

~~TITLE 172
NEBRASKA ADMINISTRATIVE CODE
Chapter 53
RULES AND REGULATIONS GOVERNING THE PERFORMANCE OF DUTIES
BY LICENSED DENTAL HYGIENISTS AND OTHER DENTAL AUXILIARIES~~

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 53 PERFORMANCE OF DUTIES BY LICENSED DENTAL HYGIENISTS AND
DENTAL ASSISTANTS

53-001 SCOPE AND AUTHORITY: These regulations apply to the performance of duties by licensed dental hygienists and dental assistants pursuant to Neb. Rev. Stat. §§71-183 to 71-193.35. The licensed dentist is responsible for all supervised procedures that take place in the dental office regardless of whether those procedures are performed by the dentist, the dental hygienist or the dental assistant.

00153-002 DEFINITIONS: As used in these Rules and Regulations unless the context otherwise requires:

~~001.01 Board shall means~~ the Board of ~~Examiners in Dentistry of the State of Nebraska.~~

~~001.02 Dental hygienist shall means~~ a ~~dental auxiliary person~~ who is licensed by the Department of ~~Health~~ to perform, under the supervision of a licensed dentist, the scaling and polishing of teeth in the oral prophylaxis procedures prescribed in these rules and regulations. A licensed dental hygienist may be authorized by the Department to perform certain dental hygiene functions in the conduct of public health-related services in a public health setting or in a health care or related facility as defined in 172 NAC 53-002 without the supervision of a licensed dentist.

~~001.03 Department shall means~~ the Division of Public Health of the Department of Health of the State of Nebraska and Human Services.

~~001.04 Other dental auxiliary shall~~ Dental assistant means any person, other than a dental hygienist, employed by a licensed dentist for the purpose of assisting such dentist in the performance of his/her clinical and clinical-related duties who assists a licensed dentist in carrying out the basic duties of a dental office but who is not licensed as a dental hygienist.

~~001.05 General supervision shall means~~ the directing of the authorized activities of a dental hygienist or ~~other dental auxiliary assistant~~ by a licensed dentist and ~~shall must~~ not be construed to require the physical presence of the supervisor when directing such activities.

~~001.06 Indirect supervision shall means~~ supervision when the licensed dentist authorizes the procedure to be performed by a dental hygienist or dental ~~auxiliary assistant~~ and the licensed dentist is physically present on the premises when such procedure is being performed by the dental ~~auxiliary hygienist or the dental assistant.~~

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.

00253-003 SCOPE OF PRACTICE OF DENTAL ~~HYGIENE~~HYGIENISTS

53-0023.01 Authorized Services: When authorized by and under the general supervision of a licensed dentist, ~~A~~ a licensed dental hygienist, ~~by virtue of training and professional status, is hereby authorized to~~ may perform, ~~under the supervision of a licensed dentist,~~ the following clinical services intra and extra oral procedures and functions:

~~002.01A-1. Scaling of teeth, including subgingival regions and root planing with hand and ultrasonic instruments.~~ Oral prophylaxis, periodontal scaling, and root planning which includes supragingival and subgingival debridement;

~~002.01B-2. Polishing of all exposed tooth surfaces, including restorations; with motor driven and hand instruments, in the oral prophylaxis procedure.~~

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;

~~002.01C-6. Chemical 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

~~002.01D-14. All of the duties that any other dental auxiliary assistant is authorized to perform.~~

The licensed dentist assumes full responsibility for all the aforementioned procedures ~~delegated to~~ performed by a licensed dental hygienist, under his/her supervision.

53-003.02 Authorized Services in the Conduct of Public Health-Related Services

53-003.02A 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 as defined in 172 NAC 53-002:

1. Preliminary charting and screening examinations;

2. Oral health education, including workshops and inservice training sessions on dental health; and

3. All of the duties that any dental assistant is authorized to perform.

53-003.02B The Department may authorize a licensed dental hygienist with 3,000 hours of clinical experience in at least four of the preceding five calendar years 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 as defined in 172 NAC 53-002:

1. Oral prophylaxis to healthy children who do not require antibiotic premedication;

2. Pulp vitality testing; and
3. Preventive measures, including the application of fluorides, sealants, and other recognized topical agents for the prevention of oral disease.

53-003.02B1 A licensed dental hygienist may be authorized by the Department to provide services in 172 NAC 53-003.02B upon submitting the following to the Department:

1. An application on a form provided by the Department or on an alternate format. Only applications which are complete will be considered. The application must include the following information:

- a. Legal name;
- b. Place and date of birth;
- c. Social Security Number;
- d. Nebraska Dental Hygiene License Number;
- e. Mailing address;
- f. Telephone number (optional);
- g. E-mail address/fax number (optional);
- h. Permanent address;
- i. Evidence of:
 - (1) Professional liability insurance coverage; and
 - (2) 3,000 hours of clinical experience in at least four of the preceding five calendar years; and
- j. A signed statement from the applicant that s/he is of good moral character and that the statements on the application are true and complete.

53-003.02B2 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.

53-003.02B3 A licensed dental hygienist performing dental hygiene functions under 172 NAC 53-003.02B must:

1. Report authorized functions performed by him/her to the Department; and
2. Advise the patient or recipient of services or his/her authorized representative that the services are preventive in nature and do not constitute a comprehensive dental diagnosis and care.

~~53-0023.023 Other Prohibited Services. Procedures~~

~~53-003.03A A licensed dental hygienist or any other dental auxiliary, under no circumstances, is ever not authorized to perform, whether under the supervision of a licensed dentist or not, the following clinical services under any level of supervision:~~

~~002.02A-1. Diagnosis and treatment planning;~~

~~002.02B-2. Surgery on hard or soft tissue;~~

~~002.02C-3. Administering of local or inhalation analgesia (nitrous oxide), parenteral sedation, and general anesthetics. anesthesia.~~

~~002.02D-4.~~ Any other irreversible dental procedure or procedures which require the professional judgment and skill of a licensed dentist.

~~002.03 Prohibited Services. Except in accredited colleges of dentistry, licensed dental hygienists and other dental auxiliaries are prohibited from performing the following clinical services:~~

~~002.03A Any intra-oral procedure which would lead to the fabrication of any prosthesis.~~

~~002.03B Placing or contouring of a final restoration.~~

~~53-0034~~ SCOPE OF PRACTICE OF DENTAL ~~AUXILIARIES~~.ASSISTANTS

~~53-0034.01 Authorized Services, Procedures:~~ A licensed dentist is authorized to delegate to a dental ~~auxiliary, assistant~~ other than a dental hygienist, only those procedures for which the dentist exercises supervision, for which s/he assumes full responsibility and which do not conflict with these regulations. ~~The phrase "other than a dental hygienist" is used in this section of Subsection 003 to specifically differentiate between "dental hygienist" and any other dental auxiliary, and for no other purpose.~~

53-004.01A The following procedures may be performed by a dental assistant under the general supervision of a licensed dentist:

1. Visually inspecting the oral cavity;
2. Exposing radiographs, after meeting the requirements of 172 NAC 53-005;
3. Making impressions except as prohibited in 172 NAC 53-004.02A item 15;
4. Applying topical anticariogenic agents (fluoride);
5. Removing periodontal dressings; and
6. Replacing temporary restorations.

The licensed dentist assumes full responsibility for all the aforementioned procedures delegated to a dental assistant, under his/her supervision.

53-004.01B The following procedures may be performed by a dental assistant under the indirect supervision of a licensed dentist:

1. Applying topical anesthetic agents;
2. Performing pulp vitality testing;
3. Coronal polishing, after meeting the requirements of 172 NAC 53-006;
4. Bonding orthodontic bands and brackets with light activated adhesives following the immediate inspection and approval by the dentist and after meeting the requirements of 172 NAC 53-006;
5. Placing retraction material;
6. Placing periodontal dressings;
7. Removing sutures;
8. Monitoring inhalation analgesia (nitrous oxide), only when the dental assistant holds a current CPR certification;
9. Placing matrices;
10. Removing matrices;
11. Placing rubber dams;
12. Removing rubber dams;
13. Fabricating temporary fixed prosthesis;
14. Removing temporary fixed prosthesis;

15. Oral brush biopsy;
16. Applying pit and fissure sealants following the immediate assessment and approval by the dentist;
17. Placing amalgam for condensation by the licensed dentist;
18. Applying desensitizing agents; and
19. Any other duties for which the dentist exercises supervision, for which s/he assumes full responsibility and which do not conflict with these regulations, including 172 NAC 53-004.02.

~~53-0034.02 Prohibited Procedures Services. Other dental auxiliaries are not authorized to perform any of the clinical services which may be performed by a licensed dental hygienist pursuant to Subsections 002.01A and 002.01C or any of the clinical services which are prohibited to dental auxiliaries pursuant to Subsection 002.03.~~

53-004.02A A dental assistant is not authorized to perform the following procedures under any level of supervision:

1. Diagnosis and formulating a treatment plan;
2. Surgery on hard or soft tissue;
3. Administering of local anesthesia, inhalation analgesia (nitrous oxide), parenteral sedation or general anesthesia;
4. Periodontal probing;
5. Scaling of teeth, including supragingival and subgingival regions and root planning with hand and ultrasonic instruments;
6. Curettage;
7. Cementing orthodontic bands and banded orthodontic appliances with self-curing cementation techniques;
8. Bonding orthodontic bands and brackets without the immediate inspection and approval of the dentist;
9. Altering or adjusting archwires without the immediate inspection and approval of the dentist prior to placement of the archwire;
10. Condensing and carving amalgam restorations;
11. Placing and finishing composite resin restorations;
12. Placing subgingival chemotherapeutic agents, except those chemotherapeutic agents used in retraction material;
13. Cementing permanent restorations;
14. Atraumatic restorative therapy (ART);
15. Taking final impressions for immediate, treatment dentures and permanent prosthesis;
16. Applying in-office technique bleaching products;
17. Removing orthodontic bands and brackets and cement/bonding agents with any rotary instrument; and
18. Any other irreversible dental procedure or procedures which require the professional judgment and skill of a licensed dentist.

~~53-0045 DENTAL ROENTGENOGRAMS: Any licensed dental hygienist, by virtue of training and professional ability, is hereby authorized, under the general supervision of a licensed dentist, to take dental roentgenograms. Any other dental auxiliary A dental assistant is hereby authorized under the supervision of a licensed dentist to take dental roentgenograms, but they shall will not be authorized to do so, on or after January 1, 1973, the effective date of these regulations, unless they have satisfactorily completed a course in dental radiology approved by the Board and the Department.~~
met the following requirements:

1. Attained the age of 18; and

2. Have a minimum of 500 hours of clinical work experience as a dental assistant; and

3. One of the following:

a. Have satisfactorily completed a course in dental radiology approved by the Board and the Department;

b. Have passed the national certification examination for dental assistants (CDA); or

c. Have graduated from a dental assisting training program which is accredited by the American Dental Association (ADA) and includes training in dental radiography as part of its curriculum.

53-005.01 Criteria for Approval of a Course in Dental Radiology for Dental Assistants

53-005.01A The institution administering the course in dental radiology must be accredited by the American Dental Association (ADA);

53-005.01B The course must have a minimum of 16 hours of instruction to include five hours of didactic instruction and 11 hours of clinical participation;

53-005.01C The didactic course content must include, but not be limited to, film identification and mounting techniques, image quality and evaluation of intra oral radiographic techniques, complications in film placement such as anatomical obstructions and patients reactions to film placement;

53-005.01D The clinical course content must include, but not be limited to, demonstration of intra oral film placement on a manikin, full mouth series exposed on a manikin and the evaluation of the series, film placement on a partner without exposure, and panoramic techniques demonstrated;

53-005.01E The course must include written and clinical evaluations for the purpose of determining competency of the dental assistant, demonstrating the necessary skills and proficiency to perform dental radiology; and

53-005.01F Upon successful completion of the course, the sponsoring institution will provide the attendee with written verification of competency.

53-0056 CORONAL POLISHING-: A dental ~~auxiliary assistant~~ is ~~hereby~~ authorized, under the indirect supervision of a licensed dentist, to polish all exposed tooth surfaces with a rubber cup or brush driven by a ~~conventional~~ slow-speed hand piece, but they ~~shall~~ will not be authorized to do so on or after January 1, 1997, unless they have met the following requirements:

~~005.01-1.~~ 1. Attained the age of ~~eighteen~~ (18); and

~~005.02-2.~~ 2. One of the following:

~~005.02A-a.~~ a. Have graduated from a dental assisting training program which is accredited by the American Dental Association (ADA) and includes a coronal polishing course; or

~~005.02B~~ b. Have one ~~(1)~~ year (a minimum of 1500 hours) of clinical work experience as a dental assistant and have successfully completed a course in polishing procedures which is approved by the Board and Department.

53-0056.031 Criteria for Approval of a Course on Polishing Procedures for Dental Assistants:

53-0056.031A The institution administering the course on coronal polishing must be accredited by the American Dental Association (ADA);

53-0056.031B The course must have a minimum of ~~fourteen (14)~~ contact hours of instruction to include ten ~~(10)~~ hours of didactic instruction and four ~~(4)~~ hours of clinical participation;

53-0056.031C The didactic course content must include, but not be limited to, instruction in dental anatomy and physiology of the hard and soft tissues of the deciduous and permanent oral facial complex, the correct management of the hard and soft tissues during coronal polishing procedures, demonstration of appropriate patient and operator positions, instruction in universal precautions and infection control, laboratory exercises utilizing manikins or extracted teeth, indications and contraindications for coronal polishing, armamentarium, and principles of polishing agents;

53-0056.031D The clinical course content must include, but not be limited to, four ~~(4)~~ contact hours of rotary coronal polishing on a minimum of two ~~(2)~~ patients;

53-0056.031E The course ~~shall~~ must include written and clinical examinations for the purpose of determining competency of the dental assistant, demonstrating the necessary skills and proficiency to perform coronal polishing; and

53-0056.031F Upon successful completion of the course, the sponsoring institution will provide the attendee with written verification of competency.

53-0067 VIOLATIONS: Any violation of these Rules and Regulations by a licensed dentist or by a licensed dental hygienist ~~shall~~ will be considered "unprofessional conduct" and due cause for revocation or suspension of a license to practice dentistry or dental hygiene.

~~SOURCE: Section 71-193.14~~

~~Sections 005 Added~~

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