

STATE OF NEW YORK

8759--A

IN SENATE

March 7, 2024

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- 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
22 appropriately equipped school or public institution but must be done
23 either under the supervision of a licensed dentist or [~~, in the case of a
24 registered dental hygienist working for a hospital as defined in article
25 twenty-eight of the public health law, pursuant to a collaborative~~

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

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

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

25 (b) The collaborative practice agreement shall be:

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

28 (ii) reviewed annually by the collaborating dentist and dental hygien-
29 ist; and

30 (iii) made available to the department and other interested parties
31 upon request.

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

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

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

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

55 6. A dental hygienist must make application to the department to prac-
56 tice as an RDH-CP and pay a fee set by the department. As a condition of

1 collaborative practice, the dental hygienist must have been engaged in
2 practice for three years with a minimum of four thousand five hundred
3 practice hours and shall complete an eight-hour continuing education
4 program that includes instruction in medical emergency procedures, risk
5 management, dental hygiene jurisprudence and professional ethics.

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

9 § 2. This act shall take effect nine months after it shall have become
10 a law.