

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 901**

Introduced by Kolterman, 24.

Read first time January 11, 2016

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend  
2 sections 38-1107, 38-1116, 38-1119, 38-1121, 38-1131, 38-1132,  
3 38-1135, and 38-1136, Reissue Revised Statutes of Nebraska, section  
4 38-1130, Revised Statutes Cumulative Supplement, 2014, and sections  
5 38-1101 and 38-1102, Revised Statutes Supplement, 2015; to define  
6 and redefine terms; to change provisions relating to dental  
7 assistants and licensed dental hygienists; to provide for licensed  
8 dental assistants, expanded function dental assistants, and expanded  
9 function dental hygienists; to provide powers and duties; to  
10 harmonize provisions; and to repeal the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1       Section 1. Section 38-1101, Revised Statutes Supplement, 2015, is  
2 amended to read:

3       38-1101 Sections 38-1101 to 38-1151 and sections 3, 5 to 8, 10 to  
4 12, 15, 19, and 21 of this act shall be known and may be cited as the  
5 Dentistry Practice Act.

6       Sec. 2. Section 38-1102, Revised Statutes Supplement, 2015, is  
7 amended to read:

8       38-1102 For purposes of the Dentistry Practice Act and elsewhere in  
9 the Uniform Credentialing Act, unless the context otherwise requires, the  
10 definitions found in sections 38-1103 to 38-1113 and sections 3 and 5 to  
11 8 of this act apply.

12       Sec. 3. Accredited dental assisting program means a program that is  
13 accredited by the American Dental Association Commission on Dental  
14 Accreditation, which is an agency recognized by the United States  
15 Department of Education as an accrediting body, that is within a school  
16 or college approved by the board, and that requires a dental assisting  
17 curriculum of not less than one academic year.

18       Sec. 4. Section 38-1107, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20       38-1107 Dental assistant means a person who does not hold a license  
21 under the Dentistry Practice Act and who is , ~~other than a dental~~  
22 ~~hygienist,~~ employed by ~~a licensed dentist~~ for the purpose of assisting a  
23 licensed ~~such~~ dentist in the performance of his or her clinical and  
24 clinical-related duties as described in section 38-1135.

25       Sec. 5. Expanded function dental assistant means a licensed dental  
26 assistant who has met the requirements to practice as an expanded  
27 function dental assistant pursuant to section 12 of this act.

28       Sec. 6. Expanded function dental hygienist means a licensed dental  
29 hygienist who has met the requirements to practice as an expanded  
30 function dental hygienist pursuant to section 10 of this act.

31       Sec. 7. Licensed dental assistant means a dental assistant who

1 holds a license to practice as a dental assistant under the Dentistry  
2 Practice Act.

3       Sec. 8. Licensed dental hygienist means a person who holds a  
4 license to practice dental hygiene under the Dentistry Practice Act.

5       Sec. 9. Section 38-1116, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       38-1116 The Dentistry Practice Act shall not require licensure as a  
8 dentist under the act for ~~apply to~~:

9       (1) The practice of his or her profession by a physician or surgeon  
10 licensed as such under the laws of this state unless he or she practices  
11 dentistry as a specialty;

12       (2) The giving by a qualified anesthetist or registered nurse of an  
13 anesthetic for a dental operation under the direct supervision of a  
14 licensed dentist or physician;

15       (3) The practice of dentistry by graduate dentists or dental  
16 surgeons who serve in the armed forces of the United States or the United  
17 States Public Health Service or who are employed by the United States  
18 Department of Veterans Affairs or other federal agencies, if their  
19 practice is limited to that service or employment;

20       (4) The practice of dentistry by a licensed dentist of other states  
21 or countries at meetings of the Nebraska Dental Association or components  
22 thereof, or other like dental organizations approved by the Board of  
23 Dentistry, while appearing as clinicians;

24       (5) The filling of work authorizations of a licensed and registered  
25 dentist as provided in this subdivision by any person or persons,  
26 association, corporation, or other entity for the construction,  
27 reproduction, or repair of prosthetic dentures, bridges, plates, or  
28 appliances to be used or worn as substitutes for natural teeth if such  
29 person or persons, association, corporation, or other entity does not  
30 solicit or advertise, directly or indirectly by mail, card, newspaper,  
31 pamphlet, radio, or otherwise, to the general public to construct,

1 reproduce, or repair prosthetic dentures, bridges, plates, or other  
2 appliances to be used or worn as substitutes for natural teeth;

3 (6) The use of roentgen or X-ray machines or other rays for making  
4 radiograms or similar records of dental or oral tissues under the  
5 supervision of a licensed dentist or physician if such service is not  
6 advertised by any name whatever as an aid or inducement to secure dental  
7 patronage, and no person shall advertise that he or she has, leases,  
8 owns, or operates a roentgen or X-ray machine for the purpose of making  
9 dental radiograms of the human teeth or tissues or the oral cavity or  
10 administering treatment thereto for any disease thereof;

11 (7) The performance by a licensed dental hygienist, under the  
12 supervision of a licensed dentist, of the oral prophylaxis procedure  
13 which shall include the scaling and polishing of teeth and such  
14 additional procedures as are prescribed in accordance with rules and  
15 regulations adopted by the department;

16 (8) The performance, under the supervision of a licensed dentist, by  
17 a dental assistant, a licensed dental assistant, or an expanded function  
18 dental assistant ~~under the supervision of a licensed dentist~~, of duties  
19 prescribed in accordance with rules and regulations adopted by the  
20 department;

21 (9) The performance by a licensed dental hygienist or an expanded  
22 function dental hygienist, by virtue of training and professional  
23 ability, under the supervision of a licensed dentist, of taking dental  
24 roentgenograms. Any other person is hereby authorized, under the  
25 supervision of a licensed dentist, to take dental roentgenograms but  
26 shall not be authorized to do so until he or she has satisfactorily  
27 completed a course in dental radiology recommended by the board and  
28 approved by the department;

29 (10) Students of dentistry who practice dentistry upon patients in  
30 clinics in the regular course of instruction at an accredited school or  
31 college of dentistry;

1           (11) Licensed physicians and surgeons who extract teeth or treat  
2 diseases of the oral cavity, gums, teeth, or maxillary bones as an  
3 incident to the general practice of their profession;~~or~~

4           (12) Dental hygiene students who practice dental hygiene or expanded  
5 function dental hygiene upon patients in clinics in the regular course of  
6 instruction at an accredited dental hygiene program. Such dental hygiene  
7 students are also not engaged in the unauthorized practice of dental  
8 hygiene or expanded function dental hygiene; or -

9           (13) Dental assisting students who practice dental assisting or  
10 expanded function dental assisting upon patients in clinics in the  
11 regular course of instruction at an accredited dental assisting program.  
12 Such dental assisting students are also not engaged in the unauthorized  
13 practice of dental assisting, expanded function dental assisting, dental  
14 hygiene, or expanded function dental hygiene.

15           Sec. 10.   (1) Every applicant for a permit to practice expanded  
16 function dental hygiene shall (a) present proof of current, valid  
17 licensure under the Dentistry Practice Act as a licensed dental hygienist  
18 at the time of application, (b) present proof of at least one thousand  
19 five hundred hours of experience as a licensed dental hygienist, (c)  
20 present proof of successful completion of courses and examinations in  
21 expanded function dental hygiene approved by the board, (d) pass a  
22 jurisprudence examination approved by the board that is based on the  
23 Nebraska statutes, rules, and regulations governing the practice of  
24 expanded function dental hygiene, and (e) complete continuing education  
25 as a condition of the permit if required by the board.

26           (2) Upon completion of these requirements, the department, with the  
27 recommendation of the board, shall issue the applicant the applicable  
28 permit to practice expanded function dental hygiene.

29           Sec. 11.   (1) Every applicant for a license to practice as a  
30 licensed dental assistant shall (a) have a high school diploma or its  
31 equivalent, (b) present proof of (i) graduation from an accredited dental

1 assisting program or (ii) a minimum of one thousand five hundred hours of  
2 experience as a dental assistant during the five-year period prior to the  
3 application for a license, (c) pass the examination to become a certified  
4 dental assistant administered by the Dental Assisting National Board or  
5 an equivalent examination approved by the Board of Dentistry, (d) pass a  
6 jurisprudence examination approved by the board that is based on the  
7 Nebraska statutes, rules, and regulations governing the practice of  
8 dental assisting, and (e) complete continuing education as a condition of  
9 licensure if required by the board.

10 (2) Upon completion of these requirements, the department, with the  
11 recommendation of the board, shall issue the applicant a license to  
12 practice as a licensed dental assistant.

13 Sec. 12. (1) Every applicant for a permit to practice as an  
14 expanded function dental assistant shall (a) present proof of current,  
15 valid licensure under the Dentistry Practice Act as a licensed dental  
16 assistant at the time of application, (b) present proof of at least one  
17 thousand five hundred hours of experience as a licensed dental assistant,  
18 (c) present proof of successful completion of courses and examinations in  
19 expanded function dental assisting approved by the board, (d) pass a  
20 jurisprudence examination approved by the board that is based on the  
21 Nebraska statutes, rules, and regulations governing the practice of  
22 expanded function dental assisting, and (e) complete continuing education  
23 as a condition of the permit if required by the board.

24 (2) Upon completion of these requirements, the department, with the  
25 recommendation of the board, shall issue the applicant the applicable  
26 permit to practice as an expanded function dental assistant.

27 Sec. 13. Section 38-1119, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 38-1119 Any person who applies for a license to practice dentistry,  
30 ~~or~~ dental hygiene, or dental assisting and who has failed on two  
31 occasions to pass any part of the practical examination shall be required

1 to complete a course in clinical dentistry, ~~or dental hygiene, or dental~~  
2 assisting approved by the board before the department may consider the  
3 results of a third examination as a valid qualification for a license to  
4 practice dentistry, ~~or dental hygiene, or dental assisting~~ in the State  
5 of Nebraska.

6 Sec. 14. Section 38-1121, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 38-1121 (1) Every applicant for a license to practice dental  
9 hygiene based on a license in another state or territory of the United  
10 States or the District of Columbia shall meet the standards set by the  
11 board pursuant to section 38-126 and shall have been actively engaged in  
12 the practice of dental hygiene for at least three years, one of which  
13 must be within the three years immediately preceding the application,  
14 under a license in another state or territory of the United States or the  
15 District of Columbia. Practice in an accredited dental hygiene program  
16 for the purpose of completing a postgraduate or residency program in  
17 dental hygiene also serves as active practice toward meeting this  
18 requirement.

19 (2) Every applicant for a license to practice as a licensed dental  
20 assistant based on a license in another state or territory of the United  
21 States or the District of Columbia shall meet the standards set by the  
22 board pursuant to section 38-126 and shall have been actively engaged in  
23 practice as a licensed dental assistant for at least three years, one of  
24 which must be within the three years immediately preceding the  
25 application, under a license in another state or territory of the United  
26 States or the District of Columbia. Practice in an accredited dental  
27 assisting program for the purpose of completing a postgraduate or  
28 residency program in dental assisting also serves as active practice  
29 toward meeting this requirement.

30 Sec. 15. Every person who owns, operates, or controls a facility in  
31 which an expanded function dental assistant or an expanded function

1 dental hygienist is practicing shall display the permit of such person  
2 issued by the board for expanded functions in a conspicuous place in such  
3 facility.

4 Sec. 16. Section 38-1130, Revised Statutes Cumulative Supplement,  
5 2014, is amended to read:

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

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

17 (3)(a) The department may authorize a licensed dental hygienist to  
18 perform the following functions 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:

21 (i) Oral prophylaxis to healthy children who do not require  
22 antibiotic premedication;

23 (ii) Pulp ~~pulp~~ vitality testing;

24 (iii) Preventive and ~~preventive~~ measures, including the application  
25 of fluorides, sealants, and other recognized topical agents for the  
26 prevention of oral disease; -

27 (iv) Upon completion of education and testing approved by the board,  
28 interim therapeutic restoration technique; and

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

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

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

15 (4)(a) The department may authorize a licensed dental hygienist who  
16 has completed three thousand hours of clinical experience to perform the  
17 following functions in the conduct of public health-related services to  
18 adults in a public health setting or in a health care or related  
19 facility:

20 (i) Oral prophylaxis;

21 (ii) Pulp ~~pulp~~ vitality testing;

22 (iii) Preventive and ~~preventive~~ measures, including the application  
23 of fluorides, sealants, and other recognized topical agents for the  
24 prevention of oral disease; -

25 (iv) Upon completion of education and testing approved by the board,  
26 interim therapeutic restoration technique;

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

30 (vi) Upon completion of education and testing approved by the board,  
31 minor denture adjustments.

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

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

16 (5) The department shall compile the data from the reports provided  
17 under subdivisions (3)(c)(i) and (4)(c)(i) of this section and provide an  
18 annual report to the Board of Dentistry and the State Board of Health.

19 (6) For purposes of this section:

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

23 (b) Public health setting means a federal, state, or local public  
24 health department or clinic, community health center, rural health  
25 clinic, or other similar program or agency that serves primarily public  
26 health care program recipients.

27 (7) Within five years after September 6, 2013, the Health and Human  
28 Services Committee of the Legislature shall evaluate the services  
29 provided by licensed dental hygienists pursuant to this section to  
30 ascertain the effectiveness of such services in the delivery of oral  
31 health care and shall provide a report on such evaluation to the

1 Legislature. The report submitted to the Legislature shall be submitted  
2 electronically.

3 Sec. 17. Section 38-1131, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-1131 When authorized by and under the general supervision of a  
6 licensed dentist, a licensed dental hygienist may perform the following  
7 intra and extra oral procedures and functions:

8 (1) Oral prophylaxis, periodontal scaling, and root planing which  
9 includes supragingival and subgingival debridement;

10 (2) Polish all exposed tooth surfaces, including restorations;

11 (3) Conduct and assess preliminary charting, probing, screening  
12 examinations, and indexing of dental and periodontal disease, with  
13 referral, when appropriate, for a dental diagnosis by a licensed dentist;

14 (4) Brush biopsies;

15 (5) Pulp vitality testing;

16 (6) Gingival curettage;

17 (7) Removal of sutures;

18 (8) Preventive measures, including the application of fluorides,  
19 sealants, and other recognized topical agents for the prevention of oral  
20 disease;

21 (9) Impressions for study casts;

22 (10) Application of topical and subgingival agents;

23 (11) Radiographic exposures;

24 (12) Oral health education, including conducting workshops and  
25 inservice training sessions on dental health;

26 (13) Application or administration of antimicrobial rinses,  
27 fluorides, and other anticariogenic agents; ~~and~~

28 (14) Upon completion of education and testing approved by the board,  
29 interim therapeutic restoration technique; and

30 (15 14) All of the duties that a ~~any~~ dental assistant who is not  
31 licensed is authorized to perform.

1       Upon completion of education and testing approved by the board and  
2 when authorized by and under the general supervision of a licensed  
3 dentist, a licensed dental hygienist may write prescriptions for mouth  
4 rinses and fluoride products that help decrease the risk for tooth decay.

5       Sec. 18. Section 38-1132, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7       38-1132 (1)(a) A licensed dental hygienist may monitor nitrous oxide  
8 analgesia under the indirect supervision of a licensed dentist.

9       (b) Upon completion of education and testing approved by the board,  
10 a licensed dental hygienist may administer and titrate nitrous oxide  
11 analgesia under the indirect supervision of a licensed dentist.

12       (2) A licensed dental hygienist may be approved by the department,  
13 with the recommendation of the board, to administer local anesthesia  
14 under the indirect supervision of a licensed dentist. The board may  
15 prescribe by rule and regulation: The necessary education and  
16 preparation, which shall include, but not be limited to, instruction in  
17 the areas of head and neck anatomy, osteology, physiology, pharmacology,  
18 medical emergencies, and clinical techniques; the necessary clinical  
19 experience; and the necessary examination for purposes of determining the  
20 competence of licensed dental hygienists to administer local anesthesia.  
21 The board may approve successful completion after July 1, 1994, of a  
22 course of instruction to determine competence to administer local  
23 anesthesia. The course of instruction must be at an accredited school or  
24 college of dentistry or an accredited dental hygiene program. The course  
25 of instruction must be taught by a faculty member or members of the  
26 school or college of dentistry or dental hygiene program presenting the  
27 course. The board may approve for purposes of this subsection a course of  
28 instruction if such course includes:

29       (a) At least twelve clock hours of classroom lecture, including  
30 instruction in (i) medical history evaluation procedures, (ii) anatomy of  
31 the head, neck, and oral cavity as it relates to administering local

1 anesthetic agents, (iii) pharmacology of local anesthetic agents,  
2 vasoconstrictor, and preservatives, including physiologic actions, types  
3 of anesthetics, and maximum dose per weight, (iv) systemic conditions  
4 which influence selection and administration of anesthetic agents, (v)  
5 signs and symptoms of reactions to local anesthetic agents, including  
6 monitoring of vital signs, (vi) management of reactions to or  
7 complications associated with the administration of local anesthetic  
8 agents, (vii) selection and preparation of the armamentaria for  
9 administering various local anesthetic agents, and (viii) methods of  
10 administering local anesthetic agents;

11 (b) At least twelve clock hours of clinical instruction during which  
12 time at least three injections of each of the anterior, middle and  
13 posterior superior alveolar, naso and greater palatine, inferior  
14 alveolar, lingual, mental, long buccal, and infiltration injections are  
15 administered; and

16 (c) Procedures, which shall include an examination, for purposes of  
17 determining whether the licensed dental hygienist has acquired the  
18 necessary knowledge and proficiency to administer local anesthetic  
19 agents.

20 Sec. 19. The department, with the recommendation of the board, may,  
21 by rule and regulation, prescribe functions, procedures, and services in  
22 addition to those in section 38-1135 which may be performed by a licensed  
23 dental assistant under the supervision of a licensed dentist when  
24 intended to attain or maintain optimal oral health.

25 Sec. 20. Section 38-1135, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 38-1135 (1) Any licensed dentist, public institution, or school may  
28 employ dental assistants, licensed dental assistants, and expanded  
29 function dental assistants in addition to licensed dental hygienists.  
30 Such dental assistants, under the supervision of a licensed dentist, may  
31 perform such duties as are prescribed in the Dentistry Practice Act in

1 accordance with rules and regulations adopted and promulgated by the  
2 department, with the recommendation of the board.

3 (2) The department, with the recommendation of the board, shall  
4 adopt and promulgate rules and regulations pursuant to section 38-126  
5 governing the performance of duties by dental assistants, licensed dental  
6 assistants, and expanded function dental assistants. The rules and  
7 regulations shall include the degree of supervision which must be  
8 provided by a licensed dentist and the education and proof of competency  
9 requirements that must be met for any procedures performed by a dental  
10 assistant, a licensed dental assistant, or an expanded function dental  
11 assistant.

12 (3) A dental assistant may perform any duties delegated by a  
13 licensed dentist for the purpose of assisting the licensed dentist in the  
14 performance of the dentist's clinical and clinical-related duties as  
15 allowed in the rules and regulations adopted and promulgated under the  
16 Dentistry Practice Act.

17 (4) Under the indirect supervision of a licensed dentist, a dental  
18 assistant may (a) monitor nitrous oxide if the dental assistant has  
19 current and valid certification for cardiopulmonary resuscitation  
20 approved by the board and (b) place topical local anesthesia.

21 (5) Under the general supervision of a licensed dentist, a dental  
22 assistant may, upon completion of education and testing approved by the  
23 board, take x-rays and perform coronal polishing.

24 (6) A licensed dental assistant may perform all procedures  
25 authorized for a dental assistant. Upon completion of education and  
26 testing approved by the board and with a permit from the department for  
27 the respective competency, a licensed dental assistant may, under the  
28 indirect supervision of a licensed dentist, (a) take dental impressions  
29 for fixed prosthesis, (b) take dental impressions and make minor  
30 adjustments for removable prosthesis, (c) cement prefabricated fixed  
31 prosthesis on primary teeth, and (d) monitor and administer nitrous oxide

1   analgesia.

2       (7) An expanded function dental assistant may, under the indirect  
3   supervision of a licensed dentist and upon the completion of education  
4   and testing approved by the board and receipt of a permit from the  
5   department for each competency, (a) restorative level one simple  
6   restorations, (b) restorative level two complex restorations, and (c)  
7   complete final cementation of fixed prosthesis.

8       (8) A dental assistant may be a graduate of an accredited dental  
9   assisting program or may be trained on the job.

10       (9) No person shall practice as a licensed dental assistant in this  
11   state unless he or she holds a license as a licensed dental assistant  
12   under the Dentistry Practice Act.

13       (10) No person shall practice as an expanded function dental  
14   assistant in this state unless he or she holds a permit as an expanded  
15   function dental assistant under the act.

16       (11) A licensed dentist shall only delegate duties to a dental  
17   assistant, a licensed dental assistant, or an expanded function dental  
18   assistant in accordance with rules and regulations adopted and  
19   promulgated pursuant to the Dentistry Practice Act. The licensed dentist  
20   supervising a dental assistant, a licensed dental assistant, or an  
21   expanded function dental assistant shall be responsible for patient care  
22   for each patient regardless of whether the patient care is rendered  
23   personally by the dentist or by a dental assistant, a licensed dental  
24   assistant, or an expanded function dental assistant.

25       Sec. 21. Section 38-1136, Reissue Revised Statutes of Nebraska, is  
26   amended to read:

27       38-1136   (1) Any licensed dentist, public institution, or school may  
28   employ licensed dental hygienists and expanded function dental  
29   hygienists.

30       (2) The department, with the recommendation of the board, shall  
31   adopt and promulgate rules and regulations governing the performance of

1 duties by licensed dental hygienists and expanded function dental  
2 hygienists. The rules and regulations shall include the degree of  
3 supervision which must be provided by a licensed dentist and the  
4 education and proof of competency requirements that must be met for any  
5 procedures performed by a licensed dental hygienist or an expanded  
6 function dental hygienist dental assistants.

7 (3) No person shall practice dental hygiene in this state unless he  
8 or she holds a license as a licensed dental hygienist under the Dentistry  
9 Practice Act.

10 (4) No person shall practice expanded function dental hygiene in  
11 this state unless he or she holds a permit as an expanded function dental  
12 hygienist under the act.

13 (5) A licensed dentist shall only delegate duties to a licensed  
14 dental hygienist or an expanded function dental hygienist in accordance  
15 with rules and regulations adopted and promulgated pursuant to the  
16 Dentistry Practice Act. The licensed dentist supervising a licensed  
17 dental hygienist or an expanded function dental hygienist shall be  
18 responsible for patient care for each patient regardless of whether the  
19 patient care is rendered personally by the dentist or by a licensed  
20 dental hygienist or an expanded function dental hygienist.

21 Sec. 22. An expanded function dental hygienist may perform all the  
22 procedures authorized for a licensed dental hygienist. Upon completion of  
23 education and testing approved by the board and with a permit from the  
24 department for the respective competency, an expanded function dental  
25 hygienist may, under the indirect supervision of a dentist, perform (1)  
26 restorative level one simple restorations and (2) restorative level two  
27 complex restorations.

28 Sec. 23. Original sections 38-1107, 38-1116, 38-1119, 38-1121,  
29 38-1131, 38-1132, 38-1135, and 38-1136, Reissue Revised Statutes of  
30 Nebraska, section 38-1130, Revised Statutes Cumulative Supplement, 2014,  
31 and sections 38-1101 and 38-1102, Revised Statutes Supplement, 2015, are

1 repealed.