STATE OF NEW YORK

8759--B

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 -- 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:

Section 1. Section 6606 of the education law, as amended by chapter 244 of the laws of 1973, subdivision 1 as amended by chapter 239 of the laws of 2013, is amended to read as follows:

§ 6606. Definition of practice of dental hygiene. 1. The practice of the profession of dental hygiene is defined as the performance of dental services which shall include removing calcareous deposits, accretions and stains from the exposed surfaces of the teeth which begin at the epithelial attachment and applying topical agents indicated for a complete dental prophylaxis, removing cement, placing or removing rubber dam, removing sutures, placing matrix band, providing patient education, applying topical medication, placing and exposing diagnostic dental X-ray films, performing topical fluoride applications and topical anesthetic applications, polishing teeth, taking medical history, charting caries, taking impressions for study casts, placing and removing temporary restorations, administering and monitoring nitrous oxide analgesia and administering and monitoring local infiltration anesthesia, subject to certification in accordance with section sixty-six hundred five-b of this article, and any other function in the definition of the practice of dentistry as may be delegated by a licensed dentist in accordance with regulations promulgated by the commissioner. The practice of dental hygiene may be conducted in the office of any licensed dentist or in any appropriately equipped school or public institution but [~~must~~] **shall** be done either under the supervision of a licensed dentist or[~~, in the case of a registered dental hygienist working for a hospital as defined in~~

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

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~~article twenty-eight of the public health law, pursuant to a collaborative arrangement with a licensed and registered dentist who has a formal relationship with the same hospital in accordance with regulations promulgated by the department in consultation with the department of health~~] may be performed by a registered dental hygienist designated as a registered dental hygienist, collaborative practice in collaboration with a licensed dentist provided such services are performed in accordance with a written practice agreement and written practice protocols to be known as a collaborative practice agreement. Under a collaborative practice agreement, dental hygienists may perform all services which are designated in regulation under general supervision without prior evaluation of a dentist or medical professional and may be performed without supervision in an authorized setting as defined in subdivision four of this section. Such collaborative [~~arrangement~~] agreements shall not obviate or supersede any law or regulation which requires identified services to be performed under the personal supervision of a dentist. [~~When dental hygiene services are provided pursuant to a collaborative agreement, such dental hygienist shall instruct individuals to visit a licensed dentist for comprehensive examination or treatment.~~]

2. The collaborative practice agreement shall:

(a) be signed and maintained by the dentist, the dental hygienist and authorized setting;

(b) be reviewed annually by the dentist and dental hygienist;

(c) include consideration for medically compromised patients, specific medical conditions, and age- and procedure-specific practice protocols, including, but not limited to recommended intervals for the performance of dental hygiene services and a periodicity in which an examination by a dentist should occur; and

(d) be made available to the department and other interested parties upon request.

3. Before performing services pursuant to a collaborative practice agreement, a dental hygienist, collaborative practice shall provide the patient with a written statement advising the patient that the dental hygiene services provided are not a substitute for a dental examination by a licensed dentist. If the dental hygienist makes any referrals to the patient for further procedures, the dental hygienist shall fill out a referral form and provide a copy of the form to the collaborating dentist.

4. The performance of services pursuant to a collaborative agreement is authorized in the following settings: a hospital as defined in article twenty-eight of the public health law, an appropriately equipped school, a federally qualified health center, a long-term care facility, a group home servicing people with intellectual and developmental disabilities, a facility serving veterans, a temporary housing facility, a prison, a drug treatment facility, a domestic violence shelter, and appropriate settings in which homebound residents are unable to be relocated for necessary treatment.

5. A registered dental hygienist, collaborative practice shall have no more than one collaborative agreement with a dentist at one time.

6. A dentist shall not have a collaborative agreement with more than six registered dental hygienists, collaborative practice at one time. The department may grant an exception to such limitation for public health settings on a case-by-case basis.

7. A dental hygienist shall file an application with the department to practice as a registered dental hygienist, collaborative practice and pay a fee determined by the department. As a condition of collaborative

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

8. The commissioner shall promulgate regulations defining the functions a dental hygienist may perform that are consistent with the training and qualifications for a license as a dental hygienist.

§ 2. This act shall take effect eighteen months after it shall have become a law.