

AMENDMENTS TO LB 330

Introduced by Health and Human Services

1 1. Strike the original sections and insert the following
2 new sections:

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

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

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

17 (3)(a) The department may authorize a licensed dental
18 hygienist ~~with three thousand hours of clinical experience in~~
19 ~~at least four of the preceding five calendar years to perform~~
20 the following functions in the conduct of public health-related
21 services to children in a public health setting or in a health
22 care or related facility: Oral prophylaxis to healthy children who
23 do not require antibiotic premedication; pulp vitality testing;

1 and preventive measures, including the application of fluorides,
2 sealants, and other recognized topical agents for the prevention of
3 oral disease.

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

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

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

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

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

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

21 ~~(4)~~ (6) For purposes of this section:

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

26 (b) Public health setting means a federal, state, or
27 local public health department or clinic, community health center,

1 rural health clinic, or other similar program or agency that serves
2 primarily public health care program recipients.

3 (7) Within five years after the effective date of this
4 act, the Health and Human Services Committee of the Legislature
5 shall evaluate the services provided by dental hygienists pursuant
6 to this section to ascertain the effectiveness of such services in
7 the delivery of oral health care and shall provide a report on such
8 evaluation to the Legislature.

9 Sec. 2. Original section 38-1130, Reissue Revised
10 Statutes of Nebraska, is repealed.