

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 484

Final Reading

Introduced by Karpisek, 32; Cook, 13.

Read first time January 22, 2013

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 to children in a public health setting or in a health care or related
20 facility: Oral prophylaxis to healthy children 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 on a
11 form developed and provided by the department and (ii) advise the
12 patient or recipient of services or his or her authorized
13 representative that such services are preventive in nature and do not
14 constitute a comprehensive dental diagnosis and care.

15 (4)(a) The department may authorize a licensed dental
16 hygienist who has completed three thousand hours of clinical
17 experience to perform the following functions in the conduct of
18 public health-related services to adults in a public health setting
19 or in a health care or related facility: Oral prophylaxis; pulp
20 vitality testing; and preventive measures, including the application
21 of fluorides, sealants, and other recognized topical agents for the
22 prevention of oral disease.

23 (b) Authorization shall be granted by the department
24 under this subsection upon (i) filing an application with the
25 department, (ii) providing evidence of current licensure and

1 professional liability insurance coverage, and (iii) providing
2 evidence of three thousand hours of clinical experience.
3 Authorization may be limited by the department as necessary to
4 protect the public health and safety upon good cause shown and may be
5 renewed in connection with renewal of the dental hygienist's license.

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

13 (5) The department shall compile the data from the
14 reports provided under subdivisions (3)(c)(i) and (4)(c)(i) of this
15 section and provide an annual report to the Board of Dentistry and
16 the State Board of Health.

17 ~~(4)~~(6) For purposes of this section:

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

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

1 (7) Within five years after the effective date of this
2 act, the Health and Human Services Committee of the Legislature shall
3 evaluate the services provided by dental hygienists pursuant to this
4 section to ascertain the effectiveness of such services in the
5 delivery of oral health care and shall provide a report on such
6 evaluation to the Legislature. The report submitted to the
7 Legislature shall be submitted electronically.

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