



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 427

Chairperson: Joel Johnson
Committee: Health and Human Services
Date of Hearing: January 31, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 427 addresses the use of dental hygienists to help meet the need for improved oral health for children eligible for Medicaid. It builds on the structure of the current expansion of the scope of practice for dental hygienists as recently authorized by the Director, Department of Health and Human Services Regulation and Licensure. It also builds on the current structure for providing public health services in Nebraska. It provides accountability and necessary safeguards for patients. And it makes appropriate adjustments to the statute providing the current scope of practice for dental hygienists.

Builds on current expansion by Director. On November 15, 2006, the Director of Health and Human Services Regulation and Licensure exercised her authority under sec. 71-193.15 to authorize dental hygienists to conduct the following public health-related services without supervision: preliminary charting and screening examinations; oral health education for patients; and to perform certain duties that any dental assistant is authorized to do that are not supportive of current treatment by a dentist which include inspecting the oral cavity, performing pulp vitality testing and applying topical anticariogenic agents (fluoride). LB 427 would codify these services as unsupervised when so authorized by the Director, and add the service of applying sealants. The Director would be able to maintain control over the authorization to dental hygienists as is necessary. It keeps the Director in charge.

Builds on current structure of public health in Nebraska. The expanded scope of practice without supervision would be authorized to be performed only in public health settings such as a federal or state public health facility, community clinic, or other programs or agency that primarily serves public health care program recipients. This would encourage the utilization of district health departments as an integral part of the public health setting. The provision of these oral public health-related services would be complementary to the other services provided by health professionals at those locations.

Provides accountability and safeguards. A dental hygienist providing these services without supervision would have to do the following: (1) provide a copy of a report of treatment to the Department of Health and Human Services Regulation and Licensure and show proof of professional liability coverage, and (2) advise the patient and legal guardian that the services are

preventive in nature and do not constitute dental diagnosis and care. The report of treatment gives data to the Director to assist in evaluating the quality of services being performed. Liability coverage gives assurance to the patient of a financial resource in case of malpractice. Notice to the patient assists in informing the patient that a dental hygienist is not a dentist, and that the care being given is limited in nature. Additionally, a dental hygienist is deemed not eligible as a provider of Medicaid services for purposes of reimbursement, and this is done to maintain cost control and accountability for that program; it is anticipated that Medicaid reimbursement would be sought by the public health setting involved (such as a district health department), and appropriate compensation be given to the dental hygienist for services rendered.

Adjustments to the current scope of practice in sec. 71-193.17. The current section of law outlining authorized procedures under supervision would also be amended. Outdated terms are updated, clarification is provided, and modest expansion of services is authorized (such as the application of anticariogenic agents, and authority to authorize a refill of a prescription for such an agent for a patient of record).

Principal Introducer:

Senator Joel T. Johnson