

## LEGISLATIVE BILL 470

Approved by the Governor April 12, 1984

Introduced by Warner, 25; Kilgarin, 7; Wagner, 41;  
Goodrich, 20; L. Johnson, 15; Kahle, 37;  
Marsh, 29; Morehead, 30; H. Peterson, 35

AN ACT relating to public health and welfare; to amend sections 71-122.01, 71-129, 71-183.01, and 71-185, Reissue Revised Statutes of Nebraska, 1943, and section 71-133, Revised Statutes Supplement, 1982; to change provisions relating to the Board of Examiners in Dentistry; to require continuing education for dentists; to provide standards and inspections for certain practitioners' facilities; to define a term; to eliminate a payment; to change provisions relating to examinations as prescribed; to provide an additional exception to the applicability of a statute; to eliminate a provision terminating the board; to repeal the original sections, and also section 81-197, Revised Statutes Supplement, 1983, as amended by section 44, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. (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 Chapter 71, article 20.

(2) The Department of Health shall prescribe rules and regulations, duly adopted and promulgated and 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 of Health 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 of Health or its employees find to be in violation of its rules and regulations, the department shall notify the Board of Examiners in 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 of Examiners in Dentistry.

(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.

Sec. 2. That section 71-122.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-122.01. Each member of the Board of Examiners for Medicine and Surgery and the Board of Examiners in Dentistry shall be reimbursed for his or her necessary travel and hotel expenses incurred in discharge of his or her duties including attending regional and national conferences relating to medical and dental licensure on the same basis as provided in sections 84-306.01 to 84-306.05 for state employees. In addition, for each day actually spent in discharge of such duties, including a reasonable number of days for preparation of examination questions and reading the answer papers, each member of such boards shall be entitled to a per diem allowance at the rate of fifty dollars per day; PROVIDED, there shall not be paid for compensation or expenses a greater sum than is received in fees from the applicants taking the examination in medicine and surgery and dentistry and from renewal fees allocated to each board. ~~The secretary of the Board of Examiners in Dentistry shall be paid five hundred dollars per year in addition to any per diem.~~

Sec. 3. That section 71-129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-129. The regular sessions for the purposes of giving examinations shall be held at such times and places as the Department of Health may fix, not to exceed four in any one year, ~~except in dentistry there shall be but two as provided for in section 71-133 for dentistry.~~ All sessions shall be held at the State Capitol in Lincoln unless otherwise ordered by the department. Examinations may be held in any professional school or college, at the discretion of the department, and any examination may be held concurrently in two or more places to accommodate the applicants therefor. Special examinations may be held at the expense of the applicant as may be provided by the department and board of examiners in that particular profession.

Sec. 4. That section 71-133, Revised Statutes Supplement, 1982, be amended to read as follows:

71-133. The practical work, required in connection with any examination regulated under this act, shall be given by at least one-third of the members of the board giving such examination, except for medicine and

surgery, optometry, or podiatry; in which at least a majority of the board members shall be present at such examination. In dentistry, the final practical examination in clinical operative and prosthetic dentistry may be given at the infirmary of each of the dental colleges, schools, or departments; legally conducted in the State of Nebraska of which the applicant is a graduate. Regional practical examinations may be used to meet the requirement of a final practical examination in clinical operative and prosthetic dentistry and for dental hygienists upon the recommendation of the Board of Examiners in Dentistry and the subsequent approval of the department. Any person who applies for a license to practice dentistry or dental hygiene who has previously failed a state or regional clinical licensing examination two times shall be required to complete a practical course in clinical dentistry recommended by the Board of Examiners in Dentistry and approved by the Department of Health before the department shall consider the results of a third examination as valid qualification for a license to practice dentistry or dental hygiene in the State of Nebraska.

Sec. 5. That section 71-183.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-183.01. Nothing in section 71-183 shall apply to the following practices, acts, and operations:

(1) To 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) To the giving by a qualified anaesthetist or registered nurse of an anaesthetic 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 veterans' bureau;

(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, while appearing as clinicians;

(5) To the filling of work authorizations of a licensed and registered dentist as hereinafter provided 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; PROVIDED, that such person or persons, association, corporation, or other entity; shall not solicit or advertise, directly or indirectly by mail, card, newspaper, pamphlet, radio, or otherwise, to the

general public to construct, reproduce, or repair prosthetic dentures, bridges, plates, or other appliances to be used or worn as substitutes for natural teeth;

(6) To 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; PROVIDED, that such service shall not be advertised by any name whatever as an aid or inducement to secure dental patronage, and no person shall advertise that he or she has, leases, owns, or operates a roentgen or X-ray machine for the purpose of making dental radiograms of the human teeth or tissues or the oral cavity, or administering treatment thereto for any disease thereof;

(7) To 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 of Health; ~~or~~

(8) To the performance by a dental auxiliary other than a licensed dental hygienist, under the supervision of a licensed dentist, of duties prescribed in accordance with rules and regulations adopted by the Department of Health; or

(9) To 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 of Examiners in Dentistry and approved by the Department of Health.

Sec. 6. That section 71-185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-185. Every applicant for a license to practice dentistry shall (1) furnish proof of having completed a four-year course in an accredited high school, or its equivalent as that term is herein defined; (2) present proof of graduation from an accredited school or college of dentistry; and (3) pass an examination prescribed by the Board of Examiners in 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

operative and prosthetic dentistry shall also be required. The passing grade shall be determined by the department upon the recommendation of the Board of Examiners in Dentistry. 7 and a grade of eighty-five per cent shall be attained therein-

The Department of Health shall accept, upon the recommendation of the Board of Examiners in Dentistry and in lieu of the examination herein provided, 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 prescribed in section 71-162 for licenses issued in dentistry without examination based upon a ~~license~~ certificate by examination held by the National Board of Dental Examiners of the United States of America.

Commencing in 1985, standards for relicensure for each Nebraska licensed dentist and dental hygienist in active practice within the State of Nebraska shall require that such dentist or dental hygienist annually complete fifteen hours of continuing education as prescribed in sections 71-161.09 and 71-161.10.

Sec. 7. That original sections 71-122.01, 71-129, 71-183.01, and 71-185, Reissue Revised Statutes of Nebraska, 1943, and section 71-133, Revised Statutes Supplement, 1982, and also section 81-197, Revised Statutes Supplement, 1983, as amended by section 44, Legislative Bill 481, Eighty-eighth Legislature, Second Session, 1984, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.