

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 538

Introduced by Schimek, 27; Avery, 28; Dierks, 40; Friend, 10;
Howard, 9; Preister, 5; Wallman, 30

Read first time January 17, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to dental hygienists; to amend sections
2 71-193.15 and 71-193.17, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to authorized
4 procedures; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-193.15, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-193.15 (1) A licensed dental hygienist shall perform
4 the traditional dental hygiene functions set forth in section
5 71-193.17 only when authorized to do so by a licensed dentist
6 who shall be responsible for the total oral health care of the
7 patient, except that in a public health setting or a health
8 care facility, a licensed dental hygienist may perform all of
9 the dental hygiene functions set forth in section 71-193.17. The
10 Department of Health and Human Services Regulation and Licensure
11 in the conduct of public health-related services may authorize
12 a licensed dental hygienist to conduct preliminary charting and
13 screening examinations, provide oral health education for patients
14 including the teaching of appropriate plaque control techniques,
15 and perform or provide all of the duties that any dental assistant
16 is authorized to perform. A licensed dental hygienist performing
17 such functions in a public health setting or a health care facility
18 shall (a) provide a copy of a report of treatment and show proof
19 of professional liability coverage to the department and (b) advise
20 the patient and legal guardian that the services are preventive in
21 nature and do not constitute a comprehensive dental diagnosis and
22 care.

23 (2) For purposes of this section:

24 (a) Health care facility means a hospital, a nursing
25 home, an assisted-living facility, or a home health agency licensed

1 under the Health Care Facility Licensure Act, a correctional
 2 facility, a tribal clinic, or a public or private school or
 3 preschool; and

4 (b) Public health setting means a federal or state public
 5 health facility, community clinic, or other program or agency that
 6 primarily serves public health care program recipients.

7 Sec. 2. Section 71-193.17, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 71-193.17 When properly authorized, a licensed dental
 10 hygienist, under the general supervision of a licensed dentist or
 11 as authorized in section 71-193.15, may perform the following intra
 12 and extra oral procedures:

13 (1) ~~Scaling of teeth, including subgingival regions~~
 14 ~~and root planing with hand and ultrasonic instruments;~~ Oral
 15 prophylaxis, periodontal scaling, and root planing which includes
 16 supragingival and subgingival debridement;

17 (2) Polish all exposed tooth surfaces, including
 18 ~~with motor-driven and hand instruments in the oral prophylaxis~~
 19 ~~procedure, including polishing amalgam restorations;~~

20 (3) Conduct and assess preliminary charting and screening
 21 examinations and indexing of dental and periodontal disease;

22 (4) Brush biopsies;

23 (5) Pulp vitality testing;

24 ~~(4) Periodontal probing and charting;~~

25 ~~(5) (6) Gingival curettage;~~

- 1 ~~(6) Place and remove periodontal dressings;~~
- 2 (7) Remove sutures;
- 3 (8) Provide preventive measures, such as the application
- 4 of fluorides, sealants, and other recognized topical agents for the
- 5 prevention of oral disease;
- 6 (9) Provide impressions for study casts;
- 7 (10) Apply topical ~~desensitizing~~ and subgingival agents;
- 8 (11) Provide radiographic exposures;
- 9 (12) Provide oral health education, including conducting
- 10 workshops and inservice training sessions on dental health; for
- 11 patients including the teaching of appropriate plaque control
- 12 techniques; and
- 13 (13) Perform or provide all of the duties that any dental
- 14 assistant is authorized to perform; and -
- 15 (14) Apply or dispense antimicrobial rinses, fluorides,
- 16 and other anticariogenic agents and, in the case of a patient of
- 17 record with a previous prescription for an antimicrobial rinse,
- 18 fluoride, or other anticariogenic agent, authorize a refill of such
- 19 prescription.

20 Sec. 3. Original sections 71-193.15 and 71-193.17,

21 Reissue Revised Statutes of Nebraska, are repealed.