

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB824

Hearing Date: Wednesday January 24, 2024
Committee On: Health and Human Services
Introducer: Blood
One Liner: Adopt the Dentist and Dental Hygienist Compact and change provisions relating to criminal background checks

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Ballard, Cavanaugh, M., Day, Hardin, Hansen, Riepe, Walz
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Carol Blood
Jessica Thomas
Whitney Christ
Carolyn Taggart-Burns
Sophia Pankratz

Representing:

Opening Presenter
Council of State Governments
Nebraska Dental Hygienist Association
Nebraska Dental Association
Self

Opponents:

Richael Cobler

Representing:

Central Regional Dental Testing Service Inc

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 824 would adopt the Dentist and Dental Hygienist Compact and make Nebraska a member state of such Compact if and when at least 7 states also adopt said Compact. The compact would allow Dentists and Dental Hygienist to obtain a multistate license recognized in all states that are a member of the compact. It would also adjust language to include all professions required by statute to obtain a criminal background must do so as part of the application process.

SECTION BY SECTION SUMMARY:

Sec. 1:

Section 1 Lists the objectives of the compact.

Section 2 Defines terms used throughout the compact most importantly: Dental Hygienist"



means an individual who is licensed by a State Licensing Authority to practice dental hygiene.

"Dentist" means an individual who is licensed by a State Licensing Authority to practice dentistry.

Section 3 Outlines the requirements of a participating State.

Section 4 Discusses the privilege to practice, using a person's home state license.

Section 5 Active-duty military and spouse shall designate a Home State where the individual has a current license to practice in good standing. Individual may retain their home state designation during any period of service or active duty.

Section 6 Home state shall have exclusive power to impose an adverse action. Home state may use remote state investigation to impose adverse action. Home state retain investigative authority.

Member state may investigate alleged violations of scope of practice of member states for a multistate licensee. A remote state shall have authority to take action, issue cease a desist, issue subpoenas, recover from affected licensee if allowed by state law, take adverse action based on information of member state. If multistate licensee is revoked, membership for all other states is revoked. Adverse Action by one remote state applies to all remote states. Compact does not limit a member state to allow participation in alternative program in lieu of adverse action

Section 7 Establishes and outlines the requirements and duties of the Social Work Licensure Commission

Section 8 Outlines the data system created through the compact that is used to administer the compact.

Section 9 The commission shall make reasonable rules to implement the compact. A rule shall be invalid only if a court determines the rule to be invalid.

Section 10 Outlines dispute resolution and enforcement of the Compact

Section 11 The compact shall come into effect on the date on which the compact statute is enacted into law in the Seventh Member State. Any state may withdrawal through statute.

Section 12 Severability Clause

Section 13 Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

Sec. 2: Amend section 38-131, under those required to submit a criminal background check for licensure include those that to practice a profession which, by statute, requires a criminal background check pursuant to this section;

Sec. 3: Amend section 38-1101 add a reference to sections 4, 5 and 6 to be known as the Dentistry Practice Act.

Sec. 4: An applicant for a license to practice dentistry shall be subject to a criminal background check as provided in section 38-131.

Sec. 5: An applicant for a license to practice dental hygiene shall be subject to a criminal background check as provided in section 38-131.

Sec. 6: A person holding a compact privilege to practice in Nebraska under the Dentist and Dental Hygienist Compact may engage in the practice of dentistry or dental hygiene as authorized pursuant to such compact.



Sec. 7: Operative date of January 1, 2025

Sec. 8: 38-1101 and 38-131 Repealed.

Explanation of amendments:

On page 32, line 11, after the second comma insert "a dentist, a dental hygienist,"; and in lines 12 and 13 Strike the new matter.

On page 33, line 21, strike "sections 4, 5, and 6" and insert "section 4".

This amendment was brought on behalf of the Department to be consistent with the updated criminal background check requirements from the FBI.

Ben Hansen, Chairperson

