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STATE OF NEBRASKA

STATUTES RELATING TO DENTISTRY PRACTICE ACT



Department of Health and Human Services
Division of Public Health
Licensure Unit

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DENTISTRY PRACTICE ACT

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STATUTES PERTAINING TO THE DENTISTRY PRACTICE ACT

38-1101. Act, how cited. Sections 38-1101 to 38-1151 shall be known and may be cited as the Dentistry Practice Act.

Source: Laws 2007, LB463, § 434. Operative date December 1, 2008.

38-1102. Definitions, where found. For purposes of the Dentistry Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1103 to 38-1113 apply.

Source: Laws 2007, LB463, § 435. Operative date December 1, 2008.

38-1103. Accredited dental hygiene program, defined. Accredited dental hygiene program means a program that is accredited by the American Dental Association Commission on Dental Accreditation, which is an agency recognized by the United States Department of Education as an accrediting body, that is within a school or college approved by the board, and that requires a dental hygiene curriculum of not less than two academic years.

Source: Laws 2007, LB463, § 436. Operative date December 1, 2008.

38-1104. Accredited school or college of dentistry, defined. Accredited school or college of dentistry means a school or college approved by the board and accredited by the American Dental Association Commission on Dental Accreditation, which is an agency recognized by the United States Department of Education as an accrediting body.

Source: Laws 2007, LB463, § 437. Operative date December 1, 2008.

38-1105. Analgesia, defined. Analgesia means the diminution or elimination of pain in the conscious patient.

Source: Laws 2007, LB463, § 438. Operative date December 1, 2008.

38-1106. Board, defined. Board means the Board of Dentistry.

Source: Laws 2007, LB463, § 439. Operative date December 1, 2008.

38-1107. Dental assistant, defined. Dental assistant means a person, other than a dental hygienist, employed by a licensed dentist for the purpose of assisting such dentist in the performance of his or her clinical and clinical-related duties.

Source: Laws 1986, LB 267, § 1; Laws 1999, LB 800, § 2; Laws 2001, LB 209, § 4; Laws 2002, LB 1062, § 14; R.S.1943, (2003), § 71-183.02; Laws 2007, LB463, § 440. Operative date December 1, 2008.

38-1108. General anesthesia, defined. General anesthesia means a controlled state of unconsciousness accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, and produced by a pharmacologic or nonpharmacologic method or a combination thereof.

Source: Laws 2007, LB463, § 441. Operative date December 1, 2008.

38-1109. General supervision, defined. General supervision means the directing of the authorized activities of a dental hygienist or dental assistant by a licensed dentist and shall not be construed to require the physical presence of the supervisor when directing such activities.

Source: Laws 2007, LB463, § 442. Operative date December 1, 2008.

38-1110. Indirect supervision, defined. Indirect supervision means supervision when the licensed dentist authorizes the procedure to be performed by a dental hygienist or dental assistant and the licensed dentist is physically present on the premises when such procedure is being performed by the dental hygienist pursuant to section 38-1132 or the dental assistant.

Source: Laws 2007, LB463, § 443. Operative date December 1, 2008.

38-1111. Inhalation analgesia, defined. Inhalation analgesia means the administration of nitrous oxide and oxygen to diminish or eliminate pain in a conscious patient.

Source: Laws 2007, LB463, § 444. Operative date December 1, 2008.

38-1112. Parenteral, defined. Parenteral means administration other than through the digestive tract, including, but not limited to, intravenous administration.

Source: Laws 2007, LB463, § 445. Operative date December 1, 2008.

38-1113. Sedation, defined. Sedation means a depressed level of consciousness in which the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command is retained and which is produced by a pharmacologic or nonpharmacologic method or a combination thereof.

Source: Laws 2007, LB463, § 446. Operative date December 1, 2008.

38-1114. Board; membership. The board shall have ten members. The members shall consist of two public members; six licensed dentists, including one official or member of the instructional staff from each accredited school or college of dentistry in this state; and two licensed dental hygienists.

Source: Laws 2007, LB463, § 447. Operative date December 1, 2008.

38-1115. Dentistry practice, defined. Any person shall be deemed to be practicing dentistry who:

(1) Performs, or attempts or professes to perform, any dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money, or other remuneration paid, or to be paid directly or indirectly, to such person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery, or dental services are performed;

(2) Directly or indirectly, by any means or method, takes impression of the human tooth, teeth, jaws, or performs any phase of any operation incident to the replacement of a part of a tooth;

(3) Supplies artificial substitutes for the natural teeth or furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth, except on the written work authorization of a duly licensed and registered dentist;

(4) Places such appliance or structure in the human mouth, adjusts or attempts or professes to adjust the same, or delivers the same to any person other than the dentist upon whose work authorization the work was performed;

(5) Professes to the public by any method to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth;

(6) Diagnoses, professes to diagnose, prescribes for, professes to prescribe for, treats, or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(7) Extracts or attempts to extract human teeth or corrects or attempts to correct malformations of teeth or of the jaws;

(8) Repairs or fills cavities in the human teeth;

(9) Diagnoses, makes, and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction;

(10) Uses a roentgen or X-ray machine for the purpose of taking dental X-rays or roentgenograms;

(11) Gives or professes to give interpretations or readings of dental X-rays or roentgenograms;

(12) Administers an anesthetic of any nature in connection with a dental operation;

(13) Uses the words dentist, dental surgeon, or oral surgeon, the letters D.D.S. or D.M.D., or any other words, letters, title, or descriptive matter which in any way represents such person as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the teeth or jaws or adjacent structures;

(14) States, professes, or permits to be stated or professed by any means or method whatsoever that he or she can perform or will attempt to perform dental operations or render a diagnosis connected therewith.

Source: Laws 1927, c. 167, § 82, p. 475; C.S.1929, § 71-1201; R.S.1943, § 71-183; Laws 1951, c. 226, § 1, p. 821; Laws 1951, c. 227, § 1, p. 825; Laws 1971, LB 587, § 10; R.S.1943, (2003), § 71-183; Laws 2007, LB463, § 448. Operative date December 1, 2008.

38-1116. Dentistry practice; exceptions. The Dentistry Practice Act shall not apply to:

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

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

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

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

(5) The filling of work authorizations of a licensed and registered dentist as provided in this subdivision by any person or persons, association, corporation, or other entity for the construction, reproduction, or repair of

prosthetic dentures, bridges, plates, or appliances to be used or worn as substitutes for natural teeth if such person or persons, association, corporation, or other entity does not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio, or otherwise, to the general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth;

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

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

(8) The performance by a dental assistant, under the supervision of a licensed dentist, of duties prescribed in accordance with rules and regulations adopted by the department;

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

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

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

(12) Dental hygiene students who practice dental hygiene upon patients in clinics in the regular course of instruction at an accredited dental hygiene program. Such dental hygiene students are also not engaged in the unauthorized practice of dental hygiene.

Source: Laws 1951, c. 226, § 2, p. 823; Laws 1951, c. 227, § 2, p. 827; Laws 1971, LB 587, § 11; Laws 1984, LB 470, § 5; Laws 1991, LB 2, § 10; Laws 1996, LB 1044, § 407; Laws 1999, LB 800, § 1; Laws 1999, LB 828, § 68; Laws 2005, LB 89, § 1; R.S. Supp., 2006, § 71-183.01; Laws 2007, LB 463, § 449. Operative date December 1, 2008.

38-1117. Dentistry; license; requirements. (1) Every applicant for a license to practice dentistry shall (a) present proof of graduation with a Doctor of Dental Surgery degree or a Doctor of Dental Medicine degree from an accredited school or college of dentistry, (b) pass an examination approved by the Board of Dentistry which shall consist of the National Board Dental Examinations, both Part I and Part II, as constructed and administered by the American Dental Association Joint Commission on National Dental Examinations, (c) demonstrate the applicant's skill in clinical dentistry by passing the practical examination administered by the Central Regional Dental Testing Service or any other regional or state practical examination that the Board of Dentistry determines to be comparable to such practical examination, (d) pass a jurisprudence examination approved by the board that is based on the Nebraska statutes, rules, and regulations governing the practice of dentistry and dental hygiene, and (e) demonstrate continuing clinical competency as a condition of licensure if required by the board.

(2) Upon completion of these requirements, the department, with the recommendation of the board, shall issue the applicant a license to practice dentistry.

Source: Laws 1927, c. 167, § 84, p. 476; Laws 1929, c. 160, § 1, p. 555; C.S. 1929, § 71-1203; R.S. 1943, § 71-185; Laws 1953, c. 238, § 4, p. 826; Laws 1957, c. 292, § 2, p. 1049; Laws 1984, LB 470, § 6; Laws 1985, LB 250, § 12; Laws 1988, LB 1100, § 30; Laws 1999, LB 828, § 69; Laws 2002, LB 1021, § 17; Laws 2003, LB 242, § 34; R.S. 1943, (2003), § 71-185; Laws 2007, LB 463, § 450. Operative date December 1, 2008.

38-1118. Dental hygienists; application for license; examination; qualifications; license. (1) Every applicant for a license to practice dental hygiene shall (a) present proof of graduation from an accredited dental hygiene program, (b) pass an examination approved by the Board of Dentistry which shall consist of the National Board Dental Hygiene Examination as constructed and administered by the American Dental Association Joint Commission on National Dental Examinations, (c) demonstrate the applicant's skill in clinical dental hygiene by passing the practical examination administered by the Central Regional Dental Testing Service or any other regional or state practical examination that the Board of Dentistry determines to be comparable to such practical examination, (d) pass a jurisprudence examination approved by the board that is based on the Nebraska statutes, rules, and regulations governing the practice of dentistry and dental hygiene, and (e) demonstrate continuing clinical competency as a condition of licensure if required by the board.

(2) Upon completion of these requirements, the department, with the recommendation of the board, shall issue the applicant a license to practice dental hygiene.

Source: Laws 1949, c. 200, § 1, p. 582; Laws 1953, c. 238, § 5, p. 827; Laws 1973, LB 589, § 1; Laws 1986, LB 926, § 42; Laws 1988, LB 1100, § 32; Laws 1999, LB 828, § 73; Laws 2001, LB 209, § 5; R.S.1943, (2003), § 71-193.04; Laws 2007, LB463, § 451. Operative date December 1, 2008.

38-1119. Reexamination; requirements. Any person who applies for a license to practice dentistry or dental hygiene and who has failed on two occasions to pass any part of the practical examination shall be required to complete a course in clinical dentistry or dental hygiene approved by the board before the department may consider the results of a third examination as a valid qualification for a license to practice dentistry or dental hygiene in the State of Nebraska.

Source: Laws 2007, LB463, § 452. Operative date December 1, 2008.

38-1120. Dentist; reciprocity; requirements. Every applicant for a license to practice dentistry based on a license in another state or territory of the United States or the District of Columbia shall meet the standards set by the board pursuant to section 38-126 and shall have been actively engaged in the practice of dentistry for at least three years, one of which must be within the three years immediately preceding the application, under a license in another state or territory of the United States or the District of Columbia. Practice in an accredited school or college of dentistry for the purpose of completing a postgraduate or residency program in dentistry also serves as active practice toward meeting this requirement.

Source: Laws 2007, LB463, § 453. Operative date December 1, 2008.

38-1121. Dental hygienist; reciprocity; requirements. Every applicant for a license to practice dental hygiene based on a license in another state or territory of the United States or the District of Columbia shall meet the standards set by the board pursuant to section 38-126 and shall have been actively engaged in the practice of dental hygiene for at least three years, one of which must be within the three years immediately preceding the application, under a license in another state or territory of the United States or the District of Columbia. Practice in an accredited dental hygiene program for the purpose of completing a postgraduate or residency program in dental hygiene also serves as active practice toward meeting this requirement.

Source: Laws 2007, LB463, § 454. Operative date December 1, 2008.

38-1122. Dental locum tenens; issuance; requirements; term. When circumstances indicate a need for the issuance of a dental locum tenens in the State of Nebraska, the department, with the recommendation of the board, may issue a dental locum tenens to an individual who holds an active license to practice dentistry in another state if the requirements regarding education and examination for licensure in that state are equal to or exceed the requirements regarding education and examination for licensure in Nebraska. A dental locum tenens may be issued for a period not to exceed ninety days in any twelve-month period.

Source: Laws 2007, LB463, § 455. Operative date December 1, 2008.

38-1123. Dentist; temporary license; requirements; term; renewal. (1) The department, with the recommendation of the board, shall issue a temporary license to any person who (a) has met the requirements for a license to practice dentistry as set forth in section 38-1117, (b) is enrolled in an accredited school or college of dentistry for the purpose of completing a postgraduate or residency program in dentistry, and (c) is licensed in another jurisdiction under conditions which the board finds equivalent to the requirements of the State of Nebraska for obtaining a license to practice dentistry.

(2) Any person who desires a temporary license shall make application to the department. Such application shall be accompanied by the required fee.

(3) The temporary license shall be issued for a period of one year and, upon application to the department, renewed annually without the licensee having to pay a renewal fee.

(4) The temporary licensee shall be entitled to practice dentistry, including prescribing legend drugs and controlled substances, only under the auspices of the postgraduate or residency program in which he or she is enrolled.

Source: Laws 1988, LB 1100, § 31; Laws 1999, LB 828, § 71; Laws 2003, LB 242, § 35; R.S.1943, (2003), § 71-185.02; Laws 2007, LB463, § 456. Operative date December 1, 2008.

38-1124. Faculty license; requirements; renewal; continuing competency. (1) The department, with the recommendation of the board, shall issue a faculty license to any person who meets the requirements of subsection (3) or (4) of this section. A faculty licensee may practice dentistry only as a faculty member at an accredited school or college of dentistry in the State of Nebraska and may teach dentistry, conduct research, and participate in an institutionally administered faculty practice only at such accredited school or college of dentistry. A faculty licensee eligible for licensure under subsection (4) of this section shall limit his or her practice to the clinical discipline in which he or she has received postgraduate education at an accredited school or college of dentistry.

(2) Any person who desires a faculty license shall make a written application to the department. The application shall include information regarding the applicant's professional qualifications, experience, and licensure. The application shall be accompanied by a copy of the applicant's dental degree, any other degrees or certificates for postgraduate education of the applicant, the required fee, and certification from the dean of an accredited school or college of dentistry in the State of Nebraska at which the applicant has a contract to be employed as a full-time faculty member.

(3) An individual who graduated from an accredited school or college of dentistry shall be eligible for a faculty license if he or she:

(a) Has or had a license to practice dentistry within the past five years in some other state in the United States or a Canadian province;

(b) Has a contract to be employed as a full-time faculty member at an accredited school or college of dentistry in the State of Nebraska;

(c) Passes a jurisprudence examination administered by the board; and

(d) Agrees to demonstrate continuing clinical competency as a condition of licensure if required by the board.

(4) An individual who graduated from a nonaccredited school or college of dentistry shall be eligible for a faculty license if he or she:

(a) Has completed at least two years of postgraduate education at an accredited school or college of dentistry and received a certificate or degree from such school or college of dentistry;

(b) Has a contract to be employed as a full-time faculty member at an accredited school or college of dentistry in the State of Nebraska;

(c) Passes a jurisprudence examination administered by the board;

(d) Agrees to demonstrate continuing clinical competency as a condition of licensure if required by the board; and

(e) Has passed Part I and Part II of the National Board Dental Examinations or its equivalent as determined by the Board of Dentistry.

(5) A faculty license shall expire at the same time and be subject to the same renewal requirements as a regular dental license, except that such license shall remain valid and may only be renewed if:

(a) The faculty licensee remains employed as a full-time faculty member of an accredited school or college of dentistry in the State of Nebraska; and

(b) The faculty licensee demonstrates continuing clinical competency if required by the board.

Source: Laws 2002, LB 1062, § 16; Laws 2003, LB 242, § 36; Laws 2004, LB 1005, § 11; R.S. Supp., 2006, § 71-185.03; Laws 2007, LB 463, § 457. Operative date December 1, 2008.

38-1125. Practitioner's facility; requirements; inspections; rules and regulations. (1) For purposes of this section, practitioner's facility means a facility in which a licensed dentist practices his or her profession, other than a facility licensed pursuant to the Health Care Facility Licensure Act.

(2) The department shall adopt and promulgate rules and regulations which are approved by the State Board of Health for practitioners' facilities in order to insure that such facilities are safe and sanitary and use precautions necessary to prevent the creation and spread of infectious and contagious diseases. Based upon a formal complaint, the department or its employees may inspect any practitioner's facility in this state to insure compliance with such regulations.

(3) Within thirty days after an inspection of a practitioner's facility which the department or its employees find to be in violation of its rules and regulations, the department shall notify the Board of Dentistry of its findings in writing. The Attorney General shall file a petition for disciplinary action pursuant to section 38-186 if the violation of the rules and regulations is not corrected within thirty days after the licensee has received notice of such violation. The department shall send a written progress report of its inspection and actions taken to the board.

(4) It shall be considered unprofessional conduct for a licensee to practice in a facility that does not comply with the rules and regulations regarding sanitary practitioners' facilities.

Source: Laws 1984, LB 470, § 1; Laws 1996, LB 1044, § 408; Laws 1999, LB 828, § 70; Laws 2000, LB 819, § 85; R.S. 1943, (2003), § 71-185.01; Laws 2007, LB 463, § 458. Operative date December 1, 2008.

38-1126. Fees. The department shall establish and collect fees for credentialing under the Dentistry Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB 463, § 459. Operative date December 1, 2008.

38-1127. Dentists; name of associate; duty to display. Every person who owns, operates, or controls a dental office in which anyone other than himself or herself is practicing dentistry, shall display the name of such person or persons in a conspicuous place at the public entrance to such office.

Source: Laws 1927, c. 167, § 88, p. 478; C.S. 1929, § 71-1207; R.S. 1943, (2003), § 71-189; Laws 2007, LB 463, § 460. Operative date December 1, 2008.

38-1128. Dentist; unlicensed associate prohibited; coercion prohibited. (1) No person owning, operating, or conducting any place where dental work of any kind is done or contracted for shall employ or permit any unlicensed dentist to practice dentistry in such place.

(2) No person shall coerce or attempt to coerce a licensed dentist to practice dentistry in any manner contrary to the standards of acceptable and prevailing practice of the dental profession. Any dentist subjected to such coercion or attempted coercion has a cause of action against the person and may recover his or her damages and reasonable attorney's fees.

(3) Violation of this section by a health care professional regulated pursuant to the Uniform Credentialing Act may be considered evidence of an act of unprofessional conduct.

Source: Laws 1927, c. 167, § 89, p. 478; C.S.1929, § 71-1208; R.S.1943, § 71-190; Laws 2004, LB 1005, § 12; R.S.Supp.,2006, § 71-190; Laws 2007, LB463, § 461. Operative date December 1, 2008.

38-1129. Dentist; use of own name required; exception. No person shall operate any place in which dentistry is practiced under any other name than his or her own or display in connection with his or her practice or on any advertising matter any other than his or her own name. Two or more licensed dentists who are associated in the practice may use all of their names. A widow, widower, or heir of a deceased dentist may operate such office under the name of the deceased dentist for a period of not longer than one year from the date of death.

Source: Laws 1927, c. 167, § 90, p. 479; C.S.1929, § 71-1209; R.S.1943, § 71-191; Laws 1957, c. 292, § 3, p. 1050; R.S.1943, (2003), § 71-191; Laws 2007, LB463, § 462. Operative date December 1, 2008.

38-1130. Licensed dental hygienist; functions authorized; when; department; duties; Health and Human Services Committee; report. (1) Except as otherwise provided in this section, a licensed dental hygienist shall perform the dental hygiene functions listed in section 38-1131 only when authorized to do so by a licensed dentist who shall be responsible for the total oral health care of the patient.

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

(3)(a) The department may authorize a licensed dental hygienist to perform the following functions in the conduct of public health-related services to children in a public health setting or in a health care or related facility: Oral prophylaxis to healthy children who do not require antibiotic premedication; pulp vitality testing; and preventive measures, including the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease.

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

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

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

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

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

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

(6) For purposes of this section:

(a) Health care or related facility means a hospital, a nursing facility, an assisted-living facility, a correctional

facility, a tribal clinic, or a school-based preventive health program; and

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

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

Source: Laws 1986, LB 572, § 2; Laws 1996, LB 1044, § 415; Laws 1999, LB 800, § 5; R.S.1943, (2003), § 71-193.15; Laws 2007, LB247, § 24; Laws 2007, LB296, § 328; Laws 2007, LB463, § 463; Laws 2013, LB484, § 1. Effective Date: September 6, 2013.

38-1131. Licensed dental hygienist; procedures and functions authorized; enumerated. When authorized by and under the general supervision of a licensed dentist, a licensed dental hygienist may perform the following intra and extra oral procedures and functions:

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

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

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

(4) Brush biopsies;

(5) Pulp vitality testing;

(6) Gingival curettage;

(7) Removal of sutures;

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

(9) Impressions for study casts;

(10) Application of topical and subgingival agents;

(11) Radiographic exposures;

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

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

(14) All of the duties that any dental assistant is authorized to perform.

Source: Laws 1986, LB 572, § 3; Laws 1999, LB 800, § 7; R.S.1943, (2003), § 71-193.17; Laws 2007, LB247, § 25; Laws 2007, LB463, § 464. The changes made by LB 247 became operative June 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-1132. Licensed dental hygienist; monitor analgesia; administer local anesthesia; when. (1) A licensed dental hygienist may monitor nitrous oxide analgesia under the indirect supervision of a licensed dentist.

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

(a) At least twelve clock hours of classroom lecture, including instruction in (i) medical history evaluation procedures, (ii) anatomy of the head, neck, and oral cavity as it relates to administering local anesthetic agents, (iii) pharmacology of local anesthetic agents, vasoconstrictor, and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight, (iv) systemic conditions which influence selection and administration of anesthetic agents, (v) signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs, (vi) management of reactions to or complications associated with the administration of local anesthetic agents, (vii) selection and preparation of the armamentaria for administering various local anesthetic agents, and (viii) methods of administering local anesthetic agents;

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

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

Source: Laws 1986, LB 572, § 4; Laws 1995, LB 449, § 1; Laws 1996, LB 1044, § 416; Laws 1999, LB 800, § 8; Laws 1999, LB 828, § 75; Laws 2003, LB 242, § 37; R.S.1943, (2003), § 71-193.18; Laws 2007, LB296, § 329; Laws 2007, LB463, § 465. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-1133. Department; additional procedures; rules and regulations. The department, with the recommendation of the board, may, by rule and regulation, prescribe functions, procedures, and services in addition to those in section 38-1131 which may be performed by a licensed dental hygienist under the supervision of a licensed dentist when such additional procedures are educational or related to the oral prophylaxis and intended to attain or maintain optimal oral health.

Source: Laws 1986, LB 572, § 6; Laws 1996, LB 1044, § 417; R.S.1943, (2003), § 71-193.19; Laws 2007, LB296, § 330; Laws 2007, LB463, § 466. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-1134. Department; employment facilities; rules and regulations. The department, with the recommendation of the board, may adopt and promulgate rules and regulations providing for employment or work-setting facilities required for the provision of dental services by a licensed dental hygienist.

Source: Laws 1986, LB 572, § 7; Laws 1996, LB 1044, § 418; Laws 1999, LB 828, § 76; R.S.1943, (2003), § 71-193.20; Laws 2007, LB463, § 467. Operative date December 1, 2008.

38-1135. Dental assistants; employment; duties performed. Any licensed dentist, public institution, or school may employ dental assistants in addition to licensed dental hygienists. Such dental assistants, under the supervision of a licensed dentist, may perform such duties as are prescribed in accordance with rules and regulations adopted and promulgated by the department, with the recommendation of the board.

Source: Laws 1971, LB 587, § 13; Laws 1986, LB 572, § 1; Laws 1996, LB 1044, § 413; Laws 1999, LB 800, § 3; R.S.1943, (2003), § 71-193.13; Laws 2007, LB296, § 327; Laws 2007, LB463, § 468. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-1136. Dental hygienists; dental assistants; performance of duties; rules and regulations. The department, with the recommendation of the board, shall adopt and promulgate rules and regulations governing the performance of duties by licensed dental hygienists and dental assistants.

Source: Laws 1971, LB 587, § 14; Laws 1996, LB 1044, § 414; Laws 1999, LB 800, § 4; Laws 1999, LB 828, § 74; R.S.1943, (2003), § 71-193.14; Laws 2007, LB463, § 469. Operative date December 1, 2008.

38-1137. Administration of anesthesia, sedation, or analgesia; permit required; exception. A dentist licensed in this state shall not administer general anesthesia, parenteral sedation, or inhalation analgesia in the practice of dentistry unless he or she has been issued a permit to administer general anesthesia, parenteral sedation, or inhalation analgesia pursuant to the Dentistry Practice Act.

Source: Laws 1986, LB 438, § 3; R.S.1943, (2003), § 71-193.23; Laws 2007, LB463, § 470. Operative date December 1, 2008.

38-1138. Violations; effect. A violation of provisions of the Dentistry Practice Act relating to the administration of general anesthesia, parenteral sedation, or inhalation analgesia may result in action against the dentist's permit, license, or both pursuant to section 38-196.

Source: Laws 1986, LB 438, § 5; Laws 1988, LB 1100, § 33; R.S.1943, (2003), § 71-193.25; Laws 2007, LB463, § 471. Operative date December 1, 2008.

38-1139. Permit to administer general anesthesia; issuance; conditions. The department, with the recommendation of the board, shall issue a permit to a Nebraska-licensed dentist to administer general anesthesia on an outpatient basis to dental patients if the dentist:

(1) Maintains a properly equipped facility for the administration of general anesthesia as determined by the board;

(2) Is currently certified in basic life-support skills or the equivalent thereof;

(3) Has successfully completed an onsite evaluation covering the areas of physical evaluation, monitoring, sedation, and emergency medicine; and

(4) Meets at least one of the following criteria:

(a) Has completed one year of advanced training in anesthesiology and related academic subjects beyond the

dental school level in an approved training program;

(b) Is a diplomate of the American Board of Oral and Maxillofacial Surgery;

(c) Has completed the educational requirements for eligibility for examination by the American Board of Oral and Maxillofacial Surgery; or

(d) Is a fellow of the American Dental Society of Anesthesiology.

A dentist who has been issued a permit pursuant to this section may administer parenteral sedation or inhalation analgesia.

Source: Laws 1986, LB 438, § 6; R.S.1943, (2003), § 71-193.26; Laws 2007, LB463, § 472. Operative date December 1, 2008.

38-1140. Permit to administer parenteral sedation; issuance; conditions. The department, with the recommendation of the board, shall issue a permit to a Nebraska-licensed dentist to administer parenteral sedation on an outpatient basis to dental patients if the dentist:

(1) Maintains a properly equipped facility for the administration of parenteral sedation as determined by the board;

(2) Is currently certified in basic life-support skills or the equivalent thereof;

(3) Has successfully completed an onsite evaluation covering the areas of physical evaluation, monitoring, sedation, and emergency medicine; and

(4) Is certified as competent in the administration of parenteral sedation and in handling all related emergencies by a university, teaching hospital, or other facility approved by the board or by completing the curriculum of an accredited school or college of dentistry. Such certification shall specify the type, the number of hours, and the length of formal training completed at such school or college of dentistry. The formal training shall include, but not be limited to, forty didactic hours and twenty patient contact hours, including documentation of a minimum of fifteen supervised parenteral sedation cases.

A dentist who has been issued a permit pursuant to this section may administer inhalation analgesia.

Source: Laws 1986, LB 438, § 7; R.S.1943, (2003), § 71-193.27; Laws 2007, LB463, § 473. Operative date December 1, 2008.

38-1141. Permit to administer inhalation analgesia; issuance; conditions. The department, with the recommendation of the board, shall issue a permit to a Nebraska-licensed dentist to administer inhalation analgesia on an outpatient basis to dental patients if the dentist:

(1) Maintains a properly equipped facility for the administration of inhalation analgesia as determined by the board;

(2) Is currently certified in basic life-support skills or the equivalent thereof; and

(3) Has completed an approved two-day training course or equivalent training which may be acquired while studying at an accredited school or college of dentistry.

Source: Laws 1986, LB 438, § 9; R.S.1943, (2003), § 71-193.29; Laws 2007, LB463, § 474. Operative date December 1, 2008.

38-1142. Presence of licensed dental hygienist or dental assistant required. General anesthesia and parenteral sedation shall not be administered by a dentist without the presence and assistance of a licensed dental hygienist or a dental assistant.

Source: Laws 1986, LB 438, § 8; Laws 1999, LB 800, § 9; R.S.1943, (2003), § 71-193.28; Laws 2007, LB463, § 475. Operative date December 1, 2008.

38-1143. Assistant; certification required. Any person who assists a dentist in the administration of general anesthesia, parenteral sedation, or inhalation analgesia shall be currently certified in basic life-support skills or the equivalent thereof.

Source: Laws 1986, LB 438, § 13; R.S.1943, (2003), § 71-193.33; Laws 2007, LB463, § 476. Operative date December 1, 2008.

38-1144. Administration of anesthesia, sedation, or analgesia; limitation. Nothing in the Dentistry Practice Act shall be construed to allow a dentist to administer to himself or herself, or to any person other than in the course of the practice of dentistry, any drug or agent used for general anesthesia, parenteral sedation, or inhalation analgesia.

Source: Laws 1986, LB 438, § 10; R.S.1943, (2003), § 71-193.30; Laws 2007, LB463, § 477. Operative date December 1, 2008.

38-1145. Permits; term; department; adopt rules and regulations. (1) Permits issued for the administration of general anesthesia, parenteral sedation, or inhalation analgesia pursuant to the Dentistry

Practice Act shall be valid until March 1 of the next odd-numbered year after issuance, except that permits issued or renewed prior to March 1, 2007, shall expire March 1, 2009.

(2) The department, with the recommendation of the board, shall adopt and promulgate rules and regulations to define criteria for the reevaluation of credentials, facilities, equipment, dental hygienists, and dental assistants and procedures of a previously qualified dentist to renew his or her permit for each subsequent renewal.

Source: Laws 1986, LB 438, § 11; Laws 1988, LB 1100, § 34; Laws 1999, LB 800, § 10; Laws 2003, LB 242, § 38; R.S.1943, (2003), § 71-193.31; Laws 2007, LB463, § 478. Operative date December 1, 2008.

38-1146. Inspection of practice location. All practice locations of a dentist applying for a permit to administer general anesthesia, parenteral sedation, or inhalation analgesia may be inspected at the discretion of the board. The board may contract to have such inspections performed. The board shall not delegate authority to review and to make recommendations on permit applications or to determine the persons or facilities to be inspected.

Source: Laws 1986, LB 438, § 12; R.S.1943, (2003), § 71-193.32; Laws 2007, LB463, § 479. Operative date December 1, 2008.

38-1147. Incident report; contents; failure to submit; penalty. (1) All licensed dentists practicing in this state shall submit a report to the board within thirty days of any incident which results in death or physical or mental injury requiring hospitalization of a patient which occurs in the outpatient facilities of such dentist during, or as a direct result of, inhalation analgesia, parenteral sedation, or general anesthesia.

(2) The incident report shall include, but not be limited to:

(a) A description of the dental procedure;

(b) A description of the preoperative physical condition of the patient;

(c) A list of the drugs and the dosage administered;

(d) A detailed description of the techniques used in administering the drugs;

(e) A description of the incident, including, but not limited to, a detailed description of the symptoms of any complications, the symptoms of onset, and the type of symptoms in the patient;

(f) A description of the treatment instituted;

(g) A description of the patient's response to the treatment; and

(h) A description of the patient's condition on termination of any procedures undertaken.

(3) Failure to submit an incident report as required by this section shall result in the loss of the permit.

Source: Laws 1986, LB 438, § 14; R.S.1943, (2003), § 71-193.34; Laws 2007, LB463, § 480. Operative date December 1, 2008.

38-1148. Department; permits to administer anesthesia, sedation, or analgesia; adopt rules and regulations. The department, with the recommendation of the board, may adopt and promulgate rules and regulations necessary to carry out the provisions of the Dentistry Practice Act relating to permits to administer general anesthesia, parenteral sedation, or inhalation analgesia.

Source: Laws 1986, LB 438, § 15; R.S.1943, (2003), § 71-193.35; Laws 2007, LB463, § 481. Operative date December 1, 2008.

38-1149. Office of Oral Health and Dentistry; Dental Health Director; appointment. There is hereby established the Office of Oral Health and Dentistry in the department. The head of such office shall be known as the Dental Health Director and shall be appointed by the department. The Dental Health Director shall give full time to his or her duties.

Source: Laws 1949, c. 201, § 1, p. 584; Laws 1953, c. 239, § 1, p. 828; Laws 1996, LB 1044, § 411; Laws 2006, LB 994, § 82; R.S.Supp.,2006, § 71-193.01; Laws 2007, LB296, § 326; Laws 2007, LB463, § 482. The changes made by LB 296 became operative July 1, 2007. The changes made by LB 463 became operative December 1, 2008.

38-1150. Dental Health Director; qualifications. The Dental Health Director shall be a graduate of an accredited school or college of dentistry and shall be licensed by the State of Nebraska to practice dentistry in Nebraska or duly licensed to practice dentistry in some other state of the United States of America.

Source: Laws 1949, c. 201, § 2, p. 584; Laws 1953, c. 240, § 1, p. 829; Laws 2006, LB 994, § 83; R.S.Supp.,2006, § 71-193.02; Laws 2007, LB463, § 483. Operative date December 1, 2008.

38-1151. Office of Oral Health and Dentistry; duties; rules and regulations. The duties of the Office of Oral Health and Dentistry shall be the promotion and development of activities which will result in the practice and improvement of the dental health of the people of the state under rules and regulations adopted and promulgated by the department.

Source: Laws 1949, c. 201, § 3, p. 585; Laws 1996, LB 1044, § 412; Laws 2006, LB 994, § 84; R.S.Supp.,2006, § 71-193.03; Laws 2007, LB463, § 484. Operative date December 1, 2008.

- 71-183. Transferred to section 38-1115.**
- 71-183.01. Transferred to section 38-1116.**
- 71-183.02. Transferred to section 38-1107.**
- 71-184. Repealed. Laws 2007, LB 463, § 1319.**
- 71-185. Transferred to section 38-1117.**
- 71-185.01. Transferred to section 38-1125.**
- 71-185.02. Transferred to section 38-1123.**
- 71-185.03. Transferred to section 38-1124.**
- 71-186. Repealed. Laws 2007, LB 463, § 1319.**
- 71-187. Repealed. Laws 1986, LB 926, §65.**
- 71-188. Repealed. Laws 2007, LB 463, § 1319.**
- 71-189. Transferred to section 38-1127.**
- 71-190. Transferred to section 38-1128.**
- 71-191. Transferred to section 38-1129.**
- 71-192. Repealed. Laws 1988, LB 1100, §185.**
- 71-193. Repealed. Laws 1971, LB 587, §15.**
- 71-193.01. Transferred to section 38-1149.**
- 71-193.02. Transferred to section 38-1150.**
- 71-193.03. Transferred to section 38-1151.**
- 71-193.04. Transferred to section 38-1118.**
- 71-193.05. Repealed. Laws 2007, LB 463, § 1319.**
- 71-193.06 to 71-193.08. Repealed. Laws 1971, LB 587, §15.**
- 71-193.09. Repealed. Laws 1986, LB 572, §8.**
- 71-193.10. Repealed. Laws 1971, LB 587, §15.**
- 71-193.11. Repealed. Laws 1953, c. 238, §7.**
- 71-193.12. Repealed. Laws 1971, LB 587, §15.**
- 71-193.13. Transferred to section 38-1135.**
- 71-193.14. Transferred to section 38-1136.**
- 71-193.15. Transferred to section 38-1130.**
- 71-193.16. Repealed. Laws 2007, LB 463, § 1319.**
- 71-193.17. Transferred to section 38-1131.**
- 71-193.18. Transferred to section 38-1132.**
- 71-193.19. Transferred to section 38-1133.**
- 71-193.20. Transferred to section 38-1134.**
- 71-193.21. Repealed. Laws 2007, LB 463, § 1319.**
- 71-193.22. Repealed. Laws 2007, LB 463, § 1319.**
- 71-193.23. Transferred to section 38-1137.**
- 71-193.24. Repealed. Laws 2007, LB 463, § 1319.**
- 71-193.25. Transferred to section 38-1138.**
- 71-193.26. Transferred to section 38-1139.**
- 71-193.27. Transferred to section 38-1140.**
- 71-193.28. Transferred to section 38-1142.**
- 71-193.29. Transferred to section 38-1141.**
- 71-193.30. Transferred to section 38-1144.**
- 71-193.31. Transferred to section 38-1145.**
- 71-193.32. Transferred to section 38-1146.**
- 71-193.33. Transferred to section 38-1143.**
- 71-193.34. Transferred to section 38-1147.**
- 71-193.35. Transferred to section 38-1148.**