

STATE OF NEW YORK

7214

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. CHU -- 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 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

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

LBD11541-01-3

1 accomplished at the time the prosthesis is made and the location and
2 methods used to apply or implant them shall be determined by the dentist
3 or the person acting on behalf of the dentist. Such marking shall be
4 permanent, legible and cosmetically acceptable.

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

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

11 § 3. The education law is amended by adding three new sections 6610-a,
12 6614, and 6615 to read as follows:

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

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

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

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

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

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

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

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

1 2. Any dental laboratory operating, doing business, or intending to
2 operate or do business within this state must submit an application for
3 registration of dental laboratory or renewal of registration of dental
4 laboratory to the department in a form provided by the department and
5 accompanied by a registration or renewal fee as provided in this
6 section. Applications for registration or renewals of registration must
7 include:

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

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

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

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

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

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

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

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

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

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

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

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

54 4. Dental laboratory registrations shall require renewal on a trienni-
55 al basis from the date of issuance. Registrations may be renewed with

1 the department upon receipt and approval of application materials as
2 required by subdivision two of this section.

3 5. (a) This section shall not apply to a dental laboratory operating
4 under the supervision of a practicing dentist licensed under this arti-
5 cle in a dental office or as a part of a dental practice, provided that
6 the laboratory does not perform work for a prescribing dentist from
7 outside of the supervising dentist's dental practice or supervising
8 dentist's office, or in an educational institution as part of the insti-
9 tution's educational program, provided that the dental laboratory does
10 not routinely perform work for prescribing dentists from outside of the
11 educational institution.

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

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

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

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

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

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

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

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

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

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

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

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