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:

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

DENTISTRY, DENTAL HYGIENE, **DENTAL THERAPY,** AND REGISTERED DENTAL ASSISTING

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

§ 6600. Introduction. This article applies to the professions of dentistry, dental hygiene, **dental therapy,** and registered dental assisting. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

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

§ 6614. Requirements for a license as a dental therapist. 1. Licensing. To qualify for a license as a dental therapist, an applicant shall fulfill the following requirements:

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

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

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

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

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

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

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

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

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

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

(g) Character: be of good moral character as determined by the department; and

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

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

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

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

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

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

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

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

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

(f) Policies for handling medical emergencies; and

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

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

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

(a) All the services for which education is provided by accredited dental therapy education programs under the Commission on Dental Accreditation's accreditation standards for dental therapy education programs;

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

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

(i) Evaluation of radiographic images;

(ii) Administration of nitrous oxide;

(iii) Placement and removal of intraoral sutures;

(iv) Pulpotomy on primary teeth;

(v) Fabrication of soft occlusal guards;

(vi) Tooth reimplantation and stabilization;

(vii) Recementing permanent crowns; and

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

(d) Other related services and functions for which the dental therapist has education and training; and

(e) Other services authorized in accordance with regulations promulgated by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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