

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 221**

Introduced by Karpisek, 32.

Read first time January 15, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Dentistry Practice Act; to amend section  
2 38-1130, Reissue Revised Statutes of Nebraska; to change  
3 functions authorized and authorization requirements for  
4 licensed dental hygienists; and to repeal the original  
5 section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 38-1130, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

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

8                   (2) The department may authorize a licensed dental  
9 hygienist to perform the following functions in the conduct of public  
10 health-related services in a public health setting or in a health  
11 care or related facility: Preliminary charting and screening  
12 examinations; oral health education, including workshops and  
13 inservice training sessions on dental health; and all of the duties  
14 that any dental assistant is authorized to perform.

15                   (3)(a) The department may authorize a licensed dental  
16 hygienist ~~with three thousand hours of clinical experience in at~~  
17 ~~least four of the preceding five calendar years to perform the~~  
18 following functions in the conduct of public health-related services  
19 to children in a public health setting or in a health care or related  
20 facility: Oral prophylaxis to healthy children who do not require  
21 antibiotic premedication; pulp vitality testing; and preventive  
22 measures, including the application of fluorides, sealants, and other  
23 recognized topical agents for the prevention of oral disease.

24                   (b) Authorization shall be granted by the department  
25 under this subsection upon (i) filing an application with the

1 department, and (ii) providing evidence of current licensure and  
2 professional liability insurance coverage. ~~and (iii) providing~~  
3 ~~evidence of clinical experience as required under subdivision (a) of~~  
4 ~~this subsection.~~ Authorization may be limited by the department as  
5 necessary to protect the public health and safety upon good cause  
6 shown and may be renewed in connection with renewal of the dental  
7 hygienist's license.

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

14 (4)(a) The department may authorize a licensed dental  
15 hygienist who has completed three thousand hours of clinical  
16 experience to perform the following functions in the conduct of  
17 public health-related services to adults in a public health setting  
18 or in a health care or related facility: Oral prophylaxis; pulp  
19 vitality testing; and preventive measures, including the application  
20 of fluorides, sealants, and other recognized topical agents for the  
21 prevention of oral disease.

22 (b) Authorization shall be granted by the department  
23 under this subsection upon (i) filing an application with the  
24 department, (ii) providing evidence of current licensure and  
25 professional liability insurance coverage, and (iii) providing

1 evidence of three thousand hours of clinical experience.  
2 Authorization may be limited by the department as necessary to  
3 protect the public health and safety upon good cause shown and may be  
4 renewed in connection with renewal of the dental hygienist's license.

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

11 ~~(4)~~(5) For purposes of this section:

12 (a) Health care or related facility means a hospital, a  
13 nursing facility, an assisted-living facility, a correctional  
14 facility, a tribal clinic, or a school-based preventive health  
15 program; and

16 (b) Public health setting means a federal, state, or  
17 local public health department or clinic, community health center,  
18 rural health clinic, or other similar program or agency that serves  
19 primarily public health care program recipients.

20 (6) Within five years after the effective date of this  
21 act, the Health and Human Services Committee of the Legislature shall  
22 evaluate the services provided by dental hygienists pursuant to this  
23 section to ascertain the effectiveness of such services in the  
24 delivery of oral health care.

25 Sec. 2. Original section 38-1130, Reissue Revised

1 Statutes of Nebraska, is repealed.