Q&A: Collaborative Practice Law and Regs

The New York State collaborative practice law and regulations for dental hygienists take effect January 1, 2015. This Q&A notes some elements of the new law and regulations for basic informational purposes. Please review the provisions in their entirety. Watch for more educational resources on collaborative practice from DHASNY.

Background
On August 1, 2013, Governor Cuomo signed a bill into law to enable registered dental hygienists in New York to practice either under the supervision of a licensed dental or, in the case of a registered dental hygienist working for a hospital as defined in article twenty-eight of the public health law, pursuant to a collaborative arrangement with a licensed dentist. On December 15, 2014, the New York State Board of Regents adopted regulations for the new law.

What is collaborative practice?
"Collaborative practice is different from and greater than … collaboration. Collaboration is a single, temporal event that can occur intermittently in the day-to-day practice of health care. Conversely, collaborative practice is a dynamic process, a commitment to interact on a professional level that empowers the participants to blend their talent, to achieve a goal that neither can do alone."[1] "The fundamental feature of collaborative practice is always the commitment by the collaborating providers to work in concert to provide the best comprehensive care for their patients while respecting, recognizing, and building on each other’s strengths and talents."[2]

Must RDHs practice under collaborative practice?
No, this is an additional opportunity for dental hygiene practice in particular workforce settings available to dental hygienists in New York State as of January 1, 2015.

What is a collaborative arrangement?
A collaborative arrangement is an agreement between a registered dental hygienist working for a hospital and a licensed and registered dentist who has a formal relationship with the same hospital.
What elements need to be in a collaborative agreement?
The collaborative practice agreement is a formal written statement that is developed by and sets out the elements mutually agreed upon by the particular dental hygienist and collaborating dentist. The agreement must be kept in the practice setting of the collaborating RDH and dentist.

The elements of a written agreement are defined in the regulations and must include provisions for referral and consultation; coverage for emergency absences of either the dental hygienist or the collaborating dentist; a process to resolve disagreements between the dental hygienist and collaborating dentist; periodic review of patient records and other provisions that the dental hygienist and collaborating dentist may determine to be appropriate; and protocols identifying the services to be performed by the dental hygienist in collaborative practice.

Are there requirements for collaborating RDHs?
Yes, including the following: to obtain and maintain cardiopulmonary resuscitation (CPR) certification from approved providers as defined in 8 NYCRR 61.19(b); to perform only services that can be provided under general supervision (Regs. subsection b); and to instruct individuals to visit a licensed dentist for a comprehensive exam.

What are Article 28 facilities?
Defined in Public Health Law 2801, these facilities include hospitals; public health, diagnostic and treatment centers; dental clinics; dental dispensaries; nursing homes; out-patient departments; rehab centers not solely for vocational rehab; and other such facilities overseen by the state Health Department.

References