

STATE OF NEW YORK

5727

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sens. HARCKHAM, COONEY, WEBB -- 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
5 anesthesia/nitrous oxide analgesia certificate. 1. A dental hygienist
6 shall not administer or monitor nitrous oxide analgesia or local infil-
7 tration anesthesia in the practice of dental hygiene without a dental
8 hygiene restricted local infiltration anesthesia/nitrous oxide analgesia
9 certificate and except under the personal supervision of a dentist and
10 in accordance with regulations promulgated by the commissioner. Personal
11 supervision, for purposes of this section, means that the supervising
12 dentist remains in the dental office where the local infiltration anes-
13 thesia or nitrous oxide analgesia services are being performed,
14 personally authorizes and prescribes the use of local infiltration anes-
15 thesia or nitrous oxide analgesia for the patient and, before dismissal
16 of the patient, personally examines the condition of the patient after
17 the use of local infiltration anesthesia or nitrous oxide analgesia is
18 completed. It is professional misconduct for a dentist to fail to
19 provide the supervision required by this section, and any dentist found
20 guilty of such misconduct under the procedures prescribed in section
21 sixty-five hundred ten of this title shall be subject to the penalties
22 prescribed in section sixty-five hundred eleven of this title.

23 2. Dental hygiene block anesthesia certificate. A dental hygienist
24 shall not administer or monitor block anesthesia in the practice of
25 dental hygiene without a dental hygiene restricted local infiltration

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

LBD00803-01-5

1 anesthesia/nitrous oxide analgesia certificate and a dental hygiene
2 block anesthesia certificate and except under the personal supervision
3 of a dentist authorized by law and in accordance with regulations
4 promulgated by the commissioner. Personal supervision, for purposes of
5 this section, means that the supervising dentist remains in the dental
6 office where the block anesthesia services are being performed,
7 personally authorizes and prescribes the use of block anesthesia for the
8 patient and, before dismissal of the patient, personally examines the
9 condition of the patient after the use of block anesthesia is completed.
10 It is professional misconduct for a dentist to fail to provide the
11 supervision required by this section, and any dentist found guilty of
12 such misconduct under the procedures prescribed in section sixty-five
13 hundred ten of this title shall be subject to the penalties prescribed
14 in section sixty-five hundred eleven of this title.

15 3. The commissioner shall promulgate regulations establishing stand-
16 ards and procedures for the issuance of such [~~certificate~~] certificates.
17 Such standards shall require completion of an educational program and/or
18 course of training or experience appropriate to each certificate and
19 sufficient to ensure that a dental hygienist is specifically trained in
20 the administration and monitoring of nitrous oxide analgesia and local
21 infiltration anesthesia or is specifically trained in the administration
22 and monitoring of block anesthesia, the possible effects of such use,
23 and in the recognition of and response to possible emergency situations.

24 [~~3-~~] 4. The fee for a dental hygiene restricted local infiltration
25 anesthesia/nitrous oxide analgesia certificate shall be twenty-five
26 dollars and the fee for a dental hygiene block anesthesia certificate
27 shall be twenty-five dollars and shall be paid on a triennial basis upon
28 renewal of such certificate. A certificate may be suspended or revoked
29 in the same manner as a license to practice dental hygiene.

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

32 1. The practice of the profession of dental hygiene is defined as the
33 performance of dental services which shall include removing calcareous
34 deposits, accretions and stains from the exposed surfaces of the teeth
35 which begin at the epithelial attachment and applying topical agents
36 indicated for a complete dental prophylaxis, removing cement, placing or
37 removing rubber dam, removing sutures, placing matrix band, providing
38 patient education, applying topical medication, placing and exposing
39 diagnostic dental X-ray films, performing topical fluoride applications
40 and topical anesthetic applications, polishing teeth, taking medical
41 history, charting caries, taking impressions for study casts, placing
42 and removing temporary restorations, administering and monitoring
43 nitrous oxide analgesia and administering and monitoring local infil-
44 tration and administering and monitoring block anesthesia, subject to
45 certification in accordance with section sixty-six hundred five-b of
46 this article, and any other function in the definition of the practice
47 of dentistry as may be delegated by a licensed dentist in accordance
48 with regulations promulgated by the commissioner. The practice of dental
49 hygiene may be conducted in the office of any licensed dentist or in any
50 appropriately equipped school or public institution but must be done
51 either under the supervision of a licensed dentist or, in the case of a
52 registered dental hygienist working for a hospital as defined in article
53 twenty-eight of the public health law, pursuant to a collaborative
54 arrangement with a licensed and registered dentist who has a formal
55 relationship with the same hospital in accordance with regulations
56 promulgated by the department in consultation with the department of

1 health. Such collaborative arrangement shall not obviate or supersede
2 any law or regulation which requires identified services to be performed
3 under the personal supervision of a dentist. When dental hygiene
4 services are provided pursuant to a collaborative agreement, such dental
5 hygienist shall instruct individuals to visit a licensed dentist for
6 comprehensive examination or treatment.

7 § 3. This act shall take effect one year after it shall have become a
8 law.