

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 312**

Introduced by Hansen, B., 16.

Read first time January 15, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend  
2 section 38-1130, Revised Statutes Cumulative Supplement, 2018; to  
3 define a term; to change and eliminate provisions related to  
4 functions authorized for dental hygienists as prescribed; to  
5 eliminate obsolete provisions; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1130, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 38-1130 (1) Except as otherwise provided in this section, a licensed  
4 dental hygienist shall perform the dental hygiene functions listed in  
5 section 38-1131 only when authorized to do so by a licensed dentist who  
6 shall be responsible for the total oral health care of the patient.

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

14 (3)(a) The department may authorize a licensed dental hygienist to  
15 perform all of the authorized the following functions within the scope of  
16 practice of a licensed dental hygienist, except the administration of  
17 local anesthesia and nitrous oxide, in the conduct of public health-  
18 related services to children in a public health setting, or in a health  
19 care or related facility, or for a patient receiving residential  
20 services. In addition, the department may authorize a licensed dental  
21 hygienist to perform the following functions in such a setting or  
22 facility or for such a patient:

23 (i) Upon completion of education and testing approved by the board,  
24 writing prescriptions for mouth rinses and fluoride products that help  
25 decrease risk for tooth decay Oral prophylaxis to healthy children who do  
26 not require antibiotic premedication; and

27 (ii) Upon completion of education and testing approved by the board,  
28 minor denture adjustments. Pulp vitality testing;

29 (iii) Preventive measures, including the application of fluorides,  
30 sealants, and other recognized topical agents for the prevention of oral  
31 disease;

1       ~~(iv) Upon completion of education and testing approved by the board,~~  
2 ~~interim therapeutic restoration technique; and~~

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

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

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

20       ~~(4)(a) The department may authorize a licensed dental hygienist who~~  
21 ~~has completed three thousand hours of clinical experience to perform the~~  
22 ~~following functions in the conduct of public health-related services to~~  
23 ~~adults in a public health setting or in a health care or related~~  
24 ~~facility:~~

25       ~~(i) Oral prophylaxis;~~

26       ~~(ii) Pulp vitality testing;~~

27       ~~(iii) Preventive measures, including the application of fluorides,~~  
28 ~~sealants, and other recognized topical agents for the prevention of oral~~  
29 ~~disease;~~

30       ~~(iv) Upon completion of education and testing approved by the board,~~  
31 ~~interim therapeutic restoration technique;~~

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

4           ~~(vi) Upon completion of education and testing approved by the board,~~  
5 ~~minor denture adjustments.~~

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

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

21           ~~(4) (5)~~ The department shall compile the data from the reports  
22 provided under subdivision subdivisions (3)(c)(i) and ~~(4)(c)(i)~~ of this  
23 section and provide an annual report to the Board of Dentistry and the  
24 State Board of Health.

25           ~~(5) (6)~~ For purposes of this section:

26           (a) Health care or related facility means a hospital, a nursing  
27 facility, an assisted-living facility, a correctional facility, a tribal  
28 clinic, or a school-based preventive health program;~~and~~

29           (b) Public health setting means a federal, state, or local public  
30 health department or clinic, community health center, rural health  
31 clinic, or other similar program or agency that serves primarily public

1 health care program recipients; and -

2 (c) Residential services means services offered through a home  
3 health agency as defined in section 71-417 or a hospice or hospice  
4 service as defined in section 71-418.

5 ~~(7) Within five years after September 6, 2013, the Health and Human~~  
6 ~~Services Committee of the Legislature shall evaluate the services~~  
7 ~~provided by licensed dental hygienists pursuant to this section to~~  
8 ~~ascertain the effectiveness of such services in the delivery of oral~~  
9 ~~health care and shall provide a report on such evaluation to the~~  
10 ~~Legislature. The report submitted to the Legislature shall be submitted~~  
11 ~~electronically.~~

12 Sec. 2. Original section 38-1130, Revised Statutes Cumulative  
13 Supplement, 2018, is repealed.