

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB312

Hearing Date: Thursday February 14, 2019
Committee On: Health and Human Services
Introducer: Hansen, B.
One Liner: Change and eliminate provisions relating to dental hygienists

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

Vote Results:

Aye: 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Ben Hansen
Heather Hessheimer

Jeremy Eschliman
Roxanne Denny-Mickey

Deb Schardt

Opponents:

David O'Doherty
Mark Hinrichs
Kim Robak

Neutral:

Representing:

Introducer
Nebraska Dental Hygienists' Association; University of Nebraska Medical Center - College of Dentistry Dental Hygiene Program
Two Rivers Public Health Department
Nebraska Dental Hygienists' Association; Two Rivers Public Health Department
Nebraska Dental Hygienists' Association

Representing:

Nebraska Dental Association
Nebraska Dental Association
Nebraska Dental Association

Representing:

Summary of purpose and/or changes:

LB 312 relates to the practice of dental hygienists in the context of public health-related services under Neb. Rev. Stat. 38-1130 in the Dentistry Practice Act.

Under current law, dental hygienists may perform the functions listed in the Dentistry Practice Act only when authorized by a licensed dentist, except as provided in 38-1130 in the context of public health related services.

Section 1(3) amends the public health related services section of the law to authorize a dental hygienist to:

- perform all the authorized functions within their scope of practice, except the administration of anesthesia and nitrous oxide,

- adds patients receiving residential services to the list of persons for which dental hygienists may perform services

- allows the Department of Health and Human Services (DHHS) to authorize a licensed dental hygienist, within the context of public health related services or in a health care facility and upon completion of education and testing approved by the Board of Dentistry, to:

- write prescriptions for mouth rinses and fluoride products; and
- make minor denture adjustments.

(Section 1(3)(a)(i) and (ii), page 2, lines 14-28.)

Residential services are later defined in LB 312 to mean services offered through a home health agency as defined in section 71-417 or a hospice or hospice service as defined in section 71-418. (Section 1(5)(c), page 5, lines 2-4.)

In section 1(3)(a), language limiting services to children is struck. (Page 2, line 18.) It also strikes the current list of services dental hygienists could perform for children in a public health related setting. (Page 2, lines 25-31 and page 3, lines 1-5.)

LB 312 strikes section 4(a) of 38-1130 which required dental hygienists to have 3,000 hours of clinical experience in order to perform a variety of functions in the conduct of public health related services to adults in a public health setting or health care facility, such as oral prophylaxis, pulp vitality testing, preventative measures, among others. (Page 3, lines 20-31.)

It also strikes section 4(b) relating to the process by which DHHS verifies the required 3,000 hours of clinical experience and authorizes dental hygienists to perform services for adults in a public health related setting. (Page 4, lines 6-13.) Section 4(c) is also struck which requires a report by the dental hygienist of the authorized functions he or she performed in the public health setting and requires the dental hygienists to inform the patient that their services are preventative in nature and do not constitute a comprehensive dental diagnosis and care. (Page 4, lines 14-20.)

Finally, LB 312 strikes the provision requiring the Health and Human Services Committee to evaluate, before September 2018, the services provided by licensed dental hygienists pursuant to this section to ascertain the effectiveness of such services. (Page 5, lines 5-11.)

Explanation of amendments:

Section 3(a) of 38-1130 is amended so that, in the context of a public health setting or health care facility, the department may authorize a licensed dental hygienist to perform all of the authorized functions within the scope of practice of a licensed dental hygienist except periodontal scaling, root planning, and the administration of local anesthesia and nitrous oxide.

The language in the original bill authorizing dental hygienists to perform these services for patients receiving a residential service is struck in AM 1134. The definition of residential services from the original bill is also struck.

AM 1134 also adds an evaluation provision which requires the department to annually evaluate the delivery of dental hygiene services and provide a report electronically to the Clerk of the Legislature on or before September 15 each year beginning in 2020 regarding the evaluation. The Health and Human Services Committee is also required to hold a hearing at least once every three years to assess the reports submitted.

Sara Howard, Chairperson