

STATE OF NEW YORK

7402

2023-2024 Regular Sessions

IN ASSEMBLY

May 19, 2023

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

AN ACT to amend the education law, in relation to permitting dental
assistants and licensed practical nurses to perform the application of
topical fluoride varnish

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

1 Section 1. Section 6608 of the education law, as amended by chapter
2 512 of the laws of 2022, is amended to read as follows:
3 § 6608. Definition of practice of registered dental assisting. The
4 practice of registered dental assisting is defined as providing support-
5 ive services to a dentist in his or her performance of dental services
6 authorized under this article. Such support shall include providing
7 patient education, taking preliminary medical histories and vital signs
8 to be reviewed by the dentist, placing and removing rubber dams, select-
9 ing and prefitting provisional crowns, selecting and prefitting ortho-
10 dontic bands, removing orthodontic arch wires and ligature ties, placing
11 and removing matrix bands, taking impressions for study casts or diag-
12 nostic casts, removing periodontal dressings, placing and removing
13 temporary restorations, application of topical fluoride varnish, and
14 such other dental supportive services authorized by the dentist consist-
15 ent with regulations promulgated by the commissioner, provided that such
16 functions are performed under the direct personal supervision of a
17 licensed dentist in the course of the performance of dental services.
18 Such services shall not include diagnosing and/or performing surgical
19 procedures, irreversible procedures or procedures that would alter the
20 hard or soft tissue of the oral and maxillofacial area or any other
21 procedures determined by the department. The practice of registered
22 dental assisting may be conducted in the office of any licensed dentist
23 or in any appropriately equipped school or public institution but must
24 be done under the direct personal supervision of a licensed dentist.

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

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1 Direct personal supervision, for purposes of this section, means super-
2 vision of dental procedures based on instructions given by a licensed
3 dentist in the course of a procedure who remains in the dental office
4 where the supportive services are being performed, personally diagnoses
5 the condition to be treated, personally authorizes the procedures, and
6 before dismissal of the patient, who remains the responsibility of the
7 licensed dentist, evaluates the services performed by the registered
8 dental assistant. Nothing herein authorizes a registered dental assist-
9 ant to perform any of the services or functions defined as part of the
10 practice of dental hygiene in accordance with the provisions of subdivi-
11 sion one of section sixty-six hundred six of this article, except those
12 functions authorized pursuant to this section. All dental supportive
13 services provided in this section may be performed by currently regis-
14 tered dental hygienists either under a dentist's supervision, as defined
15 in regulations of the commissioner, or, in the case of a registered
16 dental hygienist working for a hospital as defined in article twenty-
17 eight of the public health law, pursuant to a collaborative arrangement
18 with a licensed dentist in accordance with subdivision one of section
19 sixty-six hundred six of this article. Such collaborative arrangement
20 shall not obviate or supersede any law or regulation which requires
21 identified services to be performed under the personal supervision of a
22 dentist.

23 § 2. Subdivision 2 of section 6902 of the education law, as amended by
24 chapter 781 of the laws of 1990, is amended to read as follows:

25 2. The practice of nursing as a licensed practical nurse is defined as
26 performing tasks and responsibilities within the framework of casefind-
27 ing, health teaching, health counseling, the application of topical
28 fluoride varnish, and provision of supportive and restorative care under
29 the direction of a registered professional nurse or licensed physician,
30 dentist or other licensed health care provider legally authorized under
31 this title and in accordance with the commissioner's regulations.

32 § 3. This act shall take effect immediately.