



Hundredth Legislature - First Session - 2007
Committee Statement
LB 427

Hearing Date: January 31, 2007
Committee On: Health and Human Services

Introducer(s): (Johnson)
Title: Change authorized procedures for dental hygienists

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator(s): Johnson, Erdman, Hansen, Howard, Gay, Pankonin, Stuthman
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Joel Johnson
Larry Ruth
James A. Walker, DDS
Jessica Meeske

Representing:

Introducer
Nebraska Dental Association
Nebraska Dental Association
Nebraska Dental Association and Nebraska Academy of Pediatric Dentistry

Opponents:

Annette Byman

Representing:

Nebraska Dental Hygienists Association

Neutral:

Joann Schaefer, MD

Representing:

Health and Human Services System

Summary of purpose and/or changes:

LB 427 is a reintroduction, in part, of LB 182 (2005). LB 427 revises and expands the scope of practice for dental hygienists. The bill follows the completion of a “407” review under the Nebraska Regulation of Health Professions Act (LB 407, 1985; Neb. Rev. Stat. §§ 71-6201 to 71-6229).

The bill permits dental hygienists in a public health setting, to “inspect the oral cavity; perform pulp vitality testing; and apply fluorides, sealants, and other recognized topical agents for the prevention of oral disease to children who are eligible to receive services under the Medical Assistance Act.” Public health setting is defined as “a federal or state public health

facility, community clinic, or other program or agency that primarily serves public health care program recipients.”

In such settings, in the context of performing such activities, a dental hygienist (1) must provide a copy of a report of treatment to the Department of Health and Human Services Regulation and Licensure and show proof of professional liability coverage, (2) must advise the patient and legal guardian that the services are preventive in nature and do not constitute a comprehensive dental diagnosis and care, and (3) may not be a Medicaid-enrolled provider.

The bill revises and expands the scope of practice for dental hygienists in section 71-193.17, and requires that such activities be “directed” by a licensed dentist. The bill permits licensed dental hygienists to perform the following intra and extra oral procedures:

(1) “oral prophylaxis, periodontal scaling, and root planing which includes supragingival and subgingival debridement”;

(2) “polish all exposed tooth surfaces, including restorations”;

(3) “conduct preliminary charting and screening examinations and indexing of dental and periodontal diseases”;

(4) “brush biopsies”;

(5) “pulp vitality testing”;

(6) “apply topical and subgingival agents”;

(7) provide oral health education, including conducting workshops and inservice training sessions on dental health”; and

(8) “apply or dispense antimicrobial rinses, fluorides, and other anticariogenic agents and, in the case of a patient of record with a previous prescription for an antimicrobial rinse, fluoride, or other anticariogenic agent, authorize a refill of such prescription.”

Explanation of amendments, if any:

The committee amendment (AM 843) replaces the bill as introduced. The amendment permits the department to authorize a dental hygienist with three thousand hours of clinical experience in four of the preceding five calendar years to perform the following functions in the conduct of public health-related services in a public health setting or in a health care or related facility: oral prophylaxis to healthy children who do not require antibiotic premedication; pulp vitality testing; and preventive measures, including the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease.

Authorization must be granted by the department upon the filing of an application with the department, evidence of current licensure and professional liability insurance coverage, and evidence of required clinical experience.

A licensed dental hygienist performing the above functions must (a) report authorized functions performed by him or her to the department and (b) advise the patient or recipient of services or his or her authorized representative that such services are preventive in nature and do not constitute a comprehensive dental diagnosis and care.

Health care or related facility is defined as “a hospital, a nursing facility, an assisted-living facility, a correctional facility, a tribal clinic, or a school-based preventive health program.” Public health setting is defined as “a federal, state, or local public health department or clinic, community health center, rural health clinic, or other similar program or agency that serves primarily public health care program recipients.”

The amendment retains expanded scope of practice provisions for dental hygienists in the original bill, with technical changes, and removes the requirement that such functions be “directed” by a licensed dentist.

Senator Joel Johnson, Chairperson