

STATE OF NEW YORK

5928--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 25, 2025

Introduced by M. of A. WOERNER, LUPARDO, LUNSFORD, ANGELINO, DeSTEFANO, SEAWRIGHT, BICHOTTE HERMELYN, SHRESTHA, STECK, DAVILA, RAGA, ROMERO, McDONALD -- Multi-Sponsored by -- M. of A. WALSH -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to licensing of a dental therapist; and to amend the social services law, in relation to Medicaid reimbursement for dental therapy services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The article heading of article 133 of the education law, as
2 amended by chapter 390 of the laws of 2019, is amended to read as
3 follows:

4 DENTISTRY, DENTAL HYGIENE, DENTAL THERAPY,
5 AND REGISTERED DENTAL ASSISTING

6 § 2. Section 6600 of the education law, as amended by chapter 390 of
7 the laws of 2019, is amended to read as follows:

8 § 6600. Introduction. This article applies to the professions of
9 dentistry, dental hygiene, dental therapy, and registered dental assist-
10 ing. The general provisions for all professions contained in article one
11 hundred thirty of this title apply to this article.

12 § 3. The education law is amended by adding two new sections 6614 and
13 6615 to read as follows:

14 § 6614. Requirements for a license as a dental therapist. 1. Licens-
15 ing. To qualify for a license as a dental therapist, an applicant shall
16 fulfill the following requirements:

17 (a) Application: submit an application in the manner prescribed by the
18 department;

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

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1 (b) Education: be a graduate of a dental therapy education program
2 that is accredited by the commission on dental accreditation of the
3 American dental association or any other dental accrediting entity
4 recognized by the United States department of education. A graduate of a
5 non-accredited education program is also eligible for licensure if the
6 applicant's education and training is comparable to an accredited
7 program considering both the applicant's education program and any addi-
8 tional education, training or supervised practice that was completed by
9 the applicant after graduation, as determined by the department.

10 (c) Experience: have demonstrated clinical competency to provide
11 dental therapy services through at least one of the following methods:

12 (i) Graduation from an accredited, competency-based dental therapy
13 education program that includes supervised clinical practice and
14 requires demonstration of clinical competency prior to graduation, as
15 determined by the department and in accordance with the commissioner's
16 regulations;

17 (ii) Completion of a total of four hundred hours of clinical practice
18 under the direct or indirect supervision of a licensed dentist which may
19 be completed during or after the applicant's dental therapy education or
20 a combination of both; or

21 (iii) Passing a clinical licensing examination administered by a
22 board-approved regional or national dental testing service or another
23 examination approved by the department;

24 (d) Examination: have successfully completed a written examination on
25 the laws and rules of this state relating to the practice of dental
26 therapy;

27 (e) Age: be at least eighteen years of age;

28 (f) Citizenship or immigration status: be a United States citizen or a
29 noncitizen lawfully admitted for permanent residence in the United
30 States; provided, however, that the board of regents may grant a three
31 year waiver for a noncitizen to practice in an area which has been
32 designated a federal dental health professions shortage area, except
33 that the board of regents may grant an additional extension not to
34 exceed six years to a noncitizen to enable such noncitizen to secure
35 citizenship or permanent resident status, provided such status is being
36 actively pursued;

37 (g) Character: be of good moral character as determined by the depart-
38 ment; and

39 (h) Fees: pay a fee to be determined by the department.

40 2. Dentist supervision. A dental therapist licensed under this section
41 may perform the dental therapy services in subdivision five under the
42 general supervision of a state-licensed dentist to the extent authorized
43 by the supervising dentist and provided consistent with the terms of a
44 written collaboration agreement that meets the requirements of subdivi-
45 sion three. A supervising dentist may authorize a dental therapist to
46 provide dental therapy services without a prior examination or diagnosis
47 by a dentist.

48 3. Collaborative agreement. Prior to performing any of the services
49 authorized under this section, a dental therapist shall enter into a
50 written collaboration agreement with a state-licensed supervising
51 dentist. The agreement must be signed by the dental therapist and the
52 supervising dentist, updated whenever changes are made in the superviso-
53 ry or collaborative relationship, and maintained on file. A dentist may
54 enter into a collaborative agreement with more than one dental therapist
55 and a dental therapist may enter into a collaborative agreement with

1 more than one dentist. The collaborative agreement must include at least
2 the following components:

3 (a) Methods of dentist supervision, consultation and approval.

4 (b) The services the dental therapist is authorized to provide,
5 including any limits or conditions set by the supervising dentist on the
6 provision of any of the services set forth in subdivision five of this
7 section;

8 (c) The settings in which the supervising dentist authorizes dental
9 therapy services to be provided and the circumstances or conditions
10 under which services may be provided in particular settings;

11 (d) Protocols for informed consent, recordkeeping, quality assurance,
12 and dispensing or administering medications;

13 (e) Policies for handling referrals when a patient needs services the
14 dental therapist is not authorized or qualified to provide;

15 (f) Policies for handling medical emergencies; and

16 (g) Policies for supervision of dental assistants and working with
17 dental hygienists and other dental practitioners and staff.

18 4. Supervision of dental assistants. A dental therapist may supervise
19 one or more dental assistants.

20 5. Dental therapy services. A licensed dental therapist may provide
21 the following dental therapy services to the extent authorized in the
22 written collaboration agreement:

23 (a) All the services for which education is provided by accredited
24 dental therapy education programs under the Commission on Dental Accred-
25 itation's accreditation standards for dental therapy education programs;

26 (b) Oral examination, evaluation, diagnosis and treatment planning for
27 conditions and services that are within the dental therapist's scope of
28 practice and education;

29 (c) Any of the following services if a dental therapist's education
30 program or post-graduation education included education on the provision
31 of the service:

32 (i) Evaluation of radiographic images;

33 (ii) Administration of nitrous oxide;

34 (iii) Placement and removal of intraoral sutures;

35 (iv) Pulpotomy on primary teeth;

36 (v) Fabrication of soft occlusal guards;

37 (vi) Tooth reimplantation and stabilization;

38 (vii) Recementing permanent crowns; and

39 (viii) Simple extractions of periodontally diseased permanent teeth
40 with mobility of +3 or +4.

41 (d) Other related services and functions for which the dental thera-
42 pist has education and training; and

43 (e) Other services authorized in accordance with regulations promul-
44 gated by the commissioner.

45 6. Continuing education. Mandating continuing education for dental
46 therapists. (a)(i) Each dental therapist licensed pursuant to this
47 section and required to register triennially with the department to
48 practice in this state shall comply with the provisions of the mandatory
49 continuing education requirements, except as set forth in this subpara-
50 graph and subparagraph (ii) of this paragraph. Dental therapists who do
51 not satisfy the mandatory continuing education requirements shall not
52 practice until they have met such requirements and have been issued a
53 registration or conditional registration certificate.

54 (ii) Dental therapists shall be exempt from the mandatory continuing
55 education requirement for the triennial registration period during which
56 they are first licensed. In accordance with the intent of this section,

1 adjustments to the mandatory continuing education requirement may be
2 granted by the department for reasons of health, certified by a physi-
3 cian, for extended active duty with the Armed Forces of the United
4 States, or for other good cause acceptable to the department which may
5 prevent compliance.

6 (iii) A licensed dental therapist not engaged in the practice of
7 dental therapy shall be exempt from the mandatory continuing education
8 requirement upon the filing of a statement with the department declaring
9 such status. Any licensee who returns to the practice of dental therapy
10 during the triennial registration period shall notify the department
11 prior to reentering the profession and shall meet such mandatory contin-
12 uing education requirements as shall be prescribed by regulation of the
13 commissioner.

14 (b) During each triennial registration period an applicant for regis-
15 tration shall complete a minimum of twenty-four hours of acceptable
16 formal continuing education, including currently mandated child abuse
17 reporting instruction and infection control training as approved by the
18 department. Of these twenty-four hours, a maximum of ten hours may be
19 self-instructional coursework as approved by the department. A licensee
20 who has not satisfied the mandatory continuing education requirements
21 shall not be issued a triennial registration certificate by the depart-
22 ment and shall not practice unless and until a conditional registration
23 certificate is issued as provided in paragraph (c) of this subdivision.
24 The individual licensee shall determine the selection of courses or
25 programs of study pursuant to this paragraph.

26 (c) The department, in its discretion, may issue a conditional regis-
27 tration to a licensee who fails to meet the continuing education
28 requirements established in this section but who agrees to make up any
29 deficiencies and take any additional education which the department may
30 require. The fee for such a conditional registration shall be the same
31 as, and in addition to, the fee for the triennial registration. The
32 duration of such conditional registration shall be determined by the
33 department. Any licensee who is notified of the denial of registration
34 for failure to submit evidence, satisfactory to the department, of
35 completion of required continuing education and who practices dental
36 therapy without such registration, may be subject to disciplinary
37 proceedings pursuant to section sixty-five hundred ten of this title.

38 (d) As used in this section, "acceptable formal continuing education"
39 shall mean formal programs of learning which contribute to professional
40 practice and which meet the standards prescribed by regulations of the
41 commissioner. To fulfill the mandatory continuing education requirement,
42 programs shall be taken from sponsors approved by the department, pursu-
43 ant to the regulations of the commissioner.

44 (e) The mandatory continuing education fee of thirty dollars shall be
45 payable on or before the first day of each triennial registration period
46 and shall be paid in addition to the triennial registration fee required
47 by this section.

48 7. Applicants licensed in other jurisdictions. Licensing by credential
49 is authorized for an applicant who holds a license or certification as a
50 dental therapist or comparable professional in another state or tribal
51 jurisdiction or who has graduated from an accredited dental therapy
52 program or has a combination of dental therapy education, post-gradua-
53 tion education or training, and clinical practice experience that is
54 comparable to an accredited education program and has successfully
55 completed a dental therapy clinical competency examination approved by
56 the jurisdiction in which the applicant is licensed or satisfied other

1 methods of demonstrating competency approved by that jurisdiction
2 including, but not limited to, completion of a competency-based educa-
3 tion program or completing a minimum number of hours of preceptorship or
4 supervised practice.

5 § 6615. Practice of dental therapy and use of title "dental thera-
6 pist". Only a person licensed under section sixty-six hundred fourteen
7 of this article or exempt shall practice dental therapy or use the title
8 "dental therapist".

9 § 4. Subdivision 2 of section 365-a of the social services law is
10 amended by adding a new paragraph (oo) to read as follows:

11 (oo) care and services furnished by a licensed dental therapist pursu-
12 ant to article one hundred thirty-three of the education law who is
13 enrolled as a medicaid managed care provider;

14 § 5. The commissioner of education is authorized to promulgate or
15 adopt any rules or regulations necessary to implement the provisions of
16 this act and any procedures, forms, or instructions necessary for such
17 implementation may be adopted and issued on or after the effective date
18 of this act. Notwithstanding any inconsistent provision of the state
19 administrative procedure act or any other provision of law, rule or
20 regulation, the commissioner of education and the superintendent of
21 financial services and any appropriate council is authorized to adopt or
22 amend or promulgate on an emergency basis any regulation such commis-
23 sioner or such council determines necessary to implement any provision
24 of this act on its effective date.

25 § 6. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.