

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1261**

Introduced by Byars, 30

Read first time January 18, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to dentistry; to amend sections 71-133,  
2 71-183.02, 71-193.04, and 71-193.16, Revised Statutes  
3 Supplement, 1999; to change provisions relating to  
4 testing and dental hygienists; to provide for  
5 applicability; to harmonize provisions; and to repeal the  
6 original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-133, Revised Statutes Supplement,  
2 1999, is amended to read:

3           71-133. (1) The oral or practical work portion of any  
4 examination for licensure or certification under the Uniform  
5 Licensing Law shall be given by a majority of the members of the  
6 appropriate professional board except in dentistry. The oral  
7 examination questions shall be limited to the practice of the  
8 profession. The members of the board need not be present at the  
9 examination given to applicants when a national examination or any  
10 other written examination is utilized. Such board may delegate the  
11 administration of such examination to the department. The  
12 department may designate an organization to administer a national  
13 or written examination.

14           (2) In dentistry, the final practical examination in  
15 clinical dentistry may be given at ~~the infirmary of~~ each of the  
16 dental colleges, schools, or departments legally conducted in the  
17 State of Nebraska. ~~of which the applicant is a graduate.~~ The  
18 Central Regional Dental Testing Service practical examination or  
19 any other regional or state practical examination that the Board of  
20 Dentistry determines to be comparable to the Central Regional  
21 Dental Testing Service practical examination may be used to meet  
22 the requirement of a final practical examination for dentists and  
23 for dental hygienists. Any person who applies for a license to  
24 practice dentistry or dental hygiene who has failed on one occasion  
25 to pass the oral ~~practical~~ examination administered by the ~~Board of~~  
26 ~~Dentistry board~~ shall be required to subsequently take and pass the  
27 ~~Central Regional Dental Testing Service~~ practical examination  
28 before the department shall consider the applicant's qualifications

1 for a license to practice dentistry or dental hygiene in the State  
2 of Nebraska. Any person who applies for a license to practice  
3 dentistry or dental hygiene who has failed on two occasions to pass  
4 any part of the examination shall be required to complete a course  
5 in clinical dentistry approved by the board before the department  
6 shall consider the results of a third examination as a valid  
7 qualification for a license to practice dentistry or dental hygiene  
8 in the State of Nebraska.

9 Sec. 2. Section 71-183.02, Revised Statutes Supplement,  
10 1999, is amended to read:

11 71-183.02. For purposes of sections 71-183 to 71-193.20  
12 and section 5 of this act, dental assistant means a person, other  
13 than a dental hygienist, employed by a licensed dentist for the  
14 purpose of assisting such dentist in the performance of his or her  
15 clinical and clinical-related duties.

16 Sec. 3. Section 71-193.04, Revised Statutes Supplement,  
17 1999, is amended to read:

18 71-193.04. Any person (1) of good moral character, (2)  
19 who has attained the age of eighteen years, and (3) who is a  
20 graduate of a training school for dental hygienists that is  
21 accredited by the Commission on Dental Accreditation of the  
22 American Dental Association and is approved by the Board of  
23 Dentistry and that requires a course of not less than two academic  
24 years may be examined by such board on the subjects considered  
25 essential by it for a dental hygienist. Upon passage of the  
26 examination, the board shall recommend to the department that a  
27 license to practice as a dental hygienist be issued.

28 Sec. 4. Section 71-193.16, Revised Statutes Supplement,

1 1999, is amended to read:

2           71-193.16. ~~As used in~~ For purposes of sections 71-183 to  
3 71-193.20 and section 5 of this act, (1) general supervision means  
4 the directing of the authorized activities of a dental hygienist or  
5 dental assistant by a licensed dentist and shall not be construed  
6 to require the physical presence of the supervisor when directing  
7 such activities and (2) indirect supervision means supervision when  
8 the licensed dentist authorizes the procedure to be performed by a  
9 dental hygienist or dental assistant and the licensed dentist is  
10 physically present on the premises when such procedure is being  
11 performed by the dental hygienist pursuant to section 71-193.18 or  
12 the dental assistant.

13           Sec. 5. A dental hygienist student who practices dental  
14 hygiene upon patients in a clinic in the regular course of  
15 instruction in an accredited dental hygiene education program is  
16 not engaged in the unauthorized practice of dental hygiene.

17           Sec. 6. Original sections 71-133, 71-183.02, 71-193.04,  
18 and 71-193.16, Revised Statutes Supplement, 1999, are repealed.