

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 312

FINAL READING

Introduced by Hansen, B., 16; Howard, 9.

Read first time January 15, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend
2 section 38-1130, Revised Statutes Cumulative Supplement, 2018; to
3 define a term; to change and eliminate provisions related to
4 functions authorized for dental hygienists as prescribed; to provide
5 a duty for the Department of Health and Human Services and the
6 Health and Human Services Committee of the Legislature; to eliminate
7 obsolete provisions; and to repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1130, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

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

7 (2) The department may authorize a licensed dental hygienist to
8 perform the following functions in the conduct of public health-related
9 services in a public health setting or in a health care or related
10 facility: Preliminary charting and screening examinations; oral health
11 education, including workshops and inservice training sessions on dental
12 health; and all of the duties that a dental assistant who is not licensed
13 is authorized to perform.

14 (3)(a) Except for periodontal scaling, root planing, and the
15 administration of local anesthesia and nitrous oxide, the The department
16 may authorize a licensed dental hygienist to perform all of the
17 authorized the following functions within the scope of practice of a
18 licensed dental hygienist in the conduct of public health-related
19 services ~~to children~~ in a public health setting or in a health care or
20 related facility. In addition, the department may authorize a licensed
21 dental hygienist to perform the following functions in such a setting or
22 facility or for such a patient:

23 (i) Upon completion of education and testing approved by the board,
24 writing prescriptions for mouth rinses and fluoride products that help
25 decrease risk for tooth decay ~~Oral prophylaxis to healthy children who do~~
26 ~~not require antibiotic premedication; and~~

27 (ii) Upon completion of education and testing approved by the board,
28 minor denture adjustments. ~~Pulp vitality testing;~~

29 ~~(iii) Preventive measures, including the application of fluorides,~~
30 ~~sealants, and other recognized topical agents for the prevention of oral~~
31 ~~disease;~~

1 ~~(iv) Upon completion of education and testing approved by the board,~~
2 ~~interim therapeutic restoration technique; and~~

3 ~~(v) Upon completion of education and testing approved by the board,~~
4 ~~writing prescriptions for mouth rinses and fluoride products that help~~
5 ~~decrease risk for tooth decay.~~

6 (b) Authorization shall be granted by the department under this
7 subsection upon (i) filing an application with the department and (ii)
8 providing evidence of current licensure and professional liability
9 insurance coverage. Authorization may be limited by the department as
10 necessary to protect the public health and safety upon good cause shown
11 and may be renewed in connection with renewal of the licensed dental
12 hygienist's license.

13 (c) A licensed dental hygienist performing dental hygiene functions
14 as authorized under this subsection shall (i) report authorized functions
15 performed by him or her to the department on a form developed and
16 provided by the department and (ii) advise the patient or recipient of
17 services or his or her authorized representative that such services are
18 preventive in nature and do not constitute a comprehensive dental
19 diagnosis and care.

20 ~~(4)(a) The department may authorize a licensed dental hygienist who~~
21 ~~has completed three thousand hours of clinical experience to perform the~~
22 ~~following functions in the conduct of public health-related services to~~
23 ~~adults in a public health setting or in a health care or related~~
24 ~~facility:~~

25 ~~(i) Oral prophylaxis;~~

26 ~~(ii) Pulp vitality testing;~~

27 ~~(iii) Preventive measures, including the application of fluorides,~~
28 ~~sealants, and other recognized topical agents for the prevention of oral~~
29 ~~disease;~~

30 ~~(iv) Upon completion of education and testing approved by the board,~~
31 ~~interim therapeutic restoration technique;~~

1 ~~(v) Upon completion of education and testing approved by the board,~~
2 ~~writing prescriptions for mouth rinses and fluoride products that help~~
3 ~~decrease risk for tooth decay; and~~

4 ~~(vi) Upon completion of education and testing approved by the board,~~
5 ~~minor denture adjustments.~~

6 ~~(b) Authorization shall be granted by the department under this~~
7 ~~subsection upon (i) filing an application with the department, (ii)~~
8 ~~providing evidence of current licensure and professional liability~~
9 ~~insurance coverage, and (iii) providing evidence of three thousand hours~~
10 ~~of clinical experience. Authorization may be limited by the department as~~
11 ~~necessary to protect the public health and safety upon good cause shown~~
12 ~~and may be renewed in connection with renewal of the licensed dental~~
13 ~~hygienist's license.~~

14 ~~(c) A licensed dental hygienist performing dental hygiene functions~~
15 ~~as authorized under this subsection shall (i) report on a form developed~~
16 ~~and provided by the department authorized functions performed by him or~~
17 ~~her to the department and (ii) advise the patient or recipient of~~
18 ~~services or his or her authorized representative that such services are~~
19 ~~preventive in nature and do not constitute a comprehensive dental~~
20 ~~diagnosis and care.~~

21 ~~(4) (5)~~ The department shall compile the data from the reports
22 provided under subdivision subdivisions (3)(c)(i) and (4)(c)(i) of this
23 section and provide an annual report to the Board of Dentistry and the
24 State Board of Health. The department shall annually evaluate the
25 delivery of dental hygiene services in the state and, on or before
26 September 15 of each year beginning in 2021, provide a report
27 electronically to the Clerk of the Legislature regarding such evaluation.
28 The Health and Human Services Committee of the Legislature shall hold a
29 hearing at least once every three years to assess the reports submitted
30 pursuant to this subsection.

31 ~~(5) (6)~~ For purposes of this section:

1 (a) Health care or related facility means a hospital, a nursing
2 facility, an assisted-living facility, a correctional facility, a tribal
3 clinic, or a school-based preventive health program; and

4 (b) Public health setting means a federal, state, or local public
5 health department or clinic, community health center, rural health
6 clinic, or other similar program or agency that serves primarily public
7 health care program recipients.

8 ~~(7) Within five years after September 6, 2013, the Health and Human~~
9 ~~Services Committee of the Legislature shall evaluate the services~~
10 ~~provided by licensed dental hygienists pursuant to this section to~~
11 ~~ascertain the effectiveness of such services in the delivery of oral~~
12 ~~health care and shall provide a report on such evaluation to the~~
13 ~~Legislature. The report submitted to the Legislature shall be submitted~~
14 ~~electronically.~~

15 Sec. 2. Original section 38-1130, Revised Statutes Cumulative
16 Supplement, 2018, is repealed.