

# STATE OF NEW YORK

9089

## IN ASSEMBLY

February 6, 2024

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

AN ACT to amend the education law, in relation to dental laboratories

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

1 Section 1. Subdivision 1 of section 6611 of the education law, as  
2 amended by chapter 576 of the laws of 2001, is amended to read as  
3 follows:

4 1. Except upon the written dental laboratory prescription of a  
5 licensed dentist and except by the use of impressions, including but not  
6 limited to digital intraoral scans or analog impressions, or casts made  
7 by a licensed dentist, no dental laboratory shall furnish, supply,  
8 construct, reproduce, place, adjust, or repair any dental prosthesis,  
9 device, or appliance. A dental laboratory prescription shall be made out  
10 in duplicate. It shall contain the registration number issued by the  
11 department and such other data as may be prescribed by the commission-  
12 er's regulations. One copy shall be retained by the practitioner of  
13 dentistry for a period of one year. The other copy shall be issued to  
14 the person, firm or corporation engaged in filling dental laboratory  
15 prescriptions, who or which shall each retain and file in their respec-  
16 tive offices or places of business their respective copies for a period  
17 of one year.

18 § 2. Section 6612 of the education law, as added by chapter 332 of the  
19 laws of 1985, is amended to read as follows:

20 § 6612. Identification of removable full or partial prosthetic  
21 devices. 1. Except as provided [~~herein~~] in this section, every dentist  
22 licensed in this state making or directing to be made a removable pros-  
23 thetic denture, bridge, appliance or other structure to be used and worn  
24 as a substitute for natural teeth, shall offer to the patient for whom  
25 the prosthesis is intended the opportunity to have such prosthesis  
26 marked with the patient's name or initials. Such markings shall be  
27 accomplished at the time the prosthesis is made and the location and  
28 methods used to apply or implant them shall be determined by the dentist

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

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1 or the person acting on behalf of the dentist. Such marking shall be  
2 permanent, legible and cosmetically acceptable.

3 2. Notwithstanding the foregoing, if in the judgment of the dentist or  
4 the [person] dental laboratory making the prosthesis, such identifica-  
5 tion is not practicable or clinically safe, the identification marks may  
6 be omitted entirely.

7 3. The commissioner shall adopt rules and regulations and provide  
8 standards necessary to carry out the provisions of this section.

9 § 3. The education law is amended by adding three new sections 6610-a,  
10 6614, and 6615 to read as follows:

11 § 6610-a. Dental laboratories. For the purposes of sections sixty-six  
12 hundred eleven, sixty-six hundred twelve, sixty-six hundred fourteen,  
13 and sixty-six hundred fifteen of this article, the following terms shall  
14 have the following meanings:

15 1. "Certified dental technician" shall mean a dental laboratory tech-  
16 nician who is certified by the national board for certification in  
17 dental laboratory technology.

18 2. "Prescribing dentist" shall mean a licensed dentist who issues a  
19 dental laboratory prescription or any other written or electronic  
20 instrument directing the manufacture of or work to be performed on a  
21 dental prosthesis, device, or appliance.

22 3. "Dental laboratory" shall mean a facility that engages in the  
23 designing, making, repairing, altering, or supplying of artificial  
24 restorations, substitutions, appliances, or materials for the correction  
25 of disease, loss, deformity, malposition, dislocation, fracture, injury  
26 to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or  
27 parts.

28 4. "Material content disclosure" shall mean a notice to the prescrib-  
29 ing dentist that contains the name, physical address, and registration  
30 number of the dental laboratory that received a prescription or any  
31 other written or electronic instrument from a licensed dentist directing  
32 the manufacture of or work to be performed on a dental prosthesis,  
33 device, or appliance, and the city, state, and country of origin where  
34 the work on the prosthesis, device or appliance was performed in whole  
35 or in part or laboratories that manufactured or repaired the dental  
36 prosthesis, either directly or indirectly, and the complete material  
37 content information of all patient contact materials used in such dental  
38 prosthesis, device or appliance, including whether the United States  
39 food and drug administration cleared materials were used. Such notice  
40 must be provided in a manner that can be easily entered into a patient  
41 record.

42 5. "Work authorization" shall mean a written instrument by which a  
43 dental laboratory delegates to another dental laboratory to perform work  
44 on a dental prosthesis, device, or appliance, in whole or in part, as  
45 authorized by a dental laboratory prescription from a licensed dentist.

46 § 6614. Dental laboratory registrations. 1. (a) Any dental laboratory  
47 operating, doing business, or intending to operate or do business in  
48 this state must register with the department in a manner acceptable to  
49 the department and in accordance with the commissioner's regulations.

50 (b) A dental laboratory shall be considered operating or doing busi-  
51 ness within this state if its work product is prepared for a prescribing  
52 dentist pursuant to a prescription or work authorization originating  
53 from an entity located within this state.

54 2. Any dental laboratory operating, doing business, or intending to  
55 operate or do business within this state must submit an application for  
56 registration of dental laboratory or renewal of registration of dental

1 laboratory to the department in a form provided by the department and  
2 accompanied by a registration or renewal fee as provided in this  
3 section. Applications for registration or renewals of registration must  
4 include:

5 (a) The name, mailing address, phone number, and email address of the  
6 dental laboratory;

7 (b) The physical address of the dental laboratory, if different from  
8 the mailing address of the dental laboratory;

9 (c) The name, mailing address, phone number, and email address of the  
10 responsible person, or, the name and license number of the supervising  
11 dentist who is licensed under this article;

12 (d) A statement that the dental laboratory meets accepted infection  
13 control precaution practices as established by the department of health  
14 pursuant to section two hundred thirty-a of the public health law;

15 (e) An acknowledgment by the responsible person or the supervising  
16 dentist that the dental laboratory will provide a material content  
17 disclosure to the prescribing dentist of all patient contact materials  
18 that contain both the manufacturer and brand name, or the United States  
19 food and drug administration registration number of all patient contact  
20 materials contained in each restoration such that the dentist may  
21 include those in the patient's record;

22 (f) An acknowledgment by the responsible person or the supervising  
23 dentist who is licensed in this state that he or she will disclose to  
24 the prescribing dentist the point of origin of the manufacture of the  
25 restoration. If the restoration was partially or entirely manufactured  
26 by a third-party provider, the point of origin disclosure must identify  
27 the portion manufactured by a third-party provider and the city, state,  
28 and country of the provider;

29 (g) Materials documenting that the applicant or one of the applicant's  
30 employees who works at least thirty hours per week in the applicant's  
31 dental laboratory;

32 (i) Has successfully completed at least thirty-six hours of continuing  
33 education in dental laboratory technology approved by the national board  
34 for certification in dental laboratory technology or another certifying  
35 body having certification or registration standards acceptable to the  
36 commissioner during the thirty-six months immediately preceding their  
37 application or renewal for registration, provided however, that such  
38 education must be completed by an individual who works on the laboratory  
39 premises; or

40 (ii) Is a certified dental technician in good standing;

41 (h) An acknowledgment by the responsible person or the supervising  
42 dentist that the laboratory will continuously maintain a qualified owner  
43 or employee satisfying the requirements of paragraph (g) of this  
44 section; and

45 (i) A registration or renewal fee, not to exceed one hundred and fifty  
46 dollars, as determined by the department.

47 3. Upon approval of a registration for a dental laboratory, the  
48 department shall assign the dental laboratory a registration number.  
49 Such registration number must appear on any invoice from and all other  
50 correspondence by a dental laboratory to the prescribing dentist.

51 4. Dental laboratory registrations shall require renewal on a trienni-  
52 al basis from the date of issuance. Registrations may be renewed with  
53 the department upon receipt and approval of application materials as  
54 required by subdivision two of this section.

55 5. (a) This section shall not apply to a dental laboratory operating  
56 under the supervision of a practicing dentist licensed under this arti-

1 cle in a dental office or as a part of a dental practice, provided that  
2 the laboratory does not perform work for a prescribing dentist from  
3 outside of the supervising dentist's dental practice or supervising  
4 dentist's office, or in an educational institution as part of the insti-  
5 tution's educational program, provided that the dental laboratory does  
6 not routinely perform work for prescribing dentists from outside of the  
7 educational institution.

8 (b) A responsible person or employee of a dental laboratory may engage  
9 in onsite consultation with a licensed dentist during a dental proce-  
10 dure.

11 § 6615. Nonresident dental laboratories. 1. The term "nonresident  
12 dental laboratory" shall mean any dental laboratory as defined in subdi-  
13 vision three of section sixty-six ten-a of this article located outside  
14 of this state which has its work product prepared pursuant to a  
15 prescription or any other written or electronic instrument from a  
16 licensed dentist or work authorization originating from an entity  
17 located within this state.

18 2. Any nonresident dental laboratory that ships, mails, or delivers  
19 dental prostheses, devices or appliances to any other dental laboratory,  
20 dental office, licensed dentist, and/or patient in this state pursuant  
21 to a prescription or any other written or electronic instrument from a  
22 licensed dentist or work authorization originating from an entity  
23 located within this state shall be registered with the department.

24 3. Each nonresident dental laboratory that ships, mails, or delivers  
25 dental prostheses, devices or appliances into this state shall designate  
26 a resident agent in this state for service of process pursuant to rule  
27 three hundred eighteen of the civil practice law and rules.

28 4. As a condition of registration, a nonresident dental laboratory  
29 shall comply with the following requirements:

30 (a) Be in good standing in the state of residence;

31 (b) Maintain, in readily retrievable form, records of work product  
32 shipped into this state;

33 (c) Supply, upon request, all information needed by the department to  
34 carry out the department's responsibilities under the laws and rules and  
35 regulations pertaining to nonresident dental laboratories;

36 (d) Comply with all statutory and regulatory requirements of the state  
37 where the nonresident dental laboratory is located;

38 (e) Apply in the manner and form prescribed by the department pursuant  
39 to the requirements of subdivision two of section sixty-six hundred  
40 fourteen of this article.

41 5. The commissioner may adopt such regulations as appropriate to eval-  
42 uate registrations from dental laboratories that hold valid licenses,  
43 registrations, certifications or their equivalent in another state or  
44 country, provided the standards for granting licenses, registrations, or  
45 certifications to such facilities are not less than the standards  
46 required of dental laboratories otherwise registered pursuant to this  
47 section.

48 § 4. This act shall take effect one year after it shall have become a  
49 law. Effective immediately, the addition, amendment and/or repeal of any  
50 rule or regulation necessary for the implementation of this act on its  
51 effective date are authorized to be made and completed on or before such  
52 effective date.