

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 330

Introduced by Cook, 13; Karpisek, 32.

Read first time January 12, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Dentistry Practice Act; to amend section
2 38-1130, Reissue Revised Statutes of Nebraska; to change
3 functions authorized and authorization requirements for
4 licensed dental hygienists; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1130, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-1130 (1) Except as otherwise provided in this section,
4 a licensed dental hygienist shall perform the dental hygiene
5 functions listed in section 38-1131 only when authorized to do so by
6 a licensed dentist who shall be responsible for the total oral health
7 care of the patient.

8 (2) The department may authorize a licensed dental
9 hygienist to perform the following functions in the conduct of public
10 health-related services in a public health setting or in a health
11 care or related facility: Preliminary charting and screening
12 examinations; oral health education, including workshops and
13 inservice training sessions on dental health; and all of the duties
14 that any dental assistant is authorized to perform.

15 (3)(a) The department may authorize a licensed dental
16 hygienist ~~with three thousand hours of clinical experience in at~~
17 ~~least four of the preceding five calendar years to perform the~~
18 following functions in the conduct of public health-related services
19 in a public health setting or in a health care or related facility:
20 Oral prophylaxis to healthy ~~children~~ patients who do not require
21 antibiotic premedication; pulp vitality testing; and preventive
22 measures, including the application of fluorides, sealants, and other
23 recognized topical agents for the prevention of oral disease.

24 (b) Authorization shall be granted by the department
25 under this subsection upon (i) filing an application with the

1 department, and (ii) providing evidence of current licensure and
2 professional liability insurance coverage. ~~, and (iii) providing~~
3 ~~evidence of clinical experience as required under subdivision (a) of~~
4 ~~this subsection.~~ Authorization may be limited by the department as
5 necessary to protect the public health and safety upon good cause
6 shown and may be renewed in connection with renewal of the dental
7 hygienist's license.

8 (c) A licensed dental hygienist performing dental hygiene
9 functions as authorized under this subsection shall (i) report
10 authorized functions performed by him or her to the department and
11 (ii) advise the patient or recipient of services or his or her
12 authorized representative that such services are preventive in nature
13 and do not constitute a comprehensive dental diagnosis and care.

14 (4) For purposes of this section:

15 (a) Health care or related facility means a hospital, a
16 nursing facility, an assisted-living facility, a correctional
17 facility, a tribal clinic, or a school-based preventive health
18 program; and

19 (b) Public health setting means a federal, state, or
20 local public health department or clinic, community health center,
21 rural health clinic, or other similar program or agency that serves
22 primarily public health care program recipients.

23 Sec. 2. Original section 38-1130, Reissue Revised
24 Statutes of Nebraska, is repealed.