

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
AMENDED NOTICE OF PUBLIC HEARING

MAY 27, 2020
10:00 A.M. Central Time
Nebraska State Office Building – Lower Level A
301 Centennial Mall South, Lincoln, Nebraska
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive additional comments on the proposed changes of Title 172, Chapter 57 of the Nebraska Administrative Code (NAC) – *Licensure of Dental Hygienists*. The proposed regulations will govern the licensure of Dental Hygienists and Expanded Function Dental Hygienists. The proposed changes will include removal of statutory language from the regulations and will also remove any duplicate language that will be covered in 172 NAC 10 for credentials issued under the Uniform Credentialing Act. These regulations also include necessary changes due to amendments to the Uniform Credentialing Act and the Dentistry Practice Act.

Additional proposed changes include: expanded function permit criteria has been changed to require a license in Dental Hygiene prior to taking the expanded function courses; expanded function courses cannot be offered as part of an existing Dental Hygiene program; the examination for expanded function permits cannot be taken prior to meeting the 1500 hours of experience requirement; and clarification of the remedial course requirements has been added.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Due to the current public health crisis, the agency will be enforcing the Centers for Disease Control's recommendation on the size of gatherings. The public hearing will be limited to eight (8) in-person attendees. In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments.

Interested persons may provide verbal comments by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#

Interested persons may provide written comments by mail, fax, or email, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or dhhs.regulations@nebraska.gov, respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call

DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

Agency: Department of Health and Human Services	
Title:172	Prepared by:Jesse Cushman
Chapter:57	Date prepared:3/27/19
Subject:Dental Hygienists	Telephone:402-471-4915

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(<input type="checkbox"/>)	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)
Increased Costs	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Decreased Costs	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Increased Revenue	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Decreased Revenue	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Indeterminable	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>)

Provide an Estimated Cost & Description of Impact:

State Agency: The cost to the state would be the review and processing of an additional permit for expanded function dental assistant, estimating 80 percent of all Dental Hygiene licensees will apply for the new permits. Expecting 1200 permits each type, restorative 1 and restorative 2.

Political Subdivision:

Regulated Public: The cost to the public will be the additional cost of 25 dollars for the expanded function permits.

If indeterminable, explain why:

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 57 LICENSURE OF DENTAL HYGIENISTS

001. SCOPE AND AUTHORITY. These regulations govern the licensure of dental hygienists under Nebraska Revised Statutes (Neb. Rev. Stats.) §§ 38-1101 to 38-1152 of the Dentistry Practice Act and the Uniform Credentialing Act.

002. DEFINITIONS. Definitions set out in the Dentistry Practice Act, the Uniform Credentialing Act, Title 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.

002.01 IMPRESSION. Techniques used to produce a three dimensional record of an anatomic structure.

002.01(A) FINAL IMPRESSION. A type of oral impression from which a positive reproduction (cast or model) can be formed to enable fabrication of a fixed or removable dental prosthesis.

002.01(B) PRELIMINARY IMPRESSION. A type of oral impression from which a positive reproduction (cast or model) can be formed to fabricate stints, stents, splints, bleaching trays, mouth guards, custom trays, orthodontic appliances and devices and therapeutic appliances or for direct (intraoral) fabrication of a provisional fixed prostheses. A preliminary impression may not be used for indirect fabrication of a fixed or removable prosthesis.

002.02 ORTHODONTIC APPLIANCES. Braces, brackets, tubes, wires, ties, and similar material used in realigning teeth.

002.03 ORTHODONTIC DEVICES. Devices used to correct or maintain tooth position or occlusal relationship. Such devices include retainers, space maintainers, expanders, clear aligners, and similar functional devices.

002.04 PROSTHESIS. Artificial replacement of any part of the body related to teeth, jaws, or related structures.

002.04(A) DEFINITIVE REMOVABLE PROSTHESIS. Prosthesis which is used over an extended period of time.

002.04(B) DENTAL PROSTHESIS. Any device or appliance that replaces one or more missing teeth or associated structures. It includes crowns, inlays or onlays, bridges, dentures, obturators, or gingival prostheses.

002.04(C) FIXED PROSTHESIS. Non-removable dental prosthesis which is solidly attached to abutment teeth, roots, or implants.

002.04(D) FIXED REMOVABLE PROSTHESIS. Combined prosthesis, one or more parts of which are fixed, and the other(s) attached by devices which allow their detachment, removal and reinsertion by the dentist only.

002.04(E) INTERIM PROSTHESIS. A prosthesis designed for use over a limited period of time.

002.04(F) REMOVABLE PROSTHESIS. Complete or partial prosthesis which can be removed and reinserted by the consumer.

002.05 RESTORATION.

002.05(A) SIMPLE RESTORATION FOR ONE SURFACE. A restoration that involves single surfaces of a tooth as in Class I, Class V, and Class VI restorations.

002.05(A)(i) CLASS I RESTORATION. Restoration of a lesion or cavity that occurs in pits and fissures on the facial, lingual, and occlusal surfaces of molars and premolars and lingual surfaces of maxillary anterior teeth.

002.05(A)(ii) CLASS V RESTORATION. Restoration of a lesion or cavity that occurs in smooth facial and lingual surfaces in the gingival third of a tooth.

002.05(A)(iii) CLASS VI RESTORATION. Restoration of a lesion or cavity that occurs on the incisal edges of anterior teeth or cusp tips of posterior teeth.

002.05(B) COMPLEX RESTORATION FOR MULTIPLE SURFACES. Restoration of a tooth that involves multiple surfaces of the tooth, as in Class II, Class III, and Class IV restorations.

002.05(B)(i) CLASS II RESTORATION. Restoration of a lesion or cavity that occurs in the proximal surfaces of the posterior teeth (molars and premolars).

002.05(B)(ii) CLASS III RESTORATION. Restoration of a lesion or cavity that occurs in the proximal surfaces of anterior teeth and do not involve an incisal angle.

002.05(B)(iii) CLASS IV RESTORATION. Restoration of a lesion or cavity that occurs in the proximal surfaces of the anterior teeth that involves an incisal angle.

002.06 THERAPEUTIC DENTAL APPLIANCE. An appliance designed to treat a dental condition or used as a surgical stent or radiographic guide.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department, provide documentation demonstrating that the applicant meets the licensing requirements set out in Neb. Rev. Stat. §§ 38-1118 to §§ 38-1118.01, 172 NAC 10, and this chapter.

003.01 EXAMINATION. The applicant must be able to demonstrate completion of all of the following:

- (A) Pass the licensure examination given by the Joint Commission on National Board Dental Hygiene Examinations (JCNBDHE) with a score of 75 or above;
- (B) Pass the practical examination administered by the Central Regional Dental Testing Services (CRDTS) with a score of 75 or above or any other regional or state practical examination that the Board of Dentistry determines is substantially equivalent to such practical examination. Scores from any of the licensure practical examinations approved by the Board are accepted for up to 5 years from the date the examination was passed; and
- (C) Pass the jurisprudence examination with a score of 75 or above.

004. REMEDIAL COURSE. Any applicant who has failed on two occasions to pass any part of the practical examination will be required to complete a remedial course in accordance with Neb. Rev. Stat. § 38-1119. To receive approval of a remedial course an applicant must submit a complete application and the following:

- (A) Description of the subject matter of the remedial course. The subject matter for the remedial course must cover the content of the section(s) of the regional or state practical examination that the applicant failed;
- (B) Name, title, and qualifications (vitae or resume) of faculty member providing the remedial instruction;
- (C) Number of hours of didactic instruction, number of hours of clinical instruction, number of hours under direct supervision, and total number of hours in the remedial course. A remedial course must include a minimum of 15 hours of didactic and clinical instruction, of which at least 10 hours must be under the direct supervision of the faculty member providing the remedial instruction;
- (D) A written plan of evaluation for the course, indicating the method of evaluation;
- (E) A statement bearing the school seal from the institution providing the remedial course indicating that the course meets the criteria for approval; and
- (F) The signature of the faculty member providing course and the date signed.

005. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All dental hygiene licenses and permits expire on March 1 of each odd-numbered year.

006. CONTINUING EDUCATION. On or before March 1 of each odd-numbered year, each dental hygienist holding an active license must complete at least 30 hours of acceptable continuing education hours during the preceding 24-month period. Each licensee is responsible for maintaining certificates or records of continuing education.

006.01 ACCEPTABLE CONTINUING EDUCATION TOPICS AND ACTIVITIES. The following are acceptable continuing education topics and activities:

- (A) Attendance at meetings of the local, state, or national American Dental Association or local, state, or national American Dental Hygiene Association; local, state, or national American Dental Assistants Association; or educational programs sponsored by the recognized specialty groups in dentistry of the American Dental Association;
- (B) Attendance at district meetings and study clubs;
- (C) Formal education courses which relate directly to the practice of dentistry or dental hygiene;
- (D) College or University-sponsored courses in continuing education in dentistry or dental hygiene;
- (E) Licensee acting as table clinician or lecturer to licensed dentists, licensed dental hygienists, licensed or unlicensed dental assistants or licensee attending table clinics;
- (F) Home study with a testing mechanism. If there is not a testing mechanism or certificate of completion, the licensee must submit an abstract or summary of the material covered to the Board of Dentistry. The abstract or summary must be written by only the licensee and will be reviewed. Interactive webinars which include the ability of the participant to interact with the presenter are not considered home study;
- (G) Direct clinical observation;
- (H) Initial cardiopulmonary resuscitation (CPR) certification or cardiopulmonary resuscitation recertification;
- (I) Faculty overseeing dental clinic education of students;
- (J) Dental public health continuing education;
- (K) Ethics and professionalism continuing education;
- (L) Well-being or substance abuse continuing education;
- (M) Infection control continuing education;
- (N) Practice management continuing education;
- (O) Presentation or development of a continuing education program for dental hygienists by a licensee;
- (P) Expanded functions for which the licensee holds a permit; or
- (Q) Participating in a volunteer activity such as Mission of Mercy or equivalent.

006.02 NO PRE-APPROVAL. The Board of Dentistry does not pre-approve continuing education programs or activities.

006.03 CONTINUING EDUCATION CRITERIA. To be considered acceptable for continuing education, the activity must meet the following criteria:

- (A) Be at least 50 minutes in duration;
- (B) Objectives must relate to the practice of dental hygiene;
- (C) Presenters must be qualified by education, experience, or training;
- (D) Must be open to all licensed dental hygienists who meet the pre-requisites for the activity; and
- (E) The provider must have a process for verifying attendance and issue a certificate of attendance for each participant. Each certificate must include the following:
 - (i) Program name;
 - (ii) Name of the participant and the participant's license number;
 - (iii) Provider's name;
 - (iv) Dates the activity began and ended; and

- (v) Number of hours attended by the licensee.

006.04 CRITERIA FOR A HOME STUDY PROGRAM. To be considered acceptable for continuing education, a home study program must meet the following criteria:

- (A) Objectives must relate to the practice of dental hygiene;
- (B) Must have a post-test or other method of assessment which verifies that the licensee completed the program; and
- (C) The author(s) or developer(s) of the program must meet the following qualifications:
 - (i) Experience in the content and subject matter of the program;
 - (ii) Expertise in teaching and instructional methods suitable to the subject presented; and
 - (iii) Suitable academic qualifications, certification credentials, or experience for or in the subject of the program.

006.05 CREDIT HOUR CALCULATIONS. Credits earned in excess of thirty hours in a 24-month renewal period do not carry over into the following period. A dental hygienist may receive credit for acceptable continuing education activities, subject to the credit number limitations and requirements set out below:

- (A) A maximum of 10 hours each in a renewal period may be obtained through home study or for initial cardiopulmonary resuscitation (CPR) certification;
- (B) A maximum of 2 hours each in a renewal period may be obtained as a table clinician or lecturer or for direct clinical observation;
- (C) A maximum of 4 hours each in a renewal period may be obtained for cardiopulmonary resuscitation (CPR) re-certification or practice management continuing education;
- (D) A maximum of 5 hours each in a renewal period may be obtained for faculty overseeing student dental hygiene or expanded function dental hygiene clinics, dental public health continuing education activities, well-being or substance abuse continuing education activities or ethics and professionalism continuing education;
- (E) A minimum of 2 hours in a renewal period must be obtained in infection control continuing education;
- (F) A minimum of 2 hours in a renewal period must be obtained in each area for which a licensee holds an expanded function permit;
- (G) A licensee who is a presenter of a continuing education program may receive a maximum of 2 hours for the creation of a presentation, and a maximum of 2 hours for the initial presentation of the program during a renewal period. Credit will not be given to the licensee for subsequent presentations of the same program; or
- (H) A maximum of 5 hours in a renewal period for participating in a volunteer activity such as Mission of Mercy or equivalent.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and includes the following:

- (A) Exercising influence on the consumer in such a manner as to exploit the consumer for the financial gain of the applicant, credential holder or permit holder, or of a third party, which includes, but is not limited to, the promotion or sale of services, goods, appliances, or drugs;
- (B) Refusing to provide professional service to a consumer because of such consumer's race, creed, color, sex, national origin, disability, or familial status;

- (C) Prescribing, selling, administering, or distributing any drug legally classified as a prescription drug other than for accepted dental therapeutic purposes;
- (D) Giving fraudulent prescriptions;
- (E) Failure to furnish or refusal to cooperate with the Board or Department, their inspectors or representatives, information legally requested by the Board or the Department;
- (F) Any departure from or failure to conform to the CODE OF ETHICS FOR DENTAL HYGIENISTS of the "AMERICAN DENTAL HYGIENIST ASSOCIATION (ADHA) BYLAWS & CODE OF ETHICS" as published on June 25, 2018;
- (G) Misrepresentation of a material fact(s) in applying for or procuring a renewal of a credential or permit;
- (H) Misrepresenting the material facts of one's credential(s) in an application submitted to a healthcare facility, insurance company, or prospective employer;
- (I) Disruptive behavior such as:
 - (i) Outbursts of rage or violent behavior;
 - (ii) Throwing of instruments, records, or objects;
 - (iii) Striking, assaulting, or using insulting comments to a consumer, consumer's family member, dental staff, or other healthcare professionals; or
 - (iv) Poor hygiene; or
- ~~(J) Refusal to cooperate or failure to furnish requested information during any investigation by the Department.~~

008. COURSE APPROVAL CRITERIA. The following criteria must be met to obtain approval for all courses ~~except for simple restoration for one surface, complex restorations for multiple surfaces~~:

- (A) Be part of an accredited dental hygiene training program or be provided as a separate course by a program accredited by the American Dental Association Commission on Dental Accreditation or a substantially equivalent accrediting organization;
- (B) Be taught by an instructor who is qualified by education and experience; and
- (C) Provide the attendee with written verification of demonstrated competency upon completion of the course.

008.01 INTERIM THERAPEUTIC RESTORATION TECHNIQUE. To obtain approval as a course on interim therapeutic restoration technique the course must include both written and practical examinations to determine whether a student has demonstrated the necessary knowledge and proficiency to perform interim therapeutic restoration technique.

008.02 WRITING PRESCRIPTIONS FOR MOUTH RINSES AND FLUORIDE PRODUCTS. To obtain approval as a course on writing prescriptions for mouth rinses and fluoride products the course must include written examinations to determine whether the student has demonstrated the necessary knowledge and proficiency to write prescriptions for mouth rinses and fluoride products.

008.03 ADMINISTERING AND TITRATING NITROUS OXIDE ANALGESIA. To obtain approval as a course on administering and titrating nitrous oxide analgesia the course must include both written and practical examinations to determine whether a student has acquired the necessary knowledge and proficiency to administer and titrate nitrous oxide analgesia.

008.04 MINOR DENTURE ADJUSTMENTS. To obtain approval as a course on minor denture adjustments the course must include both written and practical examinations to determine whether a student has acquired the necessary knowledge and proficiency to perform minor denture adjustments.

008.05 SIMPLE RESTORATION FOR ONE SURFACE. To obtain approval as a simple restoration for one surface course the course must:

- (A) Be offered as a separate course by a program accredited by the American Dental Association Commission on Dental Accreditation or a substantially equivalent accrediting organization;
- (B) Be led by an instructor of the course who is qualified by education and experience;
- (C) Provide the attendee with written verification of demonstrated competency upon completion of the course; and
- (D) Include both written and practical examinations to determine whether the student has acquired the necessary knowledge and proficiency to place simple restorations for one surface ~~which can include Class I, Class V, or Class VI.~~

008.06 COMPLEX RESTORATIONS FOR MULTIPLE SURFACES. To obtain approval as a complex restorations for multiple surfaces course the course must:

- (A) Be offered as a separate course by a program accredited by the American Dental Association Commission on Dental Accreditation or a substantially equivalent accrediting organization;
- (B) Be led by an instructor of the course who is qualified by education and experience;
- (C) Provide the attendee with written verification of demonstrated competency upon completion of the course; and
- (D) Include both written and practical examinations to determine whether a student has acquired the necessary knowledge and proficiency to perform complex restorations for multiple surfaces ~~which can include Class II, Class III, or Class IV.~~

008.07 ADMINISTERING LOCAL ANESTHESIA. To obtain approval as a course on administering local anesthesia the course must:

- (A) Be offered by a program accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education; and
- (B) Meet the requirements set out in Neb. Rev. Stat. § 38-1132(2).

008.08 COURSE CHANGES. All entities with approved courses must inform the Board of any changes in course objectives and content at the time such change occurs.

008.09 CONDITIONS OF APPROVAL. Courses that fail to meet the criteria for approval may be denied approval or have the approval rescinded by the Board or Department, as applicable.

009. EXPANDED FUNCTION PERMITS. To receive ~~approval to administer local anesthesia or~~ a permit to practice an expanded function an individual must submit a completed application and meet the requirements set forth in Neb. Rev. Stats. §§ 38-1118.01, 38-1130, 38-1132, and 38-1152, as applicable, and these regulations.

009.01 EDUCATION. Provide to the Department:

- (A) Employment or staffing records or other reports from an employer(s) demonstrating 1,500 hours of experience as a licensed dental hygienist in Nebraska or any United States jurisdiction with substantially similar standards or a combination of such experience as allowed by law;
- (B) Documentation of successful completion, **after obtaining an initial license to practice dental hygiene,** of an approved course for the expanded function permit that has been requested; and
- (C) Score reports sent directly to the Department from the issuing institution showing successful completion of one or both examinations **taken after 1500 hours of work experience,** for simple restoration for one surface or complex restoration for multiple surfaces with a score of 75 or above to demonstrate meeting the requirements of this chapter.

009.02 EXAMINATION.

- (A) An applicant for a permit to perform simple restoration for one surface must pass the practical examination on simple restoration for one surface administered by the Central Regional Dental Testing Service or any other comparable regional or state practical examination approved by the Board of Dentistry with a score of 75 or above;
- (B) An applicant for a permit to perform complex restoration on multiple surfaces must pass the practical examination on complex restoration for multiple surfaces administered by the Central Regional Dental testing Service or another comparable regional or state practical examination approved by the Board of Dentistry with a score of 75 or above; **and**
- (C) Pass the jurisprudence exam specific to Expanded Functions with a score of 75 or above; **and;**
- (D) **Scores from any of the practical examinations approved by the board are good for up to five years from the date the examination was passed.**

010. LOCAL ANESTHESIA PERMIT. To obtain a local anesthesia permit an individual must submit a completed application provided by the Department and meet the requirements set forth in Neb. Rev. Stat. § 38-1132(2).

011. PUBLIC HEALTH AUTHORIZATION. To obtain a public health authorization an individual must submit a completed application provided by the Department and meet the requirements set forth in Neb. Rev. Stat. § 38-1130.

012. ADDITIONAL PROCEDURES. In addition to those permitted by Neb. Rev. Stat. § 38-1133, and Neb. Rev. Stat. § 38-1136(5) a licensed dental hygienist under the supervision of a licensed dentist may perform the following:

- (A) Complete any task or procedure that does not require the professional skill or judgment of a licensed dentist except the following:
 - (i) Cutting of hard and soft tissue;
 - (ii) Irreversible procedures;
 - (iii) Restorative dentistry;
 - (iv) Making a dental diagnosis; or
 - (v) Fabricating a treatment plan.

- (B) Provide infection control practices which meet the national standards for dental facilities as outlined by the Centers for Disease Control Summary of Infection Prevention Practices In Dental Settings as published October of 2016; and
~~(C) Perform duties for which training has occurred in Commission on Dental Accreditation (CODA) certified programs and as directed by a licensed dentist.~~

013. REINSTATEMENT. For reinstatement, the applicant must meet the requirements set out in 172 NAC 10.

014. FEES. Fees are set out in 172 NAC 2 and this chapter.

014.01 EXPANDED FUNCTION PERMIT. The initial and renewal fees for expanded function permits are \$25 each.

014.02 ADDITIONAL PROCEDURES. Fees to add additional procedures to a license that require proof of education and examination are \$10.

TITLE 172 — NEBRASKA DEPARTMENT OF HEALTH
PROFESSIONAL AND OCCUPATIONAL LICENSES REGULATIONS

CHAPTER 57 — REGULATIONS GOVERNING THE PRACTICE OF DENTAL
HYGIENISTS APPROVED TO ADMINISTER LOCAL ANESTHESIA

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TITLE 172 — NEBRASKA DEPARTMENT OF HEALTH
PROFESSIONAL AND OCCUPATIONAL LICENSES REGULATIONS

CHAPTER 57 — REGULATIONS GOVERNING THE PRACTICE OF DENTAL
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TITLE 172 — NEBRASKA DEPARTMENT OF HEALTH
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~~TITLE 172 — Nebraska Department of Health Professional and Occupational Licenses
— Regulations~~

~~CHAPTER 57 — Regulations Governing the Practice of Dental Hygienists Approved to Administer Local Anesthesia~~

~~SCOPE OF REGULATIONS. These regulations govern the practice of dental hygienists approved to administer local anesthesia in Nebraska.~~

~~DEFINITIONS.~~

~~002.01 Approved course means a course which the Board has approved for the education and training of dental hygienists to administer local anesthesia.~~

~~002.02 Board means the Board of Examiners in Dentistry.~~

~~002.03 Clock hour means 50 to 60 minutes.~~

~~002.04 Department means the Department of Health of the State of Nebraska.~~

~~002.05 Indirect Supervision means the licensed dentist authorizes the procedure to be performed by an approved dental hygienist and the licensed dentist is physically present on the premises when such procedure is being performed by the dental hygienist.~~

~~002.06 Licensed Dental Hygienist means an individual who holds a current Nebraska license to practice dental hygiene.~~

~~002.07 Licensed Dentist means an individual who holds a current Nebraska license to practice dentistry.~~

~~REQUIREMENTS FOR COURSE APPROVAL. Pursuant to the provision of Neb. Rev. Stat. 71-193.18, the Department, upon the recommendation of the Board, shall prescribe a curriculum which licensed dental hygienists must complete to become approved to administer local anesthesia and establish minimum standards for approved courses.~~

~~003.01 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.~~

~~Title 72 TITLE 172 — Nebraska Department of Health Professional and Occupational Licenses
Regulations~~

~~CHAPTER 57 — Regulations Governing the Practice of Dental Hygienists Approved to
Administer Local Anesthesia~~

~~003.02~~ The course of instruction must be taught by a faculty member or members of the institution presenting the course.

~~003.03~~ The course shall be no less than twelve clock hours of classroom instruction which shall include but not be limited to:

~~003.03A~~ Medical history evaluation procedures;

~~003.03B~~ Anatomy of the head, neck and oral cavity as it relates to administering local anesthetic agents;

~~003.03C~~ Pharmacology of local anesthetic agents, vasoconstrictor and preservatives, including physiologic actions, types of anesthetics, and maximum dose per weight;

~~003.03D~~ Systemic conditions which influence selection and administration of anesthetic agents;

~~003.03E~~ Signs and symptoms of reactions to local anesthetic agents, including monitoring of vital signs;

~~003.03F~~ Management of reaction to or complications associated with the administration of local anesthetic agents;

~~003.03G~~ Selection and preparation of the armamentaria for administering various local anesthetic agents; and

~~003.03H~~ Methods of administering local anesthetic agents.

~~003.04~~ The course shall provide for at least twelve clock hours of clinical instruction during which time at least three of each of the following types of injections shall be administered:

~~003.04A~~ Anterior superior alveolar;

~~003.04B~~ Middle superior alveolar;

~~003.04C~~ Posterior superior alveolar;

~~003.04D~~ Naso palatine;

~~Title 172 TITLE 172 — Nebraska Department of Health Professional and Occupational Licenses
Regulations~~

~~CHAPTER 57 — Regulations Governing the Practice of Dental Hygienists Approved to
Administer Local Anesthesia~~

~~003.04E~~ Greater palatine;

~~003.04F~~ Infraorbital;

~~003.04G~~ Inferior alveolar/lingual;

~~003.04H~~ Mental;

~~003.04I~~ Long buccal; and

~~003.04J~~ Infiltration.

~~003.05~~ The course shall include procedures for purposes of determining whether the hygienist has acquired the necessary knowledge and proficiency to administer local anesthetic agents. Such procedures shall include, but not be limited to:

~~003.05A~~ An examination which the hygienist is required to pass.

~~003.06~~ An applicant to conduct an approved course shall submit to the Department.

~~003.06A~~ An application on a form provided by the Department, a copy of which is attached hereto as Attachment A and incorporated in these regulations by this reference.

~~003.07~~ The Department shall act within one hundred fifty (150) days upon all completed applications to conduct an approved course.

~~003.08~~ All institutions with approved courses shall keep the Board informed of any changes in course objectives, content, and/or faculty at the time such changes occur.

~~003.09~~ The Department, upon the recommendation of the Board, may deny or rescind approval of an approved course for failure to meet or continue to meet the criteria for approval of a course.

~~REQUIREMENTS FOR APPROVAL OF A LICENSED DENTAL HYGIENIST FOR
ADMINISTRATION OF LOCAL ANESTHESIA. No licensed dental hygienist may administer local
anesthesia unless they have been approved by the Department of Health, upon the
recommendation of the Board of Examiners in Dentistry, pursuant to Neb. Rev. Stat. 71-193.18.~~

~~Title 172 TITLE 172 — Nebraska Department of Health Professional and Occupational Licenses
Regulations~~

~~CHAPTER 57 — Regulations Governing the Practice of Dental Hygienists Approved to
Administer Local Anesthesia~~

~~004.01 — An applicant for approval to administer local anesthesia must:~~

~~004.01A — Have a current license to practice dental hygiene in the State of Nebraska;~~

~~004.01B — Have successfully completed an approved course after July 1, 1994;~~

~~004.01C — Submit to the Department:~~

~~004.01C(1) — A verified application on a form provided by the Department, a copy of
which is attached hereto as Attachment B and incorporated in these regulations by this
reference. Only application forms which are complete will be considered;~~

~~004.01C(2) — Proof of successful completion of an approved course;~~

~~004.01C(2)a — All applicants taking out-of-state courses must provide course
syllabus, name and location of institution, and date of course; and~~

~~004.01C(3) — The required fee.~~

~~004.02 — The Department shall act within one hundred fifty (150) days of receipt of the completed
application for approval to administer local anesthesia.~~

~~004.03 — If the Department, upon the recommendation of the Board, proposes to deny approval,
the applicant shall be given an opportunity for a hearing before the Department and shall have
the right to present evidence on his or her own behalf. Hearings before the Department shall be
conducted in accordance with the Administrative Procedures Act and 164 NAC 1, the Rules of
Practice and Procedure for the Department.~~

~~PRACTICE BY A LICENSED DENTAL HYGIENIST APPROVED TO ADMINISTER LOCAL
ANESTHESIA.~~

~~005.01 — Only those licensed dental hygienists approved pursuant to Section 004 of these
regulations may administer local anesthesia.~~

~~005.02 — A licensed dental hygienist approved to administer local anesthesia may do so only under
the indirect supervision of a licensed dentist.~~

~~Title 172 TITLE 172 — Nebraska Department of Health Professional and Occupational Licenses
Regulations~~

~~CHAPTER 57 — Regulations Governing the Practice of Dental Hygienists Approved to
Administer Local Anesthesia~~

~~005.03 — Following administration of local anesthesia by a licensed dental hygienist the following
information shall be documented in the patient record:~~

~~005.03A — Date and time of administration;~~

~~005.03B — Identity of individual administering;~~

~~005.03C — Type of anesthesia administered;~~

~~005.03D — Dosage/amount administered;~~

~~005.03E — Location/site of administration; and~~

~~005.03F — Any adverse reaction.~~

~~SCHEDULE OF FEES~~

~~006.01 — By an applicant for approval to administer local anesthesia, the fee of thirty-five dollars
(\$35.00).~~

~~Approved by the Attorney General on May 20, 1996~~

~~Approved by the Governor on July 24, 1996~~

~~Approved by the Secretary of State on July 24, 1996~~

~~Effective July 29, 1996~~

~~Forms referred to in the body of these regulations as Attachments A and B are available upon
request.~~

~~Professional and Occupational Licensure Division
P.O. Box 94986
Lincoln, NE 68509-4986~~

~~This publication is available in alternate formats.~~