

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 80

Introduced by Gloor, 35.

Read first time January 08, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend
2 sections 38-1101, 38-1102, 38-1108, 38-1112, 38-1113, 38-1137,
3 38-1138, 38-1139, 38-1140, 38-1141, 38-1142, 38-1143, 38-1144,
4 38-1145, 38-1146, 38-1147, and 38-1148, Reissue Revised Statutes of
5 Nebraska; to provide, change, and eliminate requirements for permits
6 for anesthesia, analgesia, and sedation as prescribed; to provide,
7 change, and eliminate definitions; to provide requirements for
8 sedation; to harmonize provisions; to provide an operative date; and
9 to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-1101 Sections 38-1101 to 38-1151 and section 3 of this act shall
4 be known and may be cited as the Dentistry Practice Act.

5 Sec. 2. Section 38-1102, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 38-1102 For purposes of the Dentistry Practice Act and elsewhere in
8 the Uniform Credentialing Act, unless the context otherwise requires, the
9 definitions found in sections 38-1103 to 38-1113 and section 3 of this
10 act apply.

11 Sec. 3. Deep sedation means a drug-induced depression of
12 consciousness during which (1) a patient cannot be easily aroused but
13 responds purposefully following repeated or painful stimulation, (2) the
14 ability to independently maintain ventilatory function may be impaired,
15 (3) a patient may require assistance in maintaining a patent airway and
16 spontaneous ventilation may be inadequate, and (4) cardiovascular
17 function is usually maintained.

18 Sec. 4. Section 38-1108, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-1108 General anesthesia means a drug-induced loss of
21 consciousness during which (1) a patient is not arousable, even by
22 painful stimulation, (2) the ability to independently maintain
23 ventilatory function is often impaired, (3) a patient often requires
24 assistance in maintaining a patent airway and positive pressure
25 ventilation may be required because of depressed spontaneous ventilation
26 or drug-induced depression of neuromuscular function, and (4)
27 cardiovascular function may be impaired ~~controlled state of~~
28 ~~unconsciousness accompanied by a partial or complete loss of protective~~
29 ~~reflexes, including the inability to independently maintain an airway and~~
30 ~~respond purposefully to physical stimulation or verbal command, and~~
31 ~~produced by a pharmacologic or nonpharmacologic method or a combination~~

1 thereof.

2 Sec. 5. Section 38-1112, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 38-1112 Minimal sedation means a drug-induced depression of
5 consciousness during which (1) a patient retains the ability to
6 independently and continuously maintain an airway and respond normally to
7 tactile stimulation and verbal command, (2) cognitive function and
8 coordination may be modestly impaired, and (3) ventilatory and
9 cardiovascular functions are unaffected ~~Parenteral means administration~~
10 ~~other than through the digestive tract, including, but not limited to,~~
11 ~~intravenous administration.~~

12 Sec. 6. Section 38-1113, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1113 Moderate sedation means a drug-induced depression of
15 consciousness during which (1) a patient responds purposefully to verbal
16 commands, either alone or accompanied by light tactile stimulation, (2)
17 no intervention is required to maintain a patent airway and spontaneous
18 ventilation is adequate, and (3) cardiovascular function is usually
19 maintained ~~Sedation means a depressed level of consciousness in which the~~
20 ~~patient's ability to independently and continuously maintain an airway~~
21 ~~and respond appropriately to physical stimulation or verbal command is~~
22 ~~retained and which is produced by a pharmacologic or nonpharmacologic~~
23 ~~method or a combination thereof.~~

24 Sec. 7. Section 38-1137, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1137 A dentist licensed in this state shall not administer
27 general anesthesia, deep sedation, moderate sedation, or minimal
28 ~~parenteral sedation, or inhalation analgesia~~ in the practice of dentistry
29 unless he or she has been issued the appropriate a permit to administer
30 ~~general anesthesia, parenteral sedation, or inhalation analgesia~~ pursuant
31 to the Dentistry Practice Act. A dentist licensed in this state may

1 administer inhalation analgesia in the practice of dentistry without a
2 permit pursuant to the act.

3 Sec. 8. Section 38-1138, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-1138 A violation of provisions of the Dentistry Practice Act
6 relating to the administration of general anesthesia, deep sedation,
7 moderate sedation, minimal parenteral sedation, or inhalation analgesia
8 may result in action against the dentist's permit, license, or both
9 pursuant to section 38-196.

10 Sec. 9. Section 38-1139, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-1139 (1) The department, with the recommendation of the board,
13 shall issue a permit to a Nebraska-licensed dentist to administer general
14 anesthesia or deep sedation on an outpatient basis to dental patients if
15 the dentist:

16 (a ~~1~~) Maintains a properly equipped facility for the administration
17 of general anesthesia or deep sedation as determined by the board;

18 (b ~~2~~) Is currently certified in basic life-support skills for health
19 care providers as determined by the board and either advanced cardiac
20 life support or an appropriate emergency management course for anesthesia
21 and dental sedation as determined by the board ~~or the equivalent thereof;~~

22 (c ~~3~~) Has successfully completed an onsite evaluation covering the
23 areas of physical evaluation, monitoring, sedation, and emergency
24 medicine; and

25 (d ~~4~~) Meets at least one of the following criteria:

26 (i) Has completed an advanced education program approved by the
27 board that affords comprehensive and appropriate training necessary to
28 administer and manage general anesthesia or deep sedation; or

29 (ii) Is a fellow of the American Dental Society of Anesthesiology.

30 (a) ~~Has completed one year of advanced training in anesthesiology~~
31 ~~and related academic subjects beyond the dental school level in an~~

1 ~~approved training program;~~

2 ~~(b) Is a diplomate of the American Board of Oral and Maxillofacial~~
3 ~~Surgery;~~

4 ~~(c) Has completed the educational requirements for eligibility for~~
5 ~~examination by the American Board of Oral and Maxillofacial Surgery; or~~

6 ~~(d) Is a fellow of the American Dental Society of Anesthesiology.~~

7 (2) A dentist who has been issued a permit pursuant to this section
8 may administer moderate or minimal sedation parenteral sedation or
9 inhalation analgesia.

10 (3) A dentist who has been issued a permit to administer general
11 anesthesia pursuant to this section prior to the operative date of this
12 act may administer deep, moderate, or minimal sedation.

13 Sec. 10. Section 38-1140, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 38-1140 (1) The department, with the recommendation of the board,
16 shall issue a permit to a Nebraska-licensed dentist to administer
17 moderate parenteral sedation on an outpatient basis to dental patients if
18 the dentist:

19 (a 1) Maintains a properly equipped facility for the administration
20 of moderate parenteral sedation as determined by the board;

21 (b 2) Is currently certified in basic life-support skills for health
22 care providers as determined by the board and either advanced cardiac
23 life support or an appropriate emergency management course for anesthesia
24 and dental sedation as determined by the board or the equivalent thereof;

25 (c 3) Has successfully completed an onsite evaluation covering the
26 areas of physical evaluation, monitoring, sedation, and emergency
27 medicine; and

28 (d) Meets at least one of the following criteria:

29 (i) Has completed an advanced education program approved by the
30 board that affords comprehensive and appropriate training necessary to
31 administer and manage moderate sedation; or

1 (ii) Is a fellow of the American Dental Society of Anesthesiology.

2 ~~(4) Is certified as competent in the administration of parenteral~~
3 ~~sedation and in handling all related emergencies by a university,~~
4 ~~teaching hospital, or other facility approved by the board or by~~
5 ~~completing the curriculum of an accredited school or college of~~
6 ~~dentistry. Such certification shall specify the type, the number of~~
7 ~~hours, and the length of formal training completed at such school or~~
8 ~~college of dentistry. The formal training shall include, but not be~~
9 ~~limited to, forty didactic hours and twenty patient contact hours,~~
10 ~~including documentation of a minimum of fifteen supervised parenteral~~
11 ~~sedation cases.~~

12 (2) A dentist who has been issued a permit pursuant to this section
13 may administer minimal sedation ~~inhalation analgesia~~.

14 (3) A dentist who has been issued a permit to administer parenteral
15 sedation pursuant to this section prior to the operative date of this act
16 may administer moderate or minimal sedation.

17 Sec. 11. Section 38-1141, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-1141 (1) The department, with the recommendation of the board,
20 shall issue a permit to a Nebraska-licensed dentist to administer minimal
21 sedation ~~inhalation analgesia~~ on an outpatient basis to dental patients
22 if the dentist:

23 (a 1) Maintains a properly equipped facility for the administration
24 of minimal sedation ~~inhalation analgesia~~ as determined by the board;

25 (b 2) Is currently certified in basic life-support skills for health
26 care providers as determined by the board and, if providing minimal
27 sedation for persons twelve years of age and under, is currently
28 certified in pediatric advanced life support as determined by the board
29 or the equivalent thereof; and

30 (c) Meets at least one of the following criteria:

31 (i) Has completed an advanced education program approved by the

1 board that affords comprehensive and appropriate training necessary to
2 administer and manage minimal sedation; or

3 (ii) Has completed training to the level of competency in minimal
4 sedation consistent with the standards set by the American Dental
5 Association as determined by the board or a comprehensive training
6 program in minimal sedation as approved by the board.

7 (2) An inhalation analgesia permit issued pursuant to this section
8 prior to the operative date of this act terminates on such date.

9 ~~(3) Has completed an approved two-day training course or equivalent~~
10 ~~training which may be acquired while studying at an accredited school or~~
11 ~~college of dentistry.~~

12 Sec. 12. Section 38-1142, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1142 General anesthesia, deep sedation, moderate sedation, and
15 minimal ~~and parenteral~~ sedation shall not be administered by a dentist
16 without the presence and assistance of a licensed dental hygienist or a
17 dental assistant.

18 Sec. 13. Section 38-1143, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-1143 Any person who assists a dentist in the administration of
21 general anesthesia, deep sedation, moderate sedation, or minimal
22 ~~parenteral~~ sedation, ~~or inhalation analgesia~~ shall be currently certified
23 in basic life-support skills or the equivalent thereof.

24 Sec. 14. Section 38-1144, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1144 Nothing in the Dentistry Practice Act shall be construed to
27 allow a dentist to administer to himself or herself, or to any person
28 other than in the course of the practice of dentistry, any drug or agent
29 used for general anesthesia, deep sedation, moderate sedation, minimal
30 ~~parenteral~~ sedation, or inhalation analgesia.

31 Sec. 15. Section 38-1145, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1145 (1) Permits issued for the administration of general
3 anesthesia or deep sedation, moderate sedation, or minimal sedation ~~,~~
4 ~~parenteral sedation, or inhalation analgesia~~ pursuant to the Dentistry
5 Practice Act shall be valid until March 1 of the next odd-numbered year
6 after issuance. A permit issued for the administration of general
7 anesthesia prior to the operative date of this act shall remain valid
8 subject to the Dentistry Practice Act until March 1 of the next odd-
9 numbered year, and it may be renewed subject to the Dentistry Practice
10 Act as a general anesthesia or deep sedation permit. A permit issued for
11 the administration of parenteral sedation prior to the operative date of
12 this act shall remain valid subject to the Dentistry Practice Act until
13 March 1 of the next odd-numbered year, and it may be renewed subject to
14 the Dentistry Practice Act as a moderate sedation permit ~~, except that~~
15 ~~permits issued or renewed prior to March 1, 2007, shall expire March 1,~~
16 ~~2009.~~

17 (2) The department, with the recommendation of the board, shall
18 adopt and promulgate rules and regulations to define criteria for the
19 reevaluation of credentials, facilities, equipment, dental hygienists,
20 and dental assistants and procedures of a previously qualified dentist to
21 renew his or her permit for each subsequent renewal.

22 Sec. 16. Section 38-1146, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 38-1146 All practice locations of a dentist applying for a permit to
25 administer general anesthesia or deep sedation, moderate sedation, or
26 minimal sedation ~~parenteral sedation, or inhalation analgesia~~ may be
27 inspected at the discretion of the board. The board may contract to have
28 such inspections performed. The board shall not delegate authority to
29 review and to make recommendations on permit applications or to determine
30 the persons or facilities to be inspected.

31 Sec. 17. Section 38-1147, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-1147 (1) All licensed dentists practicing in this state shall
3 submit a report to the board within thirty days of any incident which
4 results in death or physical or mental injury requiring hospitalization
5 of a patient which occurs in the outpatient facilities of such dentist
6 during, or as a direct result of, ~~inhalation analgesia, parenteral~~
7 ~~sedation, or general anesthesia, deep sedation, moderate sedation,~~
8 minimal sedation, or inhalation analgesia.

9 (2) The incident report shall include, but not be limited to:

10 (a) A description of the dental procedure;

11 (b) A description of the preoperative physical condition of the
12 patient;

13 (c) A list of the drugs and the dosage administered;

14 (d) A detailed description of the techniques used in administering
15 the drugs;

16 (e) A description of the incident, including, but not limited to, a
17 detailed description of the symptoms of any complications, the symptoms
18 of onset, and the type of symptoms in the patient;

19 (f) A description of the treatment instituted;

20 (g) A description of the patient's response to the treatment; and

21 (h) A description of the patient's condition on termination of any
22 procedures undertaken.

23 (3) Failure to submit an incident report as required by this section
24 shall result in the loss of the permit.

25 Sec. 18. Section 38-1148, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-1148 The department, with the recommendation of the board, may
28 adopt and promulgate rules and regulations necessary to carry out the
29 provisions of the Dentistry Practice Act relating to permits to
30 administer general anesthesia or deep sedation, moderate sedation, or
31 minimal sedation and relating to administration of parenteral sedation,

1 of inhalation analgesia.

2 Sec. 19. This act becomes operative on July 1, 2016.

3 Sec. 20. Original sections 38-1101, 38-1102, 38-1108, 38-1112,
4 38-1113, 38-1137, 38-1138, 38-1139, 38-1140, 38-1141, 38-1142, 38-1143,
5 38-1144, 38-1145, 38-1146, 38-1147, and 38-1148, Reissue Revised Statutes
6 of Nebraska, are repealed.