

MEMORANDUM

TO: Members, Dental Assistants/Hygienists 407 Technical Review Panel

FROM: Deb Schardt

SUBJECT: Information Specific to NDHA's Position on Dental Assistant Practice

DATE: September 12, 2014

Reference was made at the meeting of September 11, 2014 to the NDHA's lawsuit, a number of years ago, against the Board of Dentistry's adoption of regulations governing the practice of dental assistants, as well as our opposition to legislation that was introduced with the intention of accomplishing essentially the same ends. It would be easy to assume from this recitation that dental hygienists and their professional society are simply "against-ers" who routinely oppose any initiative undertaken by the dental association.

Easy, but decidedly inaccurate. The NDHA has for a number of years favored a state sanctioned scope of practice for dental assistants. We feel strongly – and in fact, have been advised by counsel – that this scope of practice, constitutionally, should be captured in statute and not adopted by regulations or a series of letters of opinion by the Board of Dentistry, adopted outside of our state's Administrative Procedures Act.

This is how scopes of practice for health care professionals are adopted in Nebraska. The Legislature enacts a statute outlining both the qualifications required to be issued a credential by the state, as well as the privileges and scope of practice that accrue to individuals granted that credential. There is no logical reason why the practice of dental assistants should be treated differently.

The NDHA may have some legitimate differences with the dental association on what practices should be included in a scope for dental assistants, but we do not and have never opposed the state's adoption of such a scope. The various practice boards under the Uniform Licensure Act play an ongoing, needed, and appropriate role in interpreting the application of those requirements for a given profession and also in undertaking disciplinary procedures for those providers who run afoul of their profession's credentialing act.

In none of the regulated professions is it left to the profession's practice board to define their scope of practice. We do not, for example, allow the Board of Nursing to define nurses' scope of practice, the chiropractor board to define that scope of practice, the optometry board to define that scope, etc., etc., etc. It should be no different for dental assistants.

