

STATE OF NEW YORK

6752--A

Cal. No. 657

2023-2024 Regular Sessions

IN SENATE

May 9, 2023

Introduced by Sens. HARCKHAM, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 and subdivision 1 as amended by chapter 198 of
3 the laws of 2022, is amended to read as follows:
4 § 6605-b. Dental hygiene restricted local infiltration
5 anesthesia/nitrous oxide analgesia certificate. 1. A dental hygienist,
6 except as otherwise provided in subdivision two of this section, shall
7 not administer or monitor nitrous oxide analgesia or local infiltration
8 anesthesia in the practice of dental hygiene without a dental hygiene
9 restricted local infiltration anesthesia/nitrous oxide analgesia certifi-
10 cate and except under the personal supervision of a dentist and in
11 accordance with regulations promulgated by the commissioner. Personal
12 supervision, for purposes of this section, means that the supervising
13 dentist remains in the dental office where the local infiltration anes-
14 thesia or nitrous oxide analgesia services are being performed,
15 personally authorizes and prescribes the use of local infiltration anes-
16 thesia or nitrous oxide analgesia for the patient and, before dismissal
17 of the patient, personally examines the condition of the patient after
18 the use of local infiltration 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

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

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1 sixty-five hundred ten of this title shall be subject to the penalties
2 prescribed in section sixty-five hundred eleven of this title.

3 2. Dental hygiene restricted local infiltration and block
4 anesthesia/nitrous oxide analgesia certificate. A dental hygienist,
5 except as otherwise provided in subdivision one of this section, shall
6 not administer or monitor nitrous oxide analgesia or local infiltration
7 or block anesthesia in the practice of dental hygiene without a dental
8 hygiene restricted local infiltration and block anesthesia/nitrous oxide
9 analgesia certificate and except under the personal supervision of a
10 dentist authorized by law and in accordance with regulations promulgated
11 by the commissioner. Personal supervision, for purposes of this section,
12 means that the supervising dentist remains in the dental office where
13 the local infiltration or block anesthesia or nitrous oxide analgesia
14 services are being performed, personally authorizes and prescribes the
15 use of local infiltration or block anesthesia or nitrous oxide analgesia
16 for the patient and, before dismissal of the patient, personally exam-
17 ines the condition of the patient after the use of local infiltration or
18 block anesthesia or nitrous oxide analgesia is completed. It is profes-
19 sional misconduct for a dentist to fail to provide the supervision
20 required by this section, and any dentist found guilty of such miscon-
21 duct under the procedures prescribed in section sixty-five hundred ten
22 of this title shall be subject to the penalties prescribed in section
23 sixty-five hundred eleven of this title.

24 3. The commissioner shall promulgate regulations establishing stand-
25 ards and procedures for the issuance of such [~~certificate~~] certificates.
26 Such standards shall require completion of an educational program and/or
27 course of training or experience appropriate to each certificate and
28 sufficient to ensure that a dental hygienist is specifically trained in
29 the administration and monitoring of nitrous oxide analgesia and local
30 infiltration anesthesia or is specifically trained in the administration
31 and monitoring of nitrous oxide analgesia, local infiltration anes-
32 thesia, and block anesthesia, the possible effects of such use, and in
33 the recognition of and response to possible emergency situations.

34 [~~3-~~] 4. The fee for a dental hygiene restricted local infiltration and
35 block anesthesia/nitrous oxide analgesia certificate shall be twenty-
36 five dollars and the fee for a dental hygiene restricted local infil-
37 tration anesthesia/nitrous oxide analgesia and block anesthesia certif-
38 icate shall be twenty-five dollars and shall be paid on a triennial
39 basis upon renewal of such certificate. A certificate may be suspended
40 or revoked in the same manner as a license to practice dental hygiene.

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

43 1. The practice of the profession of dental hygiene is defined as the
44 performance of dental services which shall include removing calcareous
45 deposits, accretions and stains from the exposed surfaces of the teeth
46 which begin at the epithelial attachment and applying topical agents
47 indicated for a complete dental prophylaxis, removing cement, placing or
48 removing rubber dam, removing sutures, placing matrix band, providing
49 patient education, applying topical medication, placing and exposing
50 diagnostic dental X-ray films, performing topical fluoride applications
51 and topical anesthetic applications, polishing teeth, taking medical
52 history, charting caries, taking impressions for study casts, placing
53 and removing temporary restorations, administering and monitoring
54 nitrous oxide analgesia and administering and monitoring local infil-
55 tration and block anesthesia, subject to certification in accordance
56 with section sixty-six hundred five-b of this article, and any other

1 function in the definition of the practice of dentistry as may be deleg-
2 ated by a licensed dentist in accordance with regulations promulgated by
3 the commissioner. The practice of dental hygiene may be conducted in the
4 office of any licensed dentist or in any appropriately equipped school
5 or public institution but must be done either under the supervision of a
6 licensed dentist or, in the case of a registered dental hygienist work-
7 ing for a hospital as defined in article twenty-eight of the public
8 health law, pursuant to a collaborative arrangement with a licensed and
9 registered dentist who has a formal relationship with the same hospital
10 in accordance with regulations promulgated by the department in consul-
11 tation with the department of health. Such collaborative arrangement
12 shall not obviate or supersede any law or regulation which requires
13 identified services to be performed under the personal supervision of a
14 dentist. When dental hygiene services are provided pursuant to a colla-
15 borative agreement, such dental hygienist shall instruct individuals to
16 visit a licensed dentist for comprehensive examination or treatment.
17 § 3. This act shall take effect one year after it shall have become a
18 law.