromised patients, specific
34 medical conditions, and age- and procedure-specific practice protocols,
35 including, but not limited to recommended intervals for the performance
36 of dental hygiene services and a periodicity in which an examination
37 by a dentist should occur; and

38 (d) be made available to the department and other interested parties
39 upon request.

40 3. Before performing services pursuant to a collaborative practice
41 agreement, a dental hygienist, collaborative practice shall provide the
42 patient with a written statement advising the patient that the dental
43 hygiene services provided are not a substitute for a dental examination
44 by a licensed dentist. If the dental hygienist makes any referrals to
45 the patient for further procedures, the dental hygienist shall fill out
46 a referral form and provide a copy of the form to the collaborating
47 dentist.

48 4. The performance of services pursuant to a collaborative agreement
49 is authorized in the following settings: a hospital as defined in arti-
50 cle twenty-eight of the public health law, an appropriately equipped
51 school, a federally qualified health center, a long-term care facility,
52 a group home servicing people with intellectual and developmental disa-
53 bilities, a facility serving veterans, a temporary housing facility, a
54 prison, a drug treatment facility, a domestic violence shelter, and
55 appropriate settings in which homebound residents are unable to be relo-
56 cated for necessary treatment.

1 5. A registered dental hygienist, collaborative practice shall have
2 no more than one collaborative agreement with a dentist at one time.

3 6. A dentist shall not have a collaborative agreement with more than
4 six registered dental hygienists, collaborative practice at one time.
5 The department may grant an exception to such limitation for public
6 health settings on a case-by-case basis.

7 7. A dental hygienist shall file an application with the department to
8 practice as a registered dental hygienist, collaborative practice and
9 pay a fee determined by the department. As a condition of collaborative
10 practice, the dental hygienist shall have been engaged in practice for
11 three years with a minimum of four thousand five hundred practice hours
12 and shall complete an eight-hour continuing education program that
13 includes instruction in medical emergency procedures, risk management,
14 dental hygiene jurisprudence and professional ethics.

15 8. The commissioner shall promulgate regulations defining the func-
16 tions a dental hygienist may perform that are consistent with the train-
17 ing and qualifications for a license as a dental hygienist.

18 § 2. This act shall take effect eighteen months after it shall have
19 become a law.