

STATE OF NEW YORK

6752

2023-2024 Regular Sessions

IN SENATE

May 9, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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 and block
5 anesthesia/nitrous oxide analgesia certificate. 1. A dental hygienist
6 shall not administer or monitor nitrous oxide analgesia or local infil-
7 tration or block anesthesia in the practice of dental hygiene without a
8 dental hygiene restricted local infiltration and block
9 anesthesia/nitrous oxide analgesia certificate and except under the
10 personal supervision of a dentist and in accordance with regulations
11 promulgated by the commissioner. Personal supervision, for purposes of
12 this section, means that the supervising dentist remains in the dental
13 office where the local infiltration or block anesthesia or nitrous oxide
14 analgesia services are being performed, personally authorizes and
15 prescribes the use of local infiltration or block anesthesia or nitrous
16 oxide analgesia for the patient and, before dismissal of the patient,
17 personally examines the condition of the patient after the use of local
18 infiltration or block 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
22 sixty-five hundred ten of this title shall be subject to the penalties
23 prescribed in section sixty-five hundred eleven of this title.

24 2. The commissioner shall promulgate regulations establishing stand-
25 ards and procedures for the issuance of such certificate. Such standards
26 shall require completion of an educational program and/or course of

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

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1 training or experience sufficient to ensure that a dental hygienist is
2 specifically trained in the administration and monitoring of nitrous
3 oxide analgesia and local infiltration or block anesthesia, the possible
4 effects of such use, and in the recognition of and response to possible
5 emergency situations.

6 3. The fee for a dental hygiene restricted local infiltration and
7 block anesthesia/nitrous oxide analgesia certificate shall be twenty-
8 five dollars and shall be paid on a triennial basis upon renewal of such
9 certificate. A certificate may be suspended or revoked in the same
10 manner as a license to practice dental hygiene.

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

13 1. The practice of the profession of dental hygiene is defined as the
14 performance of dental services which shall include removing calcareous
15 deposits, accretions and stains from the exposed surfaces of the teeth
16 which begin at the epithelial attachment and applying topical agents
17 indicated for a complete dental prophylaxis, removing cement, placing or
18 removing rubber dam, removing sutures, placing matrix band, providing
19 patient education, applying topical medication, placing and exposing
20 diagnostic dental X-ray films, performing topical fluoride applications
21 and topical anesthetic applications, polishing teeth, taking medical
22 history, charting caries, taking impressions for study casts, placing
23 and removing temporary restorations, administering and monitoring
24 nitrous oxide analgesia and administering and monitoring local infil-
25 tration and block anesthesia, subject to certification in accordance
26 with section sixty-six hundred five-b of this article, and any other
27 function in the definition of the practice of dentistry as may be deleg-
28 ated by a licensed dentist in accordance with regulations promulgated by
29 the commissioner. The practice of dental hygiene may be conducted in the
30 office of any licensed dentist or in any appropriately equipped school
31 or public institution but must be done either under the supervision of a
32 licensed dentist or, in the case of a registered dental hygienist work-
33 ing for a hospital as defined in article twenty-eight of the public
34 health law, pursuant to a collaborative arrangement with a licensed and
35 registered dentist who has a formal relationship with the same hospital
36 in accordance with regulations promulgated by the department in consul-
37 tation with the department of health. Such collaborative arrangement
38 shall not obviate or supersede any law or regulation which requires
39 identified services to be performed under the personal supervision of a
40 dentist. When dental hygiene services are provided pursuant to a colla-
41 borative agreement, such dental hygienist shall instruct individuals to
42 visit a licensed dentist for comprehensive examination or treatment.

43 § 3. This act shall take effect immediately.