

2006

STATE OF NEBRASKA

STATUTES RELATING TO DENTISTRY

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



Department of Health and Human Services Regulation and Licensure
Credentialing Division
Nebraska State Office Building
301 Centennial Mall South, Third Floor
PO Box 94986
Lincoln, NE 68509-4986

INDEX

PRACTICE OF DENTISTRY

- 71-183. Dentistry practice, defined.
- 71-183.01. Dentistry practice; exceptions.
- 71-183.02. Dental assistant, defined.
- 71-184. Dentistry; practice; persons excepted.
- 71-185. Dentistry; license; requirements; renewal; continuing competency requirements.
- 71-185.01. Practitioner's facility; requirements; inspections; rules and regulations.
- 71-185.02. Dentist; temporary license; requirements; term; renewal.
- 71-185.03. Faculty license; requirements; renewal; continuing competency.
- 71-186. Accredited school, defined.
- 71-187. Repealed. Laws 1986, LB 926, §65.
- 71-188. Dentists; change of address; notice to department.
- 71-189. Dentists; name of associate; duty to display.
- 71-190. Dentist; unlicensed associate prohibited; coercion prohibited; penalties.
- 71-191. Dentist; use of own name required; exception.
- 71-192. Repealed. Laws 1988, LB 1100, §185.
- 71-193. Repealed. Laws 1971, LB 587, §15.
- 71-193.01. Office of Oral Health and Dentistry; Dental Health Director; appointment.
- 71-193.02. Dental Health Director; qualifications.
- 71-193.03. Office of Oral Health and Dentistry; duties; rules and regulations.
- 71-193.04. Dental hygienists; examination; qualifications; license.
- 71-193.05. Dental hygienist student; authorized acts.
- 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 Repealed.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 Repealed.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 Repealed.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 Repealed.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 Repealed.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. Dental assistants; employment; duties performed.
- 71-193.14. Dental assistants; performance of duties; rules and regulations.
- 71-193.15. Licensed dental hygienist; functions authorized; when.
- 71-193.16. Terms, defined.
- 71-193.17. Licensed dental hygienist; procedures authorized; enumerated.
- 71-193.18. Licensed dental hygienist; monitor analgesia; administer local anesthesia; when.
- 71-193.19. Department of Health and Human Services Regulation and Licensure; additional procedures; rules and regulations.
- 71-193.20. Department; employment facilities; rules and regulations.
- 71-193.21. Dental Anesthesia Act, how cited.
- 71-193.22. Terms, defined.
- 71-193.23. Administration of anesthesia; permit required; exception.
- 71-193.24. Practice prior to October 1, 1987; permit; requirements.
- 71-193.25. Violations; effect.
- 71-193.26. Permit to administer general anesthesia; issuance; conditions.
- 71-193.27. Permit to administer parenteral sedation; issuance; conditions.
- 71-193.28. Presence of dental auxiliary required.
- 71-193.29. Permit to administer inhalation analgesia; issuance; conditions.
- 71-193.30. Administration of anesthesia; limitation.
- 71-193.31. Permits; term; department; adopt rules and regulations.
- 71-193.32. Inspection of practice location.
- 71-193.33. Assistant; certification required.
- 71-193.34. Incident report; contents; failure to submit; penalty.
- 71-193.35. Department; adopt rules and regulations.

STATUTES PERTAINING TO THE PRACTICE OF DENTISTRY

71-183. Dentistry practice, defined. For the purpose of Chapter 71, article 1, 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 himself 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 who furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or any 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, or 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, or professes to diagnose, prescribe for, or 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 anaesthetic of any nature in connection with a dental operation;
- (13) Uses the words dentist, dental surgeon, oral surgeon, or the letters D.D.S., D.M.D., or any other words, letters, title, or descriptive matter which in any way represents him 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; or
- (14) States, or 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.

71-183.01. Dentistry practice; exceptions. Nothing in section 71-183 shall 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 in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Navy, Public Health Service, Coast Guard, or Department of Veterans Affairs;
- (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 practice of dentistry by a person duly licensed to practice dentistry in another state who has been recommended by the secretary of the board of examiners in the state of licensure and who has been granted temporary practice rights by the Board of Dentistry, with the approval of the department, for a period not to exceed three months in any twelve-month period, if the requirements regarding education and examination for licensure in the state of licensure are equal to or exceed the requirements regarding education and examination for licensure in Nebraska;
- (6) 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;
- (7) 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;

(8) 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;

(9) 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; or

(10) 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.

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. Effective date September 4, 2005.

71-183.02. Dental assistant, defined. For purposes of sections 71-183 to 71-193.20, 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. Operative date April 20, 2002.

71-184. Dentistry; practice; persons excepted. Section 71-183 shall not be construed to include the following classes: (1) Students of dentistry who practice dentistry upon patients in clinics in places of their regular course of instruction at an accredited dental college; (2) 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 (3) a person performing merely mechanical work on inert matter in a dental office or laboratory. Nothing in this section shall be construed to permit the performance of dental operations under cover of the name of a licensed practitioner of dentistry.

Source: Laws 1927, c. 167, §83, p. 476; C.S. 1929, §71-1202.

71-185. Dentistry; license; requirements; renewal; continuing competency requirements. Every applicant for a license to practice dentistry shall (1) present proof of graduation from an accredited school or college of dentistry and (2) pass an examination prescribed by the Board of Dentistry which shall be elementary and practical in character but sufficiently thorough to test the fitness of the candidate to practice dentistry. Such examination shall include questions on anatomy, physiology, chemistry, dental materials, materia medica, therapeutics, histology, pathology, oral surgery, operative and prosthetic dentistry, dental jurisprudence, and such other subjects as are usually found in the curriculum of a dental college. Demonstrations of the applicant's skill in clinical dentistry shall also be required.

The department shall accept, upon the recommendation of the board and in lieu of the examination, a certificate of examination issued by the National Board of Dental Examiners of the United States of America. Every applicant for a license upon the basis of such certificate shall be required to pay the fee for licenses issued in dentistry without examination based upon a certificate by examination held by the National Board of Dental Examiners of the United States of America.

Each Nebraska-licensed dentist and dental hygienist in active practice within the State of Nebraska shall, on or before March 1 of each odd-numbered year, complete continuing competency activities as required by the Board of Dentistry pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

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. Operative date July 1, 2004.

71-185.01. Practitioner's facility; requirements; inspections; rules and regulations. (1) For purposes of this section, practitioner's facility shall mean 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 department shall file a petition for disciplinary action pursuant to section 71-150 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. Operative date January 1, 2001.

71-185.02. Dentist; temporary license; requirements; term; renewal. The department upon recommendation of the Board of Dentistry shall issue a temporary license to any person who (1) has met the requirements for a license as set forth in section 71-185 and who is enrolled in an accredited school or college of dentistry for the purpose of completing a postgraduate or residency program in dentistry and (2) 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.

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

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.

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. Operative date July 1, 2004.

71-185.03. Faculty license; requirements; renewal; continuing competency. (1) The department upon recommendation of the Board of Dentistry shall issue a faculty license to any person who meets the requirements of subsection (4) or (5) of this section. A faculty licensee may practice dentistry only as a faculty member at a dental education institution in the State of Nebraska accredited by the Commission on Dental Accreditation of the American Dental Association, the Commission on Dental Accreditation of Canada, or similar organization as determined by the board and may teach dentistry, conduct research, and participate in an institutionally administered faculty practice only at such dental education institution. A faculty licensee eligible for licensure under subsection (5) 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 dental education institution.

(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 dental education institution in the State of Nebraska that the applicant has a contract to be employed as a full-time faculty member at such institution.

(3) 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 dental education institution in the State of Nebraska; and

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

(4) An individual who graduated from an accredited dental education institution shall be eligible for a faculty license if he or she:

(a) Has a license to practice dentistry 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 dental education institution in the State of Nebraska;

(c) Passes a jurisprudence examination administered by the Board of Dentistry; and

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

(5) An individual who graduated from a nonaccredited dental education institution shall be eligible for a faculty license if he or she:

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

(b) Has a contract to be employed as a full-time faculty member at an accredited dental education institution in the State of Nebraska;

(c) Passes a jurisprudence examination administered by the Board of Dentistry;

(d) Agrees to demonstrate continuing clinical competency as a condition of renewal 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.

Source: Laws 2002, LB 1062, § 16; Laws 2003, LB 242, § 36; Laws 2004, LB 1005, § 11. Operative date July 16, 2004.

71-186. Accredited school, defined. An accredited school within the meaning of the Uniform Licensing Law shall be one approved by the department upon the recommendation of the Board of Dentistry. It shall be a school or college which maintains the standards approved by the American Dental Association and which publishes regularly a catalog giving the requirements for graduation and degrees as specified in the Uniform Licensing Law.

Source: Laws 1927, c. 167, § 85, p. 477; C.S.1929, § 71-1204; R.S.1943, § 71-186; Laws 1996, LB 1044, § 409; Laws 1999, LB 828, § 72. Effective date August 28, 1999.

71-187. Repealed. Laws 1986, LB 926, §65.

71-188. Dentists; change of address; notice to department. When a person licensed to practice dentistry in this state changes his or her place of residence, he or she shall forthwith notify the Department of Health and Human Services Regulation and Licensure of such change, which shall be noted in the records of the department.

Source: Laws 1927, c. 167, §87, p. 478; C.S. 1929, §71-1206; R.S. 1943, §71-188; Laws 1996, LB 1044, §410. Operative date January 1, 1997.

71-189. Dentists; name of associate; duty to display. Every person who owns, operates or controls a dental office in which anyone other than himself 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.

71-190. Dentist; unlicensed associate prohibited; coercion prohibited; penalties. (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 Licensing Law may be considered evidence of an act of unprofessional conduct.

(4) Violation of this section by a person not regulated under the Uniform Licensing Law is a Class III misdemeanor.

Source: Laws 1927, c. 167, § 89, p. 478; C.S.1929, § 71-1208; R.S.1943, § 71-190; Laws 2004, LB 1005, § 12. Operative date July 16, 2004.

71-191. Dentist; use of own name required; exception. No person shall operate any place in which dentistry is practiced under any other name than his own, or display, in connection with his practice, or on any advertising matter, any other than his own name; but two or more licensed dentists, who are associated in the practice, may use all of their names. A widow 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.

71-192. Repealed. Laws 1988, LB 1100, §185.

71-193. Repealed. Laws 1971, LB 587, §15.

71-193.01. Office of Oral Health and Dentistry; Dental Health Director; appointment. There is hereby established the Office of Oral Health and Dentistry in the Department of Health and Human Services Regulation and Licensure. 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. Operative date April 13, 2006.

71-193.02. Dental Health Director; qualifications. The Dental Health Director shall be a graduate of an approved 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. Operative date April 13, 2006.

71-193.03. 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. Operative date April 13, 2006.

71-193.04. Dental hygienists; examination; qualifications; license. Any person (1) of good moral character, (2) who has attained the age of eighteen years, and (3) who is a graduate of a training school for dental hygienists that is accredited by the Commission on Dental Accreditation of the American Dental Association and is approved by the Board of Dentistry and that requires a course of not less than two academic years may be examined by such board on the subjects considered

essential by it for a dental hygienist. Upon passage of the examination, the board shall recommend to the department that a license to practice as a dental hygienist be issued.

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. Effective date February 14, 2001.

71-193.05. Dental hygienist student; authorized acts. A dental hygienist student who practices dental hygiene upon patients in a clinic in the regular course of instruction in an accredited dental hygiene education program is not engaged in the unauthorized practice of dental hygiene.

Source: Laws 2001, LB 209, § 7. Effective date February 14, 2001.

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. 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 of Health and Human Services Regulation and Licensure.

Source: Laws 1971, LB 587, § 13; Laws 1986, LB 572, § 1; Laws 1996, LB 1044, § 413; Laws 1999, LB 800, § 3. Effective date August 28, 1999.

71-193.14. Dental assistants; performance of duties; rules and regulations. The Board of Dentistry shall recommend rules and regulations to the department governing the performance of duties by licensed dental hygienists and dental assistants. The department shall adopt rules and regulations for such purpose upon the recommendations being submitted by the board.

Source: Laws 1971, LB 587, § 14; Laws 1996, LB 1044, § 414; Laws 1999, LB 800, § 4; Laws 1999, LB 828, § 74. Effective date August 28, 1999.

71-193.15. Licensed dental hygienist; functions authorized; when. A licensed dental hygienist shall perform the traditional dental hygiene functions set forth in section 71-193.17 only when authorized to do so by a licensed dentist who shall be responsible for the total oral health care of the patient. The Department of Health and Human Services Regulation and Licensure in the conduct of public health-related services may authorize a licensed dental hygienist to conduct preliminary charting and screening examinations, provide oral health education for patients including the teaching of appropriate plaque control techniques, and perform or provide all of the duties that any dental assistant is authorized to perform.

Source: Laws 1986, LB 572, § 2; Laws 1996, LB 1044, § 415; Laws 1999, LB 800, § 5. Effective date August 28, 1999.

71-193.16. Terms, defined. For purposes of sections 71-183 to 71-193.20, (1) 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 and (2) 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 71-193.18 or the dental assistant.

Source: Laws 1986, LB 572, § 5; Laws 1999, LB 800, § 6; Laws 2001, LB 209, § 6; Laws 2002, LB 1062, § 15. Operative date April 20, 2002.

71-193.17. Licensed dental hygienist; procedures authorized; enumerated. When properly authorized, a licensed dental hygienist, under the general supervision of a licensed dentist, may perform the following intra and extra oral procedures:

- (1) Scaling of teeth, including subgingival regions and root planing with hand and ultrasonic instruments;
- (2) Polish all exposed tooth surfaces with motor-driven and hand instruments in the oral prophylaxis procedure, including polishing amalgam restorations;
- (3) Conduct preliminary charting and screening examinations;

- (4) Periodontal probing and charting;
 - (5) Gingival curettage;
 - (6) Place and remove periodontal dressings;
 - (7) Remove sutures;
 - (8) Provide preventive measures, such as the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease;
 - (9) Provide impressions for study casts;
 - (10) Apply topical desensitizing agents;
 - (11) Provide radiographic exposures;
 - (12) Provide oral health education for patients including the teaching of appropriate plaque control techniques; and
 - (13) Perform or provide all of the duties that any dental assistant is authorized to perform.
- Source: Laws 1986, LB 572, § 3; Laws 1999, LB 800, § 7. Effective date August 28, 1999.

71-193.18. 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, upon the recommendation of the Board of Dentistry, to administer local anesthesia under the indirect supervision of a licensed dentist. The department may, upon the recommendation of the board, 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.

Upon the recommendation of the board, the department 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 institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure. The course of instruction must be taught by a faculty member or members of the institution presenting the course. The department 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. Operative date July 1, 2004.

71-193.19. Department of Health and Human Services Regulation and Licensure; additional procedures; rules and regulations. The Department of Health and Human Services Regulation and Licensure may, by rule and regulation, prescribe functions, procedures, and services in addition to those in section 71-193.17 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. Operative date January 1, 1997.

71-193.20. Department; employment facilities; rules and regulations. The department upon the recommendation of the Board of Dentistry 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. Effective date August 28, 1999.

71-193.21. Dental Anesthesia Act, how cited. Sections 71-193.21 to 71-193.35 shall be known and may be cited as the Dental Anesthesia Act.

Source: Laws 1986, LB 438, §1. Effective date July 17, 1986.

71-193.22. Terms, defined. As used in the Dental Anesthesia Act, unless the context otherwise requires:

- (1) Analgesia shall mean the diminution or elimination of pain in the conscious patient;
- (2) Board shall mean the Board of Dentistry;
- (3) Department shall mean the Department of Health and Human Services Regulation and Licensure;
- (4) General anesthesia shall mean 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;
- (5) Inhalation analgesia shall mean the administration of nitrous oxide and oxygen to diminish or eliminate pain in a conscious patient;
- (6) Parenteral shall mean administration other than through the digestive tract, including, but not limited to, intravenous administration; and
- (7) Sedation shall mean 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 1986, LB 438, § 2; Laws 1996, LB 1044, § 419; Laws 1999, LB 828, § 77. Effective date August 28, 1999.

71-193.23. Administration of anesthesia; permit required; exception. Except as provided in section 71-193.24, after October 1, 1987, a dentist licensed in this state shall not administer parenteral sedation, general anesthesia, or inhalation analgesia in the practice of dentistry unless he or she has been issued a permit pursuant to the Dental Anesthesia Act.

Source: Laws 1986, LB 438, §3. Effective date July 17, 1986.

71-193.24. Practice prior to October 1, 1987; permit; requirements. Any dentist who has been administering general anesthesia, parenteral sedation, or inhalation analgesia for at least twelve months prior to October 1, 1987, may continue to do so for twelve months following such date. The dentist shall apply to the board by April 1, 1988, for a permit on the form prescribed by the department, upon the recommendation of the board. The applicant shall also file with the board an incident report as prescribed in section 71-193.34 or an affidavit stating that no incident has occurred within the last three years which would require such an incident report.

Source: Laws 1986, LB 438, §4. Effective date July 17, 1986.

71-193.25. Violations; effect. Violations of the Dental Anesthesia Act may result in action against the dentist's permit, license, or both pursuant to sections 71-155 to 71-161.18.

Source: Laws 1986, LB 438, §5; Laws 1988, LB 1100, §33. Operative date April 8, 1988.

71-193.26. Permit to administer general anesthesia; issuance; conditions. The department, upon 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;
 - (d) Is a fellow of the American Dental Society of Anesthesiology; or
 - (e) Is a licensed dentist who has been administering general anesthesia in a competent and efficient manner as determined by the board for ten of the twelve years immediately preceding October 1, 1988.

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

Source: Laws 1986, LB 438, §6. Effective date July 17, 1986.

71-193.27. Permit to administer parenteral sedation; issuance; conditions. The department, upon 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) (a) 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 dental school. Such certification shall specify the type, the number of hours, and the length of formal training completed at such institution. 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; or

(b) Has been administering parenteral sedation on an outpatient basis in a competent and efficient manner as determined by the board for twelve months preceding October 1, 1988.

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

Source: Laws 1986, LB 438, §7. Effective date July 17, 1986.

71-193.28. Presence of 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 dental hygienist or a dental assistant.

Source: Laws 1986, LB 438, § 8; Laws 1999, LB 800, § 9. Effective date August 28, 1999.

71-193.29. Permit to administer inhalation analgesia; issuance; conditions. The department, upon 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) (a) Has completed an approved two-day training course or equivalent training which may be acquired while studying at an accredited school of dentistry or (b) has been administering inhalation analgesia on an outpatient basis in a competent and efficient manner as determined by the board for twelve months preceding October 1, 1988.

Source: Laws 1986, LB 438, §9. Effective date July 17, 1986.

71-193.30. Administration of anesthesia; limitation. Nothing in the Dental Anesthesia 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 anesthesia, analgesia, or sedation.

Source: Laws 1986, LB 438, §10. Effective date July 17, 1986.

71-193.31. Permits; term; department; adopt rules and regulations. Permits issued by the board pursuant to sections 71-193.26, 71-193.27, and 71-193.29 shall be valid for four years. The department, upon 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 additional four-year period.

Source: Laws 1986, LB 438, § 11; Laws 1988, LB 1100, § 34; Laws 1999, LB 800, § 10; Laws 2003, LB 242, § 38. Operative date July 1, 2004.

71-193.32. Inspection of practice location. All practice locations of a dentist applying for a permit pursuant to sections 71-193.26, 71-193.27, and 71-193.29 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. Effective date July 17, 1986.

71-193.33. 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. Effective date July 17, 1986.

71-193.34. 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. Effective date July 17, 1986.

71-193.35. Department; adopt rules and regulations. The department, upon the recommendation of the board, may adopt and promulgate rules and regulations necessary to carry out the Dental Anesthesia Act.
Source: Laws 1986, LB 438, §15. Effective date July 17, 1986.